



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
Mike MacFarlane
Leading Tech Development

Published: **October 10, 2025**
Expires: **November 9, 2025**

Sacramento District
Permit Application No. SPK-2024-00758

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 (DA) 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: Mike MacFarlane
Leading Tech Development
1835 South Highway 89
Perry, UT 84302-4495

AGENT: Travis Taylor
BIO-WEST, Inc
1063 West 1400 North
Logan, UT 84321-2291

WATERWAY AND LOCATION: The project would affect waters of the United States associated with a 5-phase commercial development consisting of four drive-through style restaurants and a vehicular maintenance shop. The review area is located along State Highway 91 on the northwest corner of the intersection of 1100 South and 1100 West in Section 26, Township 9 North, Range 2 West; at Latitude 41.487229 and Longitude -112.036266; in Brigham City, Box Elder County, UT.

EXISTING CONDITIONS: The project site is located within Brigham City, Utah, on a 4.72-acre fallow agricultural field. The site supports approximately 2.71 acres of palustrine emergent wetlands, which appear to be supported by a locally high water table. Wetland vegetation was dominated by clustered field sedge (*Carex praegracilis*) and Baltic rush (*Juncus balticus*).

It appears that the project area was actively managed for grazing and hay until 2020, based on historical imagery. After 2020, unauthorized fill appears to have been discharged into wetland areas within the project site. These existing impacts to waters of the US are being assessed through an after-the-fact permit with this office.

PROJECT PURPOSE:

Basic: Commercial development

Overall: Meeting the need for additional commercial development in the Brigham City area.

PROPOSED WORK: The applicant requests authorization to retain the unauthorized fill and to discharge additional fill into waters of the United States for the construction of five separate commercial buildings and associated access, parking, and other appurtenant features. The proposal includes after-the-fact authorization for approximately 0.28 acre of wetlands that were previously filled without DA authorization. Additionally, the applicant seeks authorization to discharge approximately 35,059 cubic yards of new fill material into 2.44 acres of wetlands.

AVOIDANCE AND MINIMIZATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant identified a wetland avoidance area within the southern portion of the property and has designed the parking areas, driveways, and building footprints to preserve existing wetland habitat to the greatest extent practicable. An earthen canal/ditch that parallels the avoided wetland area would also be avoided by project construction to ensure water delivery to downstream users. The building foundations would be slab-on-grade construction without land drains. Sewer, stormwater and water utility lines trenches would incorporate clay check dams and the stormwater vault would be encapsulated in an impermeable PVC liner to minimize potential for indirect losses due to groundwater drawdown. Further, construction best management practices and erosion control measures would be utilized during construction to prevent the degradation of downstream water quality. Silt fence would be installed and maintained along avoided wetland areas to protect these wetlands during construction. Construction vehicles would be limited to entering and exiting the site through a stabilized construction entrance to avoid discharging sediments and the spread of weed seed. A Stormwater Pollution and Prevention Plan would follow the Construction General Permit, as required by the Utah Division of Water Quality. Temporarily impacted areas would be restored to their pre-disturbance condition. Additionally, any material being discharged into the wetlands would be clean earthen borrow material.

COMPENSATORY MITIGATION: The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant would provide compensatory mitigation by purchasing emergent marsh credits from Machine Lakes Mitigation Bank.

CULTURAL RESOURCES: The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer (SHPO), federally recognized tribes and other interested parties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps has performed 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 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 not been verified by Corps personnel.

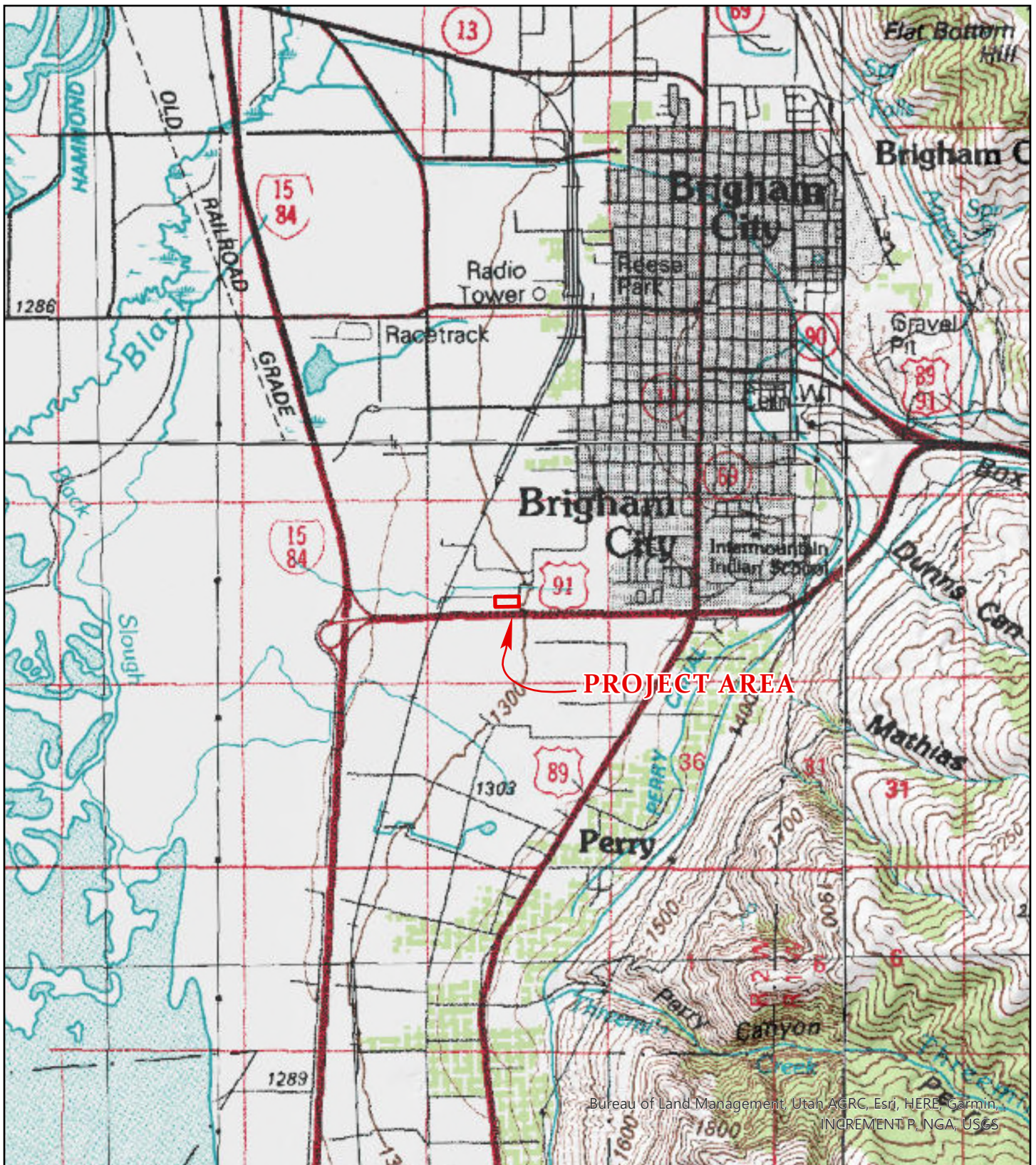
EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, 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 **November 9, 2025**. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Connor Jones at connor.d.jones@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Sacramento District, Attention: Connor Jones, Utah Regulatory Field Office, 523 Heritage Park Blvd, Suite 1, Layton, Utah 84041-5611. Please refer to the permit application number (SPK-2024-00758) 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.

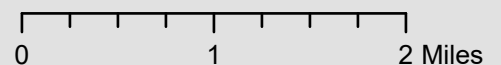


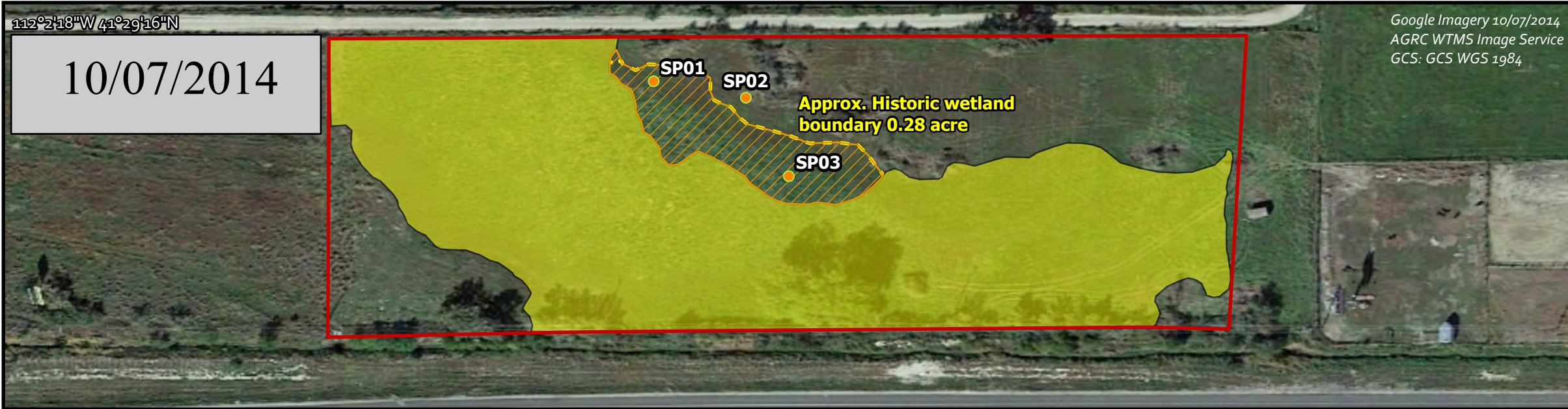
**Leading Tech Development
Brigham City - Jack-in-the-Box
Drive Thru**

Topographic Map

1 inch = 1 mile

Date Saved: 11/19/2024 11:58 AM





Limited Tech Development Brigham City Project Site Condition Time Lapse Map Box Elder County, UT

LEGEND

- Project Area (4.62 acres)
- Previously Delineated Wetlands (2.72 acres)
- Approx. Historic Wetland Boundary Pre-2018
- Filled Wetlands Between 06-18-17 - 09-14-18 (0.19 acre)
- Filled Wetlands Between 09-14-18 - 05-31-2020 (0.09 acre)
- Delineation Sample Points 4/11/25

0 62.5 125 250 Feet

1 inch equals 125 feet



The wetland delineation results are preliminary and have not been verified by the US Army Corps of Engineers.

Wetlands Delineated by CNL Environmental - Cody Mittanck, May 2023.

*Timelapse map prepared by P. McGuire, 04/08/2025
04/11/25 Delineation Sample Point Data collected by T. Taylor*



GPS COORDINATES
LATITUDE: 41.487289
LONGITUDE: -112.036217

LEGEND

- LOT LINES (PROPERTY)
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- STRIPING
- BUILDING SETBACK
- LANDSCAPE SETBACK
- EXISTING BUILDING
- EXISTING FENCE
- TOP BACK OF CURB
- FINISHED FLOOR ELEVATION
- UNDISTURBED WETLANDS
- IMPACTED WETLANDS

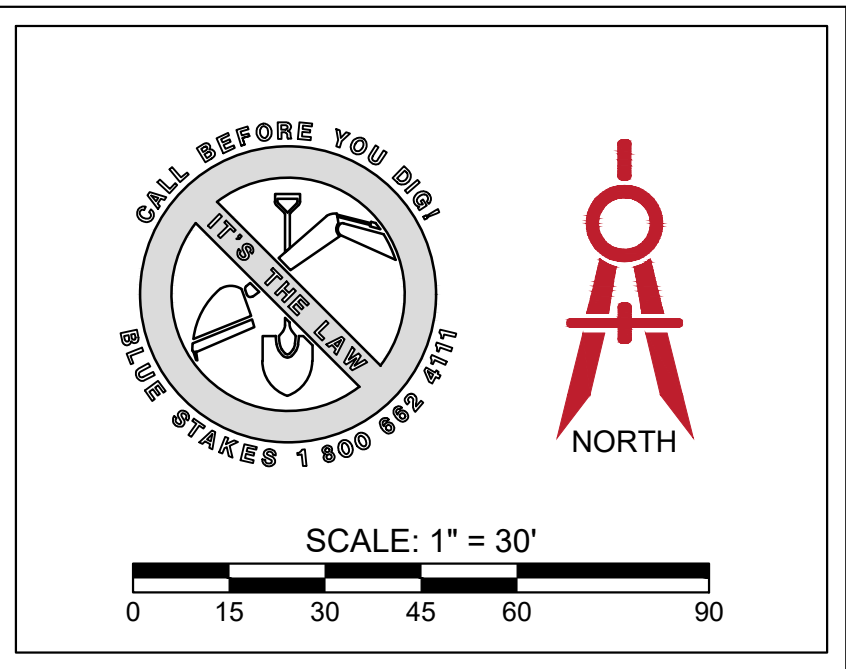
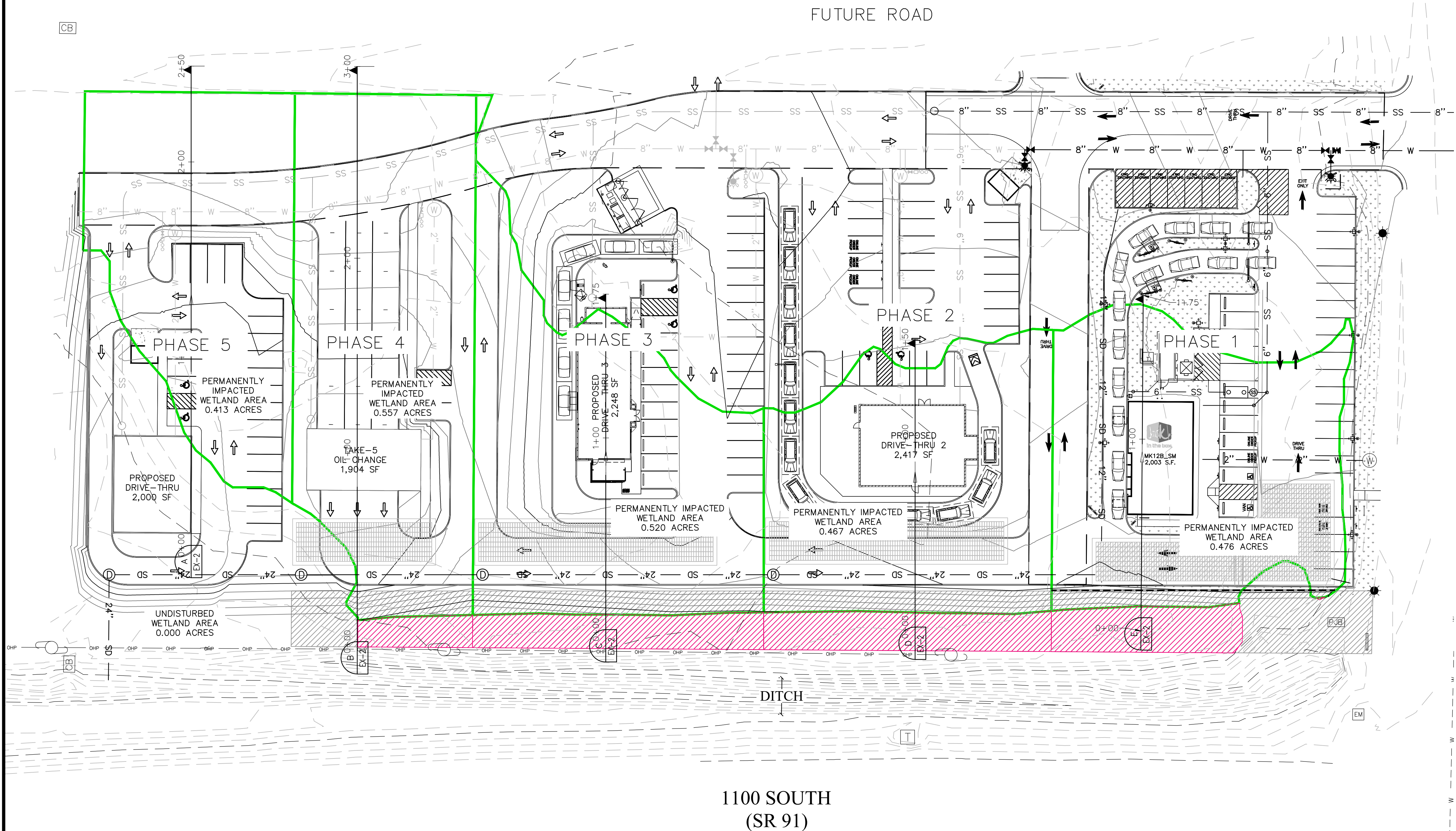
SITE DATA

LOT AREA: 202,538 SF (4.65 ACRES)
IMPACTED WETLANDS: 106,129 SF (2.44 ACRES)
LOT AREA DESIGNATED AS IMPACTED WETLANDS: 52.4%

LOT CUT: 4.72 CY±
LOT FILL: 35,063.97 CY±
TOTAL: 35,059.25 CY± (FILL)

* REFER TO XCELL ENGINEERING M GEOTECH #P23290

*SEE SHEET EX-2 FOR WETLAND CROSS-SECTIONS.

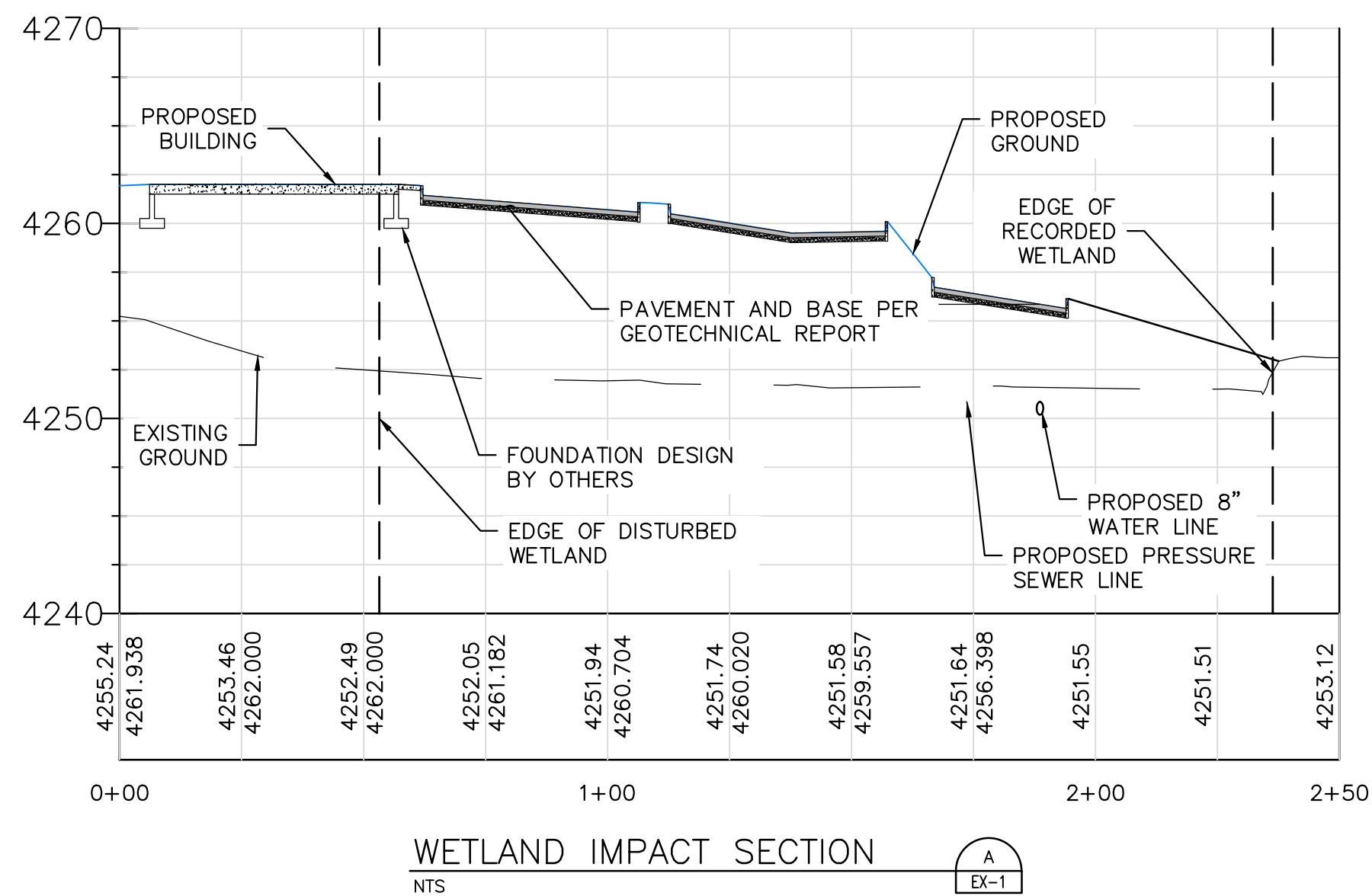


ELEVATE ENGINEERING
2208 WEST 700 SOUTH
SPRINGVILLE, UT 84663
PHONE: (801) 718-5993
larvin@elevateeng.com

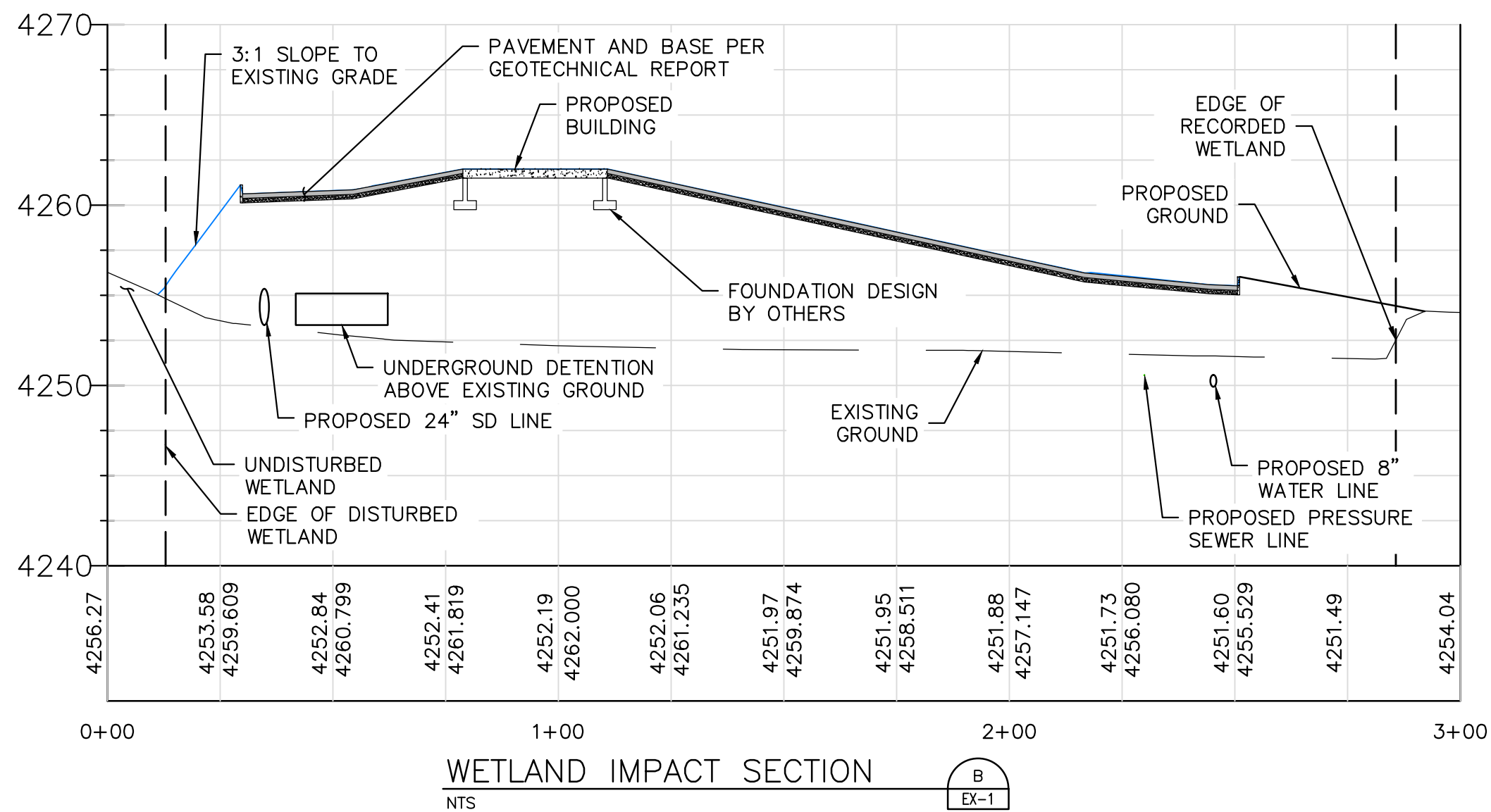
BRIGHAM CITY DEVELOPMENT WETLANDS EXHIBIT
1100 S & 1100 W, BRIGHAM CITY, UT 84302



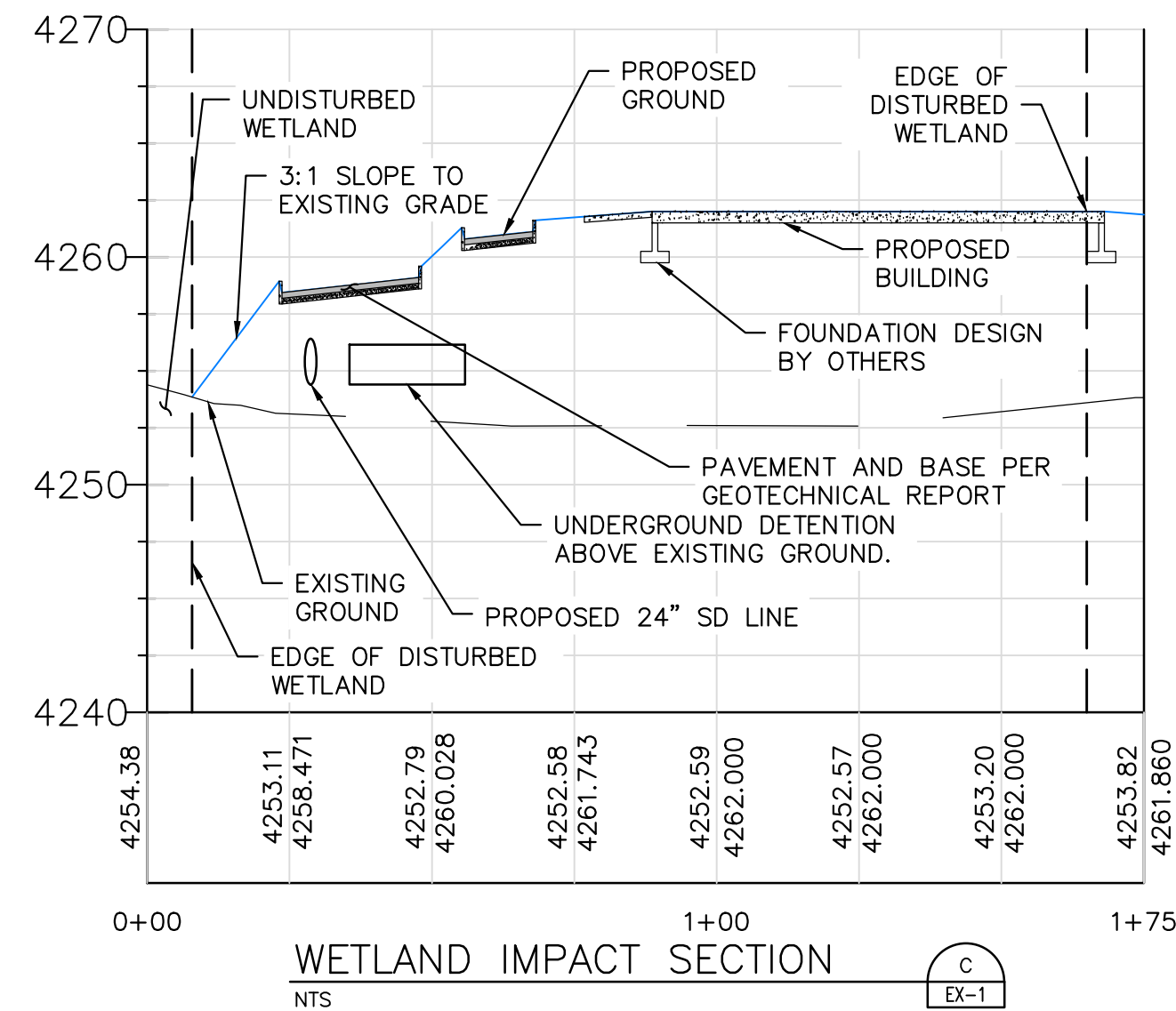
SHEET: **EX-1**
DATE: May 28, 2025



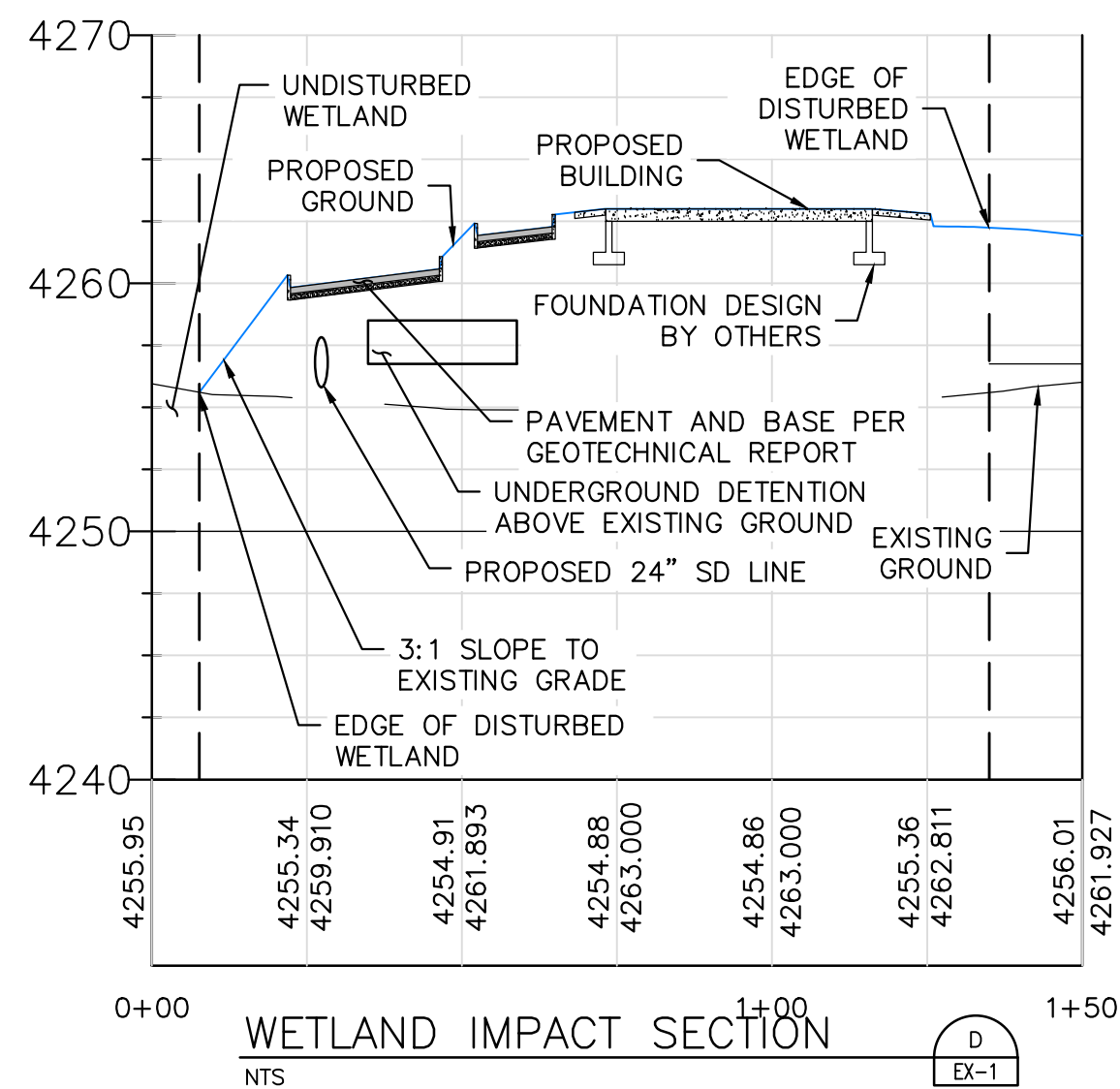
LOT 5		
LOT AREA:	33,468 SF	(0.77 ACRES)
IMPACTED WETLANDS:	18,005 SF	(0.41 ACRES)
LOT AREA DESIGNATED AS IMPACTED WETLANDS: 53.8%		
LOT CUT:	1.14 CY±	
LOT FILL:	6,336.66 CY±	
TOTAL:	6,335.52 CY± (FILL)	



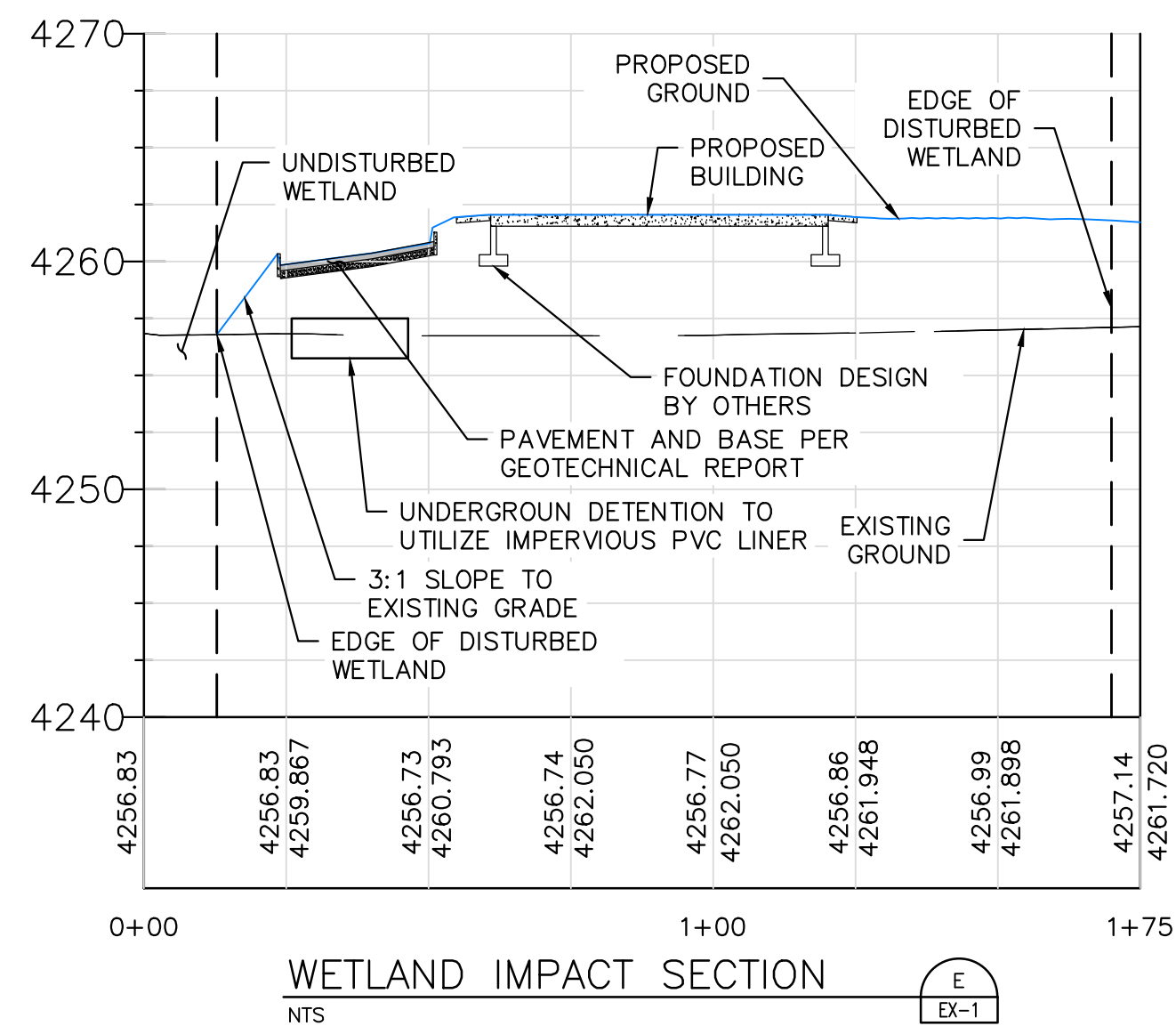
LOT 4		
LOT AREA:	28,156 SF	(0.65 ACRES)
IMPACTED WETLANDS:	24,266 SF	(0.56 ACRES)
LOT AREA DESIGNATED AS IMPACTED WETLANDS: 86.2%		
LOT CUT:	0.58 CY±	
LOT FILL:	5,566.18 CY±	
TOTAL:	5,565.60 CY± (FILL)	



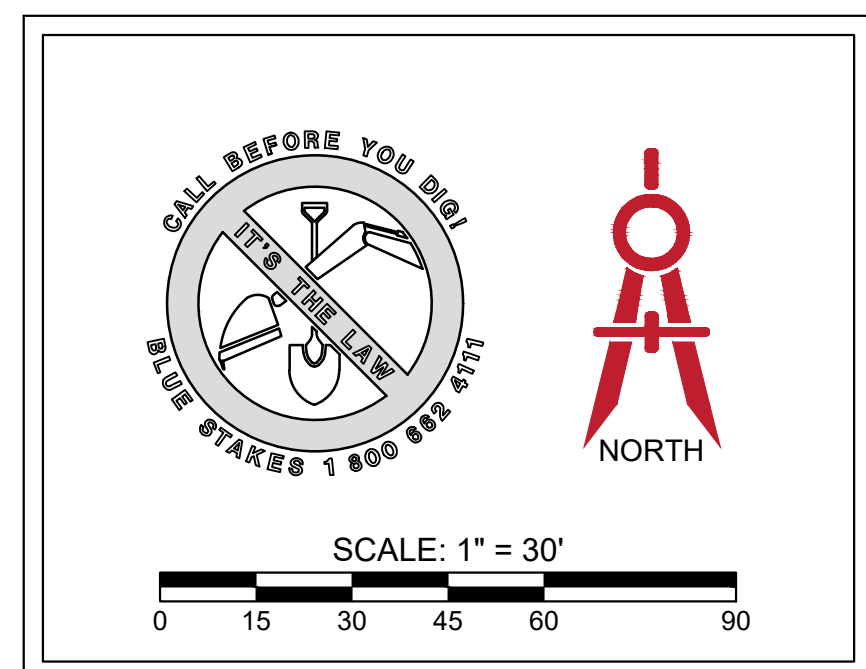
LOT 3		
LOT AREA:	44,997 SF	(1.03 ACRES)
IMPACTED WETLANDS:	22,639 SF	(0.52 ACRES)
LOT AREA DESIGNATED AS IMPACTED WETLANDS: 50.3%		
LOT CUT:	0.29 CY±	
LOT FILL:	8,788.71 CY±	
TOTAL:	8,788.42 CY± (FILL)	



LOT 2		
LOT AREA:	45,122 SF	(1.04 ACRES)
IMPACTED WETLANDS:	19,471 SF	(0.47 ACRES)
LOT AREA DESIGNATED AS IMPACTED WETLANDS: 43.2%		
LOT CUT:	0.54 CY±	
LOT FILL:	8,337.02 CY±	
TOTAL:	8,336.48 CY± (FILL)	



LOT 1		
LOT AREA:	50,795 SF	(1.17 ACRES)
IMPACTED WETLANDS:	21,748 SF	(0.48 ACRES)
LOT AREA DESIGNATED AS IMPACTED WETLANDS: 42.8%		
LOT CUT:	2.17 CY±	
LOT FILL:	6,035.40 CY±	
TOTAL:	6,033.23 CY± (FILL)	



REVISIONS

NO.

BY

DATE

PROJECT ENGINEER: LP

DESIGNER: GB

ELEVATE ENGINEERING

2208 WEST 700 SOUTH
SPRINGVILLE, UT 84663
PHONE: (801) 718-5993
larvin@elevateeng.com

ELEVATE

ENGINEERING

BRIGHAM CITY DEVELOPMENT
WETLANDS CROSS-SECTIONS

1100 S & 1100 W, BRIGHAM CITY, UT 84302

SHEET:
EX-2

DATE:
May 28, 2025