



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant: Golden Spike Foundation

Published: **March 27, 2025**

Expires: **April 26, 2025**

**Sacramento District
Permit Application No. SPK-2024-00030**

TO WHOM IT MAY CONCERN: The Sacramento District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

APPLICANT: Golden Spike Foundation
Attn: Ms. Robyn Kremer
60 South 600 East
Salt Lake City, UT 84012

AGENT: Frontier Corporation USA
Attn: Dennis Wenger
221 N. Gateway Drive, Suite B
Providence, UT 84332

WATERWAY AND LOCATION: The project would affect waters of the United States associated with the Golden Spike State Monument Park project. The approximately 8-acre project/review area is located west of Interstate 15, between Forest Street and 800 North in Section 16, Township 9 North, Range 2 West, at Latitude 41.510431 and Longitude - 112.064983, in Brigham City, Box Elder County, Utah.

EXISTING CONDITIONS:

The project site consists of saline wet meadow wetlands and relatively permanent waters (RPWs). The wetlands directly abut the RPWs which are tributary to the Great Salt Lake, the nearest traditional navigable water. The saline wet meadow wetlands are dominated by dense growths of saltgrass (*Distichlis spicata*). Other wetland vegetation consists of rabbits-foot grass (*Polypogon monspeliensis*), lambs quarters (*Chenopodium album*), foxtail barley (*Hordeum jubatum*), and Baltic rush (*Juncus balticus*). Approximately 3.28 acres of these wetlands were previously filled in January 2023 by Brigham City Corporation during initial construction of the monument, but without Department of the Army authorization.

PROJECT PURPOSE:

Basic: Construction of a monument.

Overall: To create a Utah State monument park to commemorate and celebrate the completion of the transcontinental railroad and the historical Golden Spike event.

PROPOSED WORK: This application is being requested to resolve the unauthorized activity which commenced in January 2023. The Environmental Protection Agency has finalized their enforcement action with Brigham City, which resulted in a penalty and requirement to complete a supplemental environmental project. The applicant now requests authorization to retain the 3.28 acres of fill material and discharge additional fill material into 1.52 acres, for a total of 4.8 acres of fill in waters of the U.S., for the construction of the State of Utah's Golden Spike Monument Park. The proposed activities consist of the following:

1. The permanent discharge of fill material into 4.77 acres of on-site wetlands for a visitor center and vendor space, driveway access, visitor/employee parking, public rest rooms, a pavilion for a group reservation and meeting area, a picnic area, and interpretive trails along remaining segments of the historic Transcontinental Railroad.
2. The permanent discharge of fill material into 0.06 acre of off-site wetlands needed to construct the entrance road connecting to West Forest Street.
3. Approximately 0.42 acre of fill would be removed from wetlands that were disturbed in 2023 to restore wetland habitat. The wetland fill removal areas would be restored to their approximate pre-disturbance surface elevations and contours and revegetated with a native saline wet meadow seed mix. Furthermore, approximately 2.37 acres of saline wet meadow wetland would be left as undeveloped and preserved on-site open space within the boundaries of the 8.00-acre State monument park.

AVOIDANCE AND MINIMIZATION: The Corps requires the applicants consider and use all reasonable and practical measures to avoid and minimize all impacts through environmental protection requirements and best management practices during project construction. The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has redesigned their original project plan which would have filled and permanently impacted a total of 5.72 acres of saline wet meadow wetlands. Additionally, 0.42 acre of unauthorized fill would be removed from wetlands as a measure to restore on-site wetlands and minimize the loss of wetland habitat functions at the local watershed scale. Approximately 2.37 acres of saline wet meadow wetland habitat would be preserved on-site.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant proposes to obtain 4.8 wetland mitigation bank credits from the existing USACE-approved Machine Lake Wetland Mitigation Bank.

CULTURAL RESOURCES: The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places), are present within the Corps' permit area; moreover, the undertaking may have an adverse effect on these historic properties. The Corps will initiate consultation with the SHPO.

ENDANGERED SPECIES: The Corps has completed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) to determine if any threatened, endangered, proposed, or candidate species, as well as the proposed and final designated critical habitat may occur within the boundary of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project will not affect any listed species or critical habitat.

Table 1: ESA-listed species and/or critical habitat potentially present in the action area.

Species Common Name and/or Critical Habitat Name	Scientific Name	Federal Status
Monarch Butterfly	<i>Danaus plexippus</i>	Proposed Threatened
Suckley's Cuckoo Bumble Bee	<i>Bombus suckleyi</i>	Proposed Endangered
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	Threatened

This notice serves as a request to the U.S. Fish and Wildlife Service for any additional information on whether any listed, or proposed to be listed, endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed activity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: Water Quality Certification may be required from the State of Utah Division of Water Quality.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has been verified by Corps personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest.

That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical 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, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: 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 determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Sacramento District will receive written comments on the proposed work, as outlined above, until **April 26, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Trevon Stephens at Trevon.W.Stephens@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Sacramento District, Attention: Trevon Stephens, Utah Regulatory Field Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010-7744. Please refer to the permit application number (SPK-2024-00030) in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.