



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: SPK-2008-1613

Date: December 8, 2008

Comments Due: January 7, 2009

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Brigham City Storm Water Phase 4 Bond project, which would result in permanent impacts to 2.72 acres of wetlands adjacent to Black Slough. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at: [www.spk.usace.army.mil/organizations/cespk-co/regulatory/PNs/index.html](http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/PNs/index.html).

**AUTHORITY:** This application is being evaluated by the Corps under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and by the State of Utah under Section 401 of the Clean Water Act for water quality certification.

**APPLICANT:** Brigham City Corporation  
ATTN: Blake Fannesbeck  
20 North Main Street  
Brigham City, Utah 84302-2171  
435-734 - 6600

**LOCATION:** The project site is located in Section 11, Township 9 North, Range 2 West, Salt Lake Base & Meridian, Box Elder County, Utah, on the Brigham City USGS 7½ minute topographic quadrangle map.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a stormwater detention basin by placing a 1,500-foot earthen berm, 8-9 feet high, around an 8.32-acre parcel. This 8.32-acre project site is an irrigated horse pasture that includes a 2.9 acre wet meadow wetland. The berm will permanently fill approximately 0.63 acres of wetland. Inside the bermed area, the applicant will excavate up to 3 feet of material to lower the bottom surface elevation of the detention basin. This will permanently impact 2.09 acres of the existing wetland. The remaining 0.18 acre of wetland will be outside the perimeter of the berm and will not be filled. Thus, 2.72 acres of the wet meadow wetland will be directly impacted by filling for berm construction and excavation within the proposed detention basin. The source of water of the impacted wetland is primarily irrigation water and, to a lesser extent, a seasonally high ground water table. Additionally, there is a railroad ditch adjacent to the west side of this parcel; this railroad ditch captures and conveys irrigation water (mostly) and stormwater runoff. Outflows from an existing detention basin, located upgradient of the project site, contributes the stormwater input to the railroad ditch. The railroad ditch also provides a water source for the wet meadow wetland, as well as being the exit channel for “excess” irrigation return flows that drained thru the wet meadow wetland.

The proposed detention basin will be surrounded by a berm and deepened to provide 31-acre feet of storage. Water will be input via underground stormwater line and enter the southeast portion of the basin via a vertical 6 X 6 foot “bubble-up” box. At the northwest portion of the new detention basin, a

fabric-filtered gate will provide an at-grade outlet and convey water back into an underground stormwater pipe. The new basin is designed to attenuate storm events by slowly releasing water into the existing stormwater drain system and to allow percolation, thus standing water (storage exceeding several days beyond a storm event) is not expected. There will also be an emergency spillway for flows that exceed the 100-year storm event that will discharge water into an existing upland swale which will then flow into the railroad ditch.

The attached drawings show the project location and more project details.

**PROJECT PURPOSE AND NEED:** The overall project and basic project purpose is to provide flood storage capacity to meet a 100-year storm event. There is a need to create a larger detention basin to prevent flooding of private and public properties; detain stormwater events to provide primary water quality treatment, and to replace the existing, under-capacity detention basin. The current detention basin capacity is less than half of what is needed to contain a 100-year storm event. Additionally, the existing basin was built on top of an historic landfill. The city prefers to remove this detention basin and preclude any water quality impacts that would be associated with having a detention basin on top of a historic landfill site. Furthermore, the larger detention basin will be constructed to allow for the need for easier maintenance access to remove accumulated trash and sediments that enter the basin as well as berm maintenance activities such as mowing and integrity inspections. Routine maintenance was often impractical to perform in the existing detention basin.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** As stated above, 2.90 acres of wet meadow wetland have been delineated on the 8.32-acre project site. The project site is an irrigated pasture grazed by horses. The wetland is a low area in this pasture that collects excess irrigation water. Because of the seasonally high water table in the area, the wetland, particularly the lowest part of the area, is influenced / formed by the high water table. Additionally on the west side of the project site, water from high flows in the adjacent railroad ditch also supplements the hydrology of the wetland. Thus the wetland has minor flood storage capacity, and the corollary infiltration / recharge and water quality improvement functions are also minor. There is very little habitat value because the pasture is intensely grazed by horses and the site has been cultivated to promote non-native pasture grasses.

**Other Background Information:** Last year, the applicant was authorized to install an underground stormwater pipe that was placed thru this wetland, as well as other wetland areas, with a total impact of over 3.3 acres. The project purpose of the utility line was to separate stormwater, that mostly originated from the city, from the irrigation water that “used” the railroad ditch to convey water to Black Slough, which then discharges into the Great Salt Lake. This utility line allows the city to better manage stormwater that comingled with irrigation water. Part of the proposed project will sever the pipeline running through the wetland such that it will enter the detention basin in the southeast portion through the bubble-up inlet and then reconnect with the utility line via the fabric-filtered outlet in the northwest portion of the detention basin.

**Alternatives.** The applicant has provided information concerning project alternatives and their basis for selecting the proposal. Additional information concerning project alternatives is available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures

to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. In anticipation of an affirmative permit decision and the need to provide compensatory mitigation for unavoidable impacts, the applicant has proposed to reduce the number of mitigation credits from the Box Elder Creek mitigation site, which the city constructed several years ago to be used only for Brigham City projects. This mitigation area still has over 5.5 acres of unused credits that could be applied to an anticipated mitigation permit condition requirement. The applicant is proposing to use 2.72 acres from the mitigation site; this would be a 1 to 1 in-kind compensation ratio.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Under Section 401 of the Clean Water Act, water quality certification or a waiver is required from the Utah Division of Water Quality for this project. The Utah Division of Water Quality will review the proposed project for compliance with applicable water quality standards. Projects are usually certified where the project may create diffuse sources (non-point sources) of waste which would occur only during the actual construction activity and where best management practices would be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Ms. Shelly Andrews, Utah Division of Water Quality, 288 North 1460 West, PO Box 144870, Salt Lake City, Utah 84114-4870, on or before **January 7, 2009**

**HISTORIC PROPERTIES:** Based on the available information (including applicant's report entitled *A Cultural Resources Inventory of the Proposed Max Reeder Detention Basin, Box Elder County, Utah*), cultural resources within the project's area of potential effect were evident. The Corps has initiated consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act to request their concurrence that the proposed project will not impact cultural resources eligible for listing or listed in the National Register of Historic Places.

**ENDANGERED SPECIES:** The Corps has determined that the proposed project will not affect Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

**ESSENTIAL FISH HABITAT:** The Corps has determined that the proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR

Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, issue with special conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2008-01613 must be submitted to the Corps office listed below on or before the date listed on the top of this notice.

Richard Gebhart, Senior Project Manager  
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533 West 2600 South, Suite 150  
Bountiful, Utah 84010-7744  
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The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager listed above.

Attachment: 9 pages of maps and drawings