



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

Public Notice

Public Notice Number: SPK-2007-00678

Date: August 29, 2007

Comments Due: September 27, 2007

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 41.83-acre Trophy Homes Pleasant Grove residential development project, which would result in impacts to approximately 0.95 acre of waters of the United States, including wetlands. 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 <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Brent Skipper
Trophy Homes
758 South 400 East
Orem, Utah 84097

AGENT: Adam Morrill
PEPG Engineering, LLC
421 West 12300 South, Suite 400
Draper, Utah 84020
(tel) 801.562.2521; (fax) 801.562.2551

LOCATION: The project site is located on the Sager Slough at 4850 West 6750 North, in Pleasant Grove, Section 25, Township 5 South, Range 1 East, Utah County, Utah, and can be seen on the Pelican Point USGS 7.5' Topographic Quadrangle (Figure 1 – Location Map).

PROJECT DESCRIPTION: The City of Pleasant Grove is requiring the applicant to widen the existing 4850 West roadway so Trophy Homes can construct a residential development. Based on the available information, the overall project purpose is to accommodate increased local traffic. The applicant believes there is a need to realign the Sager Slough to meet the City's road widening requirement and to procure their permit from the city. Refer to the attached drawings for additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The site is located southwest of the Pleasant Grove city center. The topography of the site is nearly flat and is located on agricultural land. The local land use is shifting from agriculture to residential. Soils in the project area are hydric, however, most of the area was drained for agriculture pre-Clean Water Act.

There is approximately 0.44 acre of straightened stream channel (Sager Slough) within the project area, and approximately 0.51 acre of wetland fringe along the channel (total = 0.95 acre) (Figure 2 – Wetlands and Plan View). Hydrophytic vegetation, including cattails (*Typha*) and teasel (*Dipsacus*) are the dominant species along the fringe of the open water channel. Based on the USGS 7.5' quad and a March 27, 2007 site visit conducted by the Corps of Engineers, the flow in the channel appears to be perennial, and it originates from springs to the north of the project area. The remainder of the approximately 42-acre site is dominated by upland meadow species including alfalfa (*Medicago*) and fescue (*Festuca pratensis*).

Alternatives. The applicant has provided information concerning project alternatives. These have been summarized below. 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.

Alternatives evaluated by the applicant include:

Avoidance (Alternative 1): This is not preferred by the applicant because the Sager Slough channel is directly adjacent to 4850 West roadway. The applicant says that Pleasant Grove requires that the road be widened to conform to the City's standards, and to accommodate traffic. The existing 4850 West roadway is 24 feet wide at its north end and 38 feet wide at its south end. Current City standards require the roadway to be 60 feet wide plus an additional 10 feet for curb and gutter.

Pipe the Channel (Alternative 2): This alternative would result in piping the channel to accommodate the 4850 West roadway and sidewalk, curb, and gutter in order to meet the City's traffic standards. This alternative was not preferred by the applicant because it would result in the loss of the channel and require offsite mitigation for impacts to waters of the U.S.

Channel Realignment (Alternative 3): This is the applicant's preferred alternative. The applicant would shift approximately 1,900 linear feet of the Sager Slough channel to the east. The channel would include the applicant's proposed compensatory mitigation measures, and it would be designed to maintain existing stream flows and allow for overflow events as the channel receives more storm water from surrounding developments. For drawings of the preferred alternative, refer to Figure 2 (Wetlands and Plan View) and Figure 3 (4850 West Profile View).

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. The applicant has proposed to re-align the Sager Slough channel and stabilize banks with native riparian species. The existing channel banks are nearly vertical, and the applicant proposes to configure the channel with 3:1 slopes. Check dams would be installed to reduce the slope of the channel and allow the banks to be saturated long enough to develop wetland characteristics. The applicant anticipates that 0.76 acre of wetlands will be created at a 1.5:1 ratio to mitigate wetland impacts. For drawings of the proposed mitigation, refer to Figures 4 and 5 (Mitigation Area Plan View North and South).

The applicant proposes to monitor the mitigation area for 5 years or until Corps-approved mitigation success criteria have been met. The applicant will evaluate the following parameters to measure the success of the wetlands creation:

- 1) Control weedy species (<10% aerial cover)
- 2) Install water quality devices prior to discharge into channel
- 3) Establish woody (riparian) species (>80% survival rate)

- 4) Establish hydrophytic herbaceous species (>50% survival rate)
- 5) Perform photo-documentation of mitigation site from established points
- 6) Identify areas that require maintenance/management to meet success criteria
- 7) Submit monitoring reports by November 1 of each monitoring year

To mitigate project impacts, the applicant also proposes to provide the remainder of mitigation (0.44 acre) via in-lieu fee at a 3:1 mitigation ratio to an approved organization.

Additional mitigation details are available upon request from the Corps or the applicant's agent.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: A cultural resource survey for the project site has not been conducted. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The applicant has acknowledged that suitable habitat for the Ute ladies'-tresses orchid (*Spiranthes diluvialis*) may be present on the project site. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely effect 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, modify, condition, 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-2007-00678 must be submitted to the office listed below on or before September 27, 2007.

James McMillan, Senior Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010

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 James McMillan, 801-295-8380 ext. 17, james.m.mcmillan@usace.army.mil.

Attachments: 5 drawings

Figure 1 – Location Map

Figure 2 – Wetlands and Plan View

Figure 3 – 4850 West Profile View

Figures 4 and 5 – Mitigation Area Plan View North and South (respectively)