



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

CESPK-RDI-U (File Number, SPK-2022-00476)

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings (SPK-2022-00476)

This document constitutes the Environmental Assessment, 404(b)(1) Guidelines Evaluation, as applicable, Public Interest Review, and Statement of Findings for the subject application.

1. Introduction and Overview: Information about the proposal subject to one or more of the Corps' regulatory authorities is provided in Section 1, detailed evaluation of the activity is found in Sections 2 through 10 and findings and determinations are documented in Section 12 of this memorandum. Further, summary information about the activity including administrative history of actions taken during project evaluation can be found in ORM2.

a. Applicant: City of Saratoga Springs, Attn: Mr. Jeremy Lapin

b. Activity location: The approximately 25-acre project site is located on the north end of Utah Lake at the Saratoga Springs North Marina, Latitude 40.36018°, Longitude - 111.88535°, Saratoga Springs, Utah County, Utah.

c. Description of activity requiring permit: The activities requiring a permit are facilities associated with the Saratoga Springs North Harbor Marina Improvement project. The activities would include the construction of an 800 linear foot jetty that would be between 40 to 55 feet wide. The jetty would have a 12-foot-wide rock trail on top with lighting. A 60-foot wide and 80-foot-long concrete boat ramp would be installed approximately 50 feet east of the jetty. Portions of a beach and two trails would be installed within the existing marina. The access road and parking/jetty access area would result in impacts to wetlands. Also, included in the project but would not result in impacts to aquatic resources are remainder of the parking lots and trails, restrooms, picnic facilities, and beach. Overall, the project would result in the permanent loss of 1.81 acre of lakebed and 0.49 acre of wetland. This total includes the retaining of 0.35 acres of unauthorized wetland fill/loss that was associated with dredging of the marina area in early 2023.

(1) Proposed avoidance and minimization measures: The project was designed to avoid a wetland in the center of the site, minimize lakebed impacts by dredging only adjacent to the existing marina, and using the existing marina embankments for improvements.

(2) Proposed compensatory mitigation: The wetland mitigation includes re-establishment of 2.71 acres and rehabilitation of 10.77 acres, resulting in 7.08 acres of palustrine emergent wet meadows and 6.40 acres of emergent marsh. The mitigation would be located on the western shoreline of Utah Lake, approximately 2 miles southwest of the project site.

d. Existing conditions and any applicable project history: In early 2023 the applicant began construction on the marina improvements by dredging the existing marina area and filling a wetland for a dredging staging area. The Corps sent a request for information letter concerning the unauthorized activity on May 1, 2023. The applicant ceased work and provided a response on June 1, 2023.

e. Jurisdictional Determination: Is this project supported by a Jurisdictional Determination? No Jurisdictional Determination.

f. Permit Authority: Section 404 of the Clean Water Act (33 USC 1344).

2. Scope of review for National Environmental Policy Act (i.e. scope of analysis), Section 7 of the Endangered Species Act (i.e. action area), and Section 106 of the National Historic Preservation Act (i.e. permit area):

a. Determination of scope of analysis for National Environmental Policy Act (NEPA):

The scope of analysis always includes the specific activity requiring a Department of the Army permit that is located within the Corps geographic jurisdiction. In addition, we have applied the four factors test found in 33 CFR Part 325, Appendix B to determine if there are portions of the larger project beyond the limits of the Corps geographic jurisdiction where the federal involvement is sufficient to turn an essentially private action into a federal action.

Based on our application of the guidance in Appendix B, we have determined that the scope of analysis for this review includes the Corps geographic jurisdiction and upland portions beyond the Corps geographic jurisdiction.

These upland components include portions of the proposed parking lot, trails, and access road. These components have been determined to be within our scope of analysis as the extent of federal involvement is sufficient to turn this essentially private action into a federal action with the resulting environmental consequences of the larger project essentially being products of the Corps permit action.

Final description of scope of analysis: The scope of analysis for this permit is the entire 25-acre project site.

b. Determination of the “Corps action area” for Section 7 of the Endangered Species Act (ESA): The ESA action area is the proposed aquatic resources impacts,

including unauthorized dredging and filling of adjacent wetland, and a 50 foot upland buffer for construction and staging.

c. Determination of permit area for Section 106 of the National Historic Preservation Act (NHPA):

The permit area includes those areas comprising waters of the United States that will be directly affected by the proposed work or structures, as well as activities outside of waters of the U.S. because all three tests identified in 33 CFR 325, Appendix C(g)(1) have been met.

Final description of the permit area: The permit area for Section 106 is the aquatic resources impacts, including unauthorized dredging and filling of adjacent wetland, and a 50-foot upland buffer for construction and staging.

3. Purpose and Need:

a. Purpose and need for the project as provided by the applicant and reviewed by the Corps: The project purpose and need are to provide improved and additional water related recreational access from the North Harbor Marina.

b. Basic project purpose, as determined by the Corps: The basic project purpose is to provide additional and better recreational access to Utah Lake within Saratoga Springs City.

c. Water dependency determination: The activity does require access or proximity to or siting within a special aquatic site to fulfill its basic purpose. Therefore, the activity is water dependent.

d. Overall project purpose, as determined by the Corps: The overall project purpose is to provide better water related recreational access to Utah Lake within Saratoga Spring City.

4. Coordination: A public notice was sent via email and certified mail to the agencies and individuals identified in Appendix A on February 21, 2024. The only comments received were from the Environmental Protection Agency (EPA) on March 4, 2024.

a. Public Notice Results: The results of coordinating the proposal on Public Notice (PN) are identified below, including a summary of issues raised, any applicant response and the Corps' evaluation of concerns.

Were comments received in response to the PN? Yes.

Was a public meeting and/or hearing requested and, if so, was one conducted?
No, no public hearing or meeting was requested.

Comments received in response to public notice:

EPA Comments:

1. What other properties that were available for sale were not considered because they were not of equal or less value of the parcel the applicant owns?

2. Can Table 2 be expanded into text explanation for why each alternative site was excluded?

Some of the specific questions we have about the alternatives analysis include the following:

- Alternative 7- S. Saratoga Property: How was this determined to not be an appropriate location and incompatible with planning? There is an existing jetty at this location.
- Alternative 2- Expand S. Marina: How was it determined that the building square footage is insufficient?
- Alternative 6- 10-Acre Parcel: There are 10.11 acres available. Why was this option excluded based on insufficient building square footage?

3. There is another marina that was not analyzed as a possible alternative at American Fork Boat Harbor (east of the proposed site) - was this because American Fork Boat Harbor is outside of the city limits?

4. As it pertains to cumulative impacts - would there be any channel dredging associated with the development of the proposed new marina?

5. As it pertains to the proposed construction of a beach – where would the sand need to be sourced? Would there be any associated impacts to a source location?

6. Is there a mitigation bank available for this area? Where is the multiple-project-wide mitigation site that will be created by the city located? Can the mitigation plan be provided to us?

7. From Figure 2, it appears that there is a wetland on the northeast corner of the proposed area for impacts. Is there a delineation available?

Applicant's Response: The applicant provided a May 3, 2024, response to the EPA's comments and Corps comments. The response focused mainly on the alternatives analysis and the compensatory mitigation plan. The compensatory mitigation plan was determined incomplete by the Corps and the final plan was submitted in October 2025, which was the last piece of information for a complete application.

b. Additional issues raised by the Corps: A comment and request for information letter was sent to the applicant and consultant on March 28, 2024. Additional information requested and items and issues for response included a more detailed alternatives analysis, potential minimization techniques, updated application and maps to include all aquatic resource impacts associated with WM-2, information to address the 2023 dredging, a compensatory mitigation plan the meets the Corps requirements, archeological tabular and GIS data, and 401 Water Quality Certification with the Utah Department of Environmental Quality.

c. Comments regarding activities and/or effects outside of the Corps' scope of

review: N/A.

5. Alternatives Analysis: (33 CFR Part 325 Appendix B(7), 40 CFR 230.5(c) and 40 CFR 1502.14). An evaluation of alternatives is required under NEPA for all jurisdictional activities. An evaluation of alternatives is required under the Section 404(b) (1) Guidelines for projects that include the discharge of dredged or fill material. NEPA requires discussion of a reasonable range of alternatives, including the no action alternative, and the effects of those alternatives; under the Guidelines, practicability of alternatives is taken into consideration and no alternative may be permitted if there is a less environmentally damaging practicable alternative.

a. Site selection/screening criteria: In order to be practicable, an alternative must be available, achieve the overall project purpose (as defined by the Corps), and be feasible when considering cost, logistics and existing technology.

Criteria for evaluating alternatives as evaluated and determined by the Corps:

- 1) Meets the project's purpose
- 2) Logistics
- 3) Impacts to waters of the U.S.

b. Description of alternatives:

(1) No action alternative: Under the no action alternative, the project purpose would not be met, the unauthorized fill and dredging would remain, the marina would not be improved, and no compensatory mitigation would be implemented to offset the aquatic resources losses.

(2) Alternative 2, Expand South Marina: This alternative would involve expanding the south marina located on the western shoreline of Utah Lake. In order to meet the proposed demand this existing marina would need to be doubled in size. This alternative would result in 8 acres of wetland loss.

(3) Alternative 3, North Marina Improvement Project, Full Build: This alternative is the full build out improvements of the North Marina. It includes construction of a new beach, boat ramp, access road, parking lot, and jetty. The jetty would impact 1.32 acres and the boat ramp would impact 0.21 acres of WOTUS. The trail, parking lot, and beach have combined wetland impacts of 1.04 acres. This results in a total of 2.94 acres of aquatic resource impacts.

(4) Alternative 4 (Preferred Alternative), North Marina Improvement Project, Reduced Footprint: The Reduced Footprint Alternative is the preferred alternative and describe in detail above. This alternative eliminates the impacts on the northern wetlands in the project area by reconfiguring a section of the parking lot and and trails. All other project components are kept the same to ensure project needs are met. This alternative reduced the total aquatic resource impacts from the Alternative 3 impacts of 2.94 acres to 2.30 acres.

(5) Alternative 5, 10-Acre Parcel: This alternative is on a 10.11-acre parcel located 0.25 miles west of the existing North Marina. This is a privately owned parcel with an estimated value of \$561,500 and is currently not for sale. The property is dominated by forested wetland habitat, a unique resource in Utah. Additionally, the property does not have an existing jetty and would require two jetties to ensure safety of motorized and nonmotorized water recreation users. In addition to the jetties, the project would require the same facilities as the preferred alternative. Aquatic resource impacts would exceed 8 acres.

(6) Alternative 6, Southern Saratoga Springs Property: This alternative is on a 37.6-acre parcel located on the southern end of Saratoga Springs, on the western shoreline of Utah Lake. It is valued at \$1,345,100 and is currently not for sale. There are less wetlands than at the applicant owned site. Similar to Alternative 5, two jetties would need to be constructed. Impacts would be approximately 3 acres. Also, the demand for Utah Lake recreation access is serviced by the South Marina located 0.25 miles north.

c. Alternatives evaluation under the Section 404(b)(1) Guidelines and NEPA: Alternatives 2, 3, 5, and 6 were determined not practicable and would not be evaluated further. Each of these alternatives would result in additional aquatic resource impacts compared to the alternative 4 (preferred). In addition, alternative 5 would result in significant impacts to forested wetlands, which are a unique and rare resource in Utah. Also, alternatives 5 and 6 would require the construction of two jetty's that would result in in at least twice the size of impacts to June sucker (*Chasmistes liorus*) habitat, an endangered species.

d. Least environmentally damaging practicable alternative under the 404(b)(1) Guidelines: Alternative 4, the preferred alternative, was determined to be the least environmentally damaging practicable alternative. This alternative would impact 1.81 acre of lakebed and 0.49 acre of wetland. This alternative was minimized from previous designs through avoiding the wetland in the center of the site and the wetlands adjacent to Dry Creek to the east, not expanding the existing marina footprint, and construction of the jetty to protect the marina and provide recreational activities.

6. Evaluation for Compliance with the Section 404(b)(1) Guidelines: The following sequence of evaluation is consistent with 40 CFR 230.5.

a. Practicable Alternatives:

Practicable alternatives to the proposed discharge consistent with 40 CFR 230.5(c) are evaluated in Section 5 above. The statements below summarize the analysis of alternatives.

In summary, based on the analysis in Section 5 above, the no-action alternative, which would not involve discharge into waters, is not practicable.

For those projects that would discharge into a special aquatic site and are not water dependent, the applicant has demonstrated there are no practicable alternatives that do not involve special aquatic sites.

It has been determined that there are no alternatives to the proposed discharge that would be less environmentally damaging. (Subpart B, 40 CFR 230.10(a)). The proposed discharge in this evaluation is the practicable alternative with the least adverse impact on the aquatic ecosystem, and it does not have other significant environmental consequences.

b. Candidate disposal site delineation (Subpart B, 40 CFR 230.11(f)):

Each disposal site shall be specified through the application of these Guidelines: The proposed disposal site is 1.81 acres of lakebed and 0.49 acre of wetland. Prior to any discharge within the aquatic resources, best management practices, such as sediment curtains, silt fence, straw wattles and limits of disturbance fencing, would be installed to contain the fill material. Also, the fill material would be clean and from a local supplier.

c. Potential impacts on physical and chemical characteristics of the aquatic ecosystem (Subpart C 40 CFR 230.20).

The following has been considered in evaluating the potential impacts on physical and chemical characteristics (see Table 1):

Table 1 – Potential Impacts on Physical and Chemical Characteristics						
Physical and Chemical Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Substrate					X	
Suspended particulates/ turbidity				X		
Water				X		
Current patterns and water circulation					X	
Normal water fluctuations				X		
Salinity gradients	X					

Discussion: The filling of the emergent marsh and lakebed, and filling of lakebed for the jetty, boat ramp, and beach would result in permanent alterations to the site's topography and soil composition. Approximately 1.81 acres of lakebed and 0.49 acre of wetland would be filled as a result of the project. During the construction, there would be increased turbidity into the Utah Lake. A sediment curtain would be installed around the jetty prior to construction. The boat ramp area would be dewatered using cofferdams and beach would be constructed during low lake levels and the area is dry. Current patterns and water circulation would have minor long-term effect during construction due to the

filling of lakebed for the jetty that would extend into Utah Lake approximately 800 feet, which would affect flow patterns within the immediate area. Adverse effects would be minimized through compliance with the Section 401 Water Quality Certification.

d. Potential impacts on the living communities or human uses (Subparts D, E and F):

(1) Potential impacts on the biological characteristics of the aquatic ecosystem (Subpart D 40 CFR 230.30).

The following has been considered in evaluating the potential impacts on biological characteristics (see Table 2):

Table 2 – Potential Impacts on Biological Characteristics						
Biological characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Threatened and endangered species					X	
Fish, crustaceans, mollusk, and other aquatic organisms					X	
Other wildlife					X	

Discussion: The Corps determined the project “may affect and is likely to adversely affect” the federally-listed June sucker (*Chasmistes liorus*). The U.S. Fish and Wildlife (FWS) service provided a biological opinion on April 30, 2024. Implementation of the applicant’s conservation measures would ensure the conservation and contribute to the recovery of this endemic specie. Conservation measures, include sediment curtains, erosion control fencing, and paying \$114,750 to the June Sucker Recovery Implementation Program (JSRIP) to mitigate the loss of June Sucker habitat. The project would have a minor effect- long term on aquatic organisms and other wildlife, as the project site would result in a loss of lakebed habitat that provides habitat for species, such as common carp, white bass, black bullhead, channel catfish, and walleye; and the zooplankton that help support these fish species. The payment to the JSRIP would help remove non-native common carp an invasive species, which remove underwater vegetation, a critical important habitat component for June sucker. The project area overall provides good wildlife habitat, since it is located in and contiguous with Utah Lake, which are critical areas for avian species and aquatic species. The proposed compensatory mitigation plan would offset any impacts to aquatic organisms and other wildlife by providing better habitat along the nearby western shoreline of Utah Lake.

(2) Potential impacts on special aquatic sites (Subpart E 40 CFR 230.40):

The following has been considered in evaluating the potential impacts on special aquatic sites (see Table 3):

Table 3 – Potential Impacts on Special Aquatic Sites						
Special Aquatic Sites	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Sanctuaries and refuges			X			
Wetlands					X	
Mud flats	X					
Vegetated shallows					X	
Riffle and Pool Complexes	X					
Coral reefs	X					

Discussion: The nearest sanctuary is the Provo River Restoration Project (PRRP), managed by Utah Reclamation Mitigation and Conservation Commission, located approximately 11.5 miles southeast. Due to the distance, the project would have a negligible effect on the PRRP. The unauthorized activity associated with the project was the filling 0.35 acre of emergent wetland that directly abutted Utah Lake to provide lake access for dredging and an area for jetty, boat ramp and parking, once constructed. These unauthorized wetland losses and the proposed additional 1.81 acre of lakebed and 0.19 acre of wetland would be offset with the construction of the compensatory mitigation on the western side of Utah Lake. No additional wetlands would be filled as a result of the project. It's assumed that the shallow open water areas within the project that are proposed to be filled and were dredged as a result of the project contain vegetated shallows. These impacts to the vegetated shallows would be offset by the proposed compensatory mitigation and the dredged areas would reestablish into vegetated shallows. Mud flats, riffle and pool complexes, and coral reefs are not located within or adjacent to the proposed project.

(3) Potential impacts on human use characteristics (Subpart F 40 CFR 230.50):

The following has been considered in evaluating the potential impacts on human use characteristics (see Table 4):

Table 4 – Potential Impacts on Human Use Characteristics						
Human Use Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Municipal and private water supplies			X			
Recreational and				X	X	

Table 4 – Potential Impacts on Human Use Characteristics						
Human Use Characteristics	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
commercial fisheries						
Water-related recreation				X	X	
Aesthetics					X	
Parks, national and historical monuments, national seashores, wilderness areas, research sites, and similar preserves			X			

Discussion: Municipal and private water supplies would not be adversely affected because the project is not located near any water intakes and the project would comply with the 401 Water Quality Certification. The project would have a minor long-term effect on aesthetics due to converting a section of open space containing aquatic resources to a marina with a jetty, boat ramp, parking lot, and trails. The project would have a minor short-term effect on recreational and commercial fishing, considering that the adjacent fish habitat in Utah Lake would be temporarily disturbed during construction, mainly the jetty, which would extend approximately 800 feet into the lake. Water related recreation activities would also have a minor short-term effect during construction. However, the project overall would have a beneficial minor long-term effect on recreational and commercial fishing and water related recreation activities by providing better lake access for both of these uses. The project would have negligible effect on the PRRP, since this area is located at least 11.5 miles away and effects are discussed under Table 3.

e. Pre-testing evaluation (Subpart G, 40 CFR 230.60):

The following has been considered in evaluating the biological availability of possible contaminants in dredged or fill material. See Table 5:

Table 5 – Possible Contaminants in Dredged/Fill Material	
Physical characteristics	X
Hydrography in relation to known or anticipated sources of contaminants	
Results from previous testing of the material or similar material in the vicinity of the project	
Known, significant sources of persistent pesticides from land runoff or percolation	
Spill records for petroleum products or designated (Section 331 of CWA) hazardous substances	
Other public records or significant introduction of contaminants from industries, municipalities, or other sources	

Table 5 – Possible Contaminants in Dredged/Fill Material	
Known existence of substantial material deposits of substances which could be released in harmful quantities to the aquatic environment by man-induced discharge activities	

Discussion: Fill material for the overall project and riprap for the jetty would be clean and from a local source and stabilized with the implementation of Best Management Practices (BMPs) during construction, such as sediment curtain and erosion control fencing.

It has been determined that testing is not required because the proposed material is not likely to be a carrier of contaminants because it is comprised of sand, gravel or other naturally occurring inert material.

f. Evaluation and testing (Subpart G, 40 CFR 230-61):

Discussion: As described above, testing is not required.

g. Actions to minimize adverse impacts (Subpart H). The following actions, as appropriate, have been taken through application of 40 CFR 230.70-230.77 to ensure minimal adverse effects of the proposed discharge. See Table 6:

Table 6 – Actions to Minimize Adverse Effects	
Actions concerning the location of the discharge	X
Actions concerning the material to be discharged	X
Actions controlling the material after discharge	X
Actions affecting the method of dispersion	X
Actions affecting plant and animal populations	X
Actions affecting human use	X

Discussion: The location of the discharge area is 1.81 acres of lakebed and 0.49 acre of wetland. These areas have been previously disturbed from years of adjacent land uses, including construction and maintenance of a stormwater outlet that temporarily impacted the wet meadow adjacent to Utah Lake, and maintenance dredging of the marina. The material to be discharged would be clean and local. The implementation of the compensatory mitigation plan would offset wetland and other aquatic resources, and wildlife habitat losses.

h. Factual Determinations (Subpart B, 40 CFR 230.11).

The following determinations are made based on the applicable information above, including actions to minimize effects and consideration for contaminants. See Table 7:

Table 7 – Factual Determinations of Potential Impacts
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Site	N/A	No Effect	Negligible Effect	Minor Effect (Short Term)	Minor Effect (Long Term)	Major Effect
Physical substrate			X			
Water circulation, fluctuation and salinity					X	
Suspended particulates/turbidity				X		
Contaminants		X				
Aquatic ecosystem and organisms				X		
Proposed disposal site				X		
Cumulative effects on the aquatic ecosystem				X		
Secondary effects on the aquatic ecosystem				X		

Discussion: The proposed project would have minor short-term effects on physical substrate due to the filling of 1.81 acres of lakebed and 0.49 acre of wetland. These substrate impacts would be partially offset by the compensatory mitigation site. The minor short-term effects to suspended particulates/turbidity would only occur during construction and would be minimized by the implementation of BMPs, such as sediment curtains and erosion control fencing. Additionally, the implementation of the conditions of the 401 Water Quality Certification would minimize impacts to water quality of adjacent aquatic resources. Any potential contaminants from the proposed fills would have a negligible effect on the adjacent aquatic resources, due to the material being clean and local and BMPs implemented.

i. Findings of compliance or non-compliance with the restrictions on discharges (40 CFR 230.10(a-d) and 230.12). Based on the information above, including the factual determinations, the proposed discharge has been evaluated to determine whether any of the restrictions on discharge would occur. See Table 8:

Table 8 – Compliance with Restrictions on Discharge		
Subject	Yes	No
1. Is there a practicable alternative to the proposed discharge that would be less damaging to the environment (any alternative with less aquatic resource effects, or an alternative with more aquatic resource effects that avoids other significant adverse environmental consequences?)		X
2. Will the discharge cause or contribute to violations of any applicable water quality standards?		X
3. Will the discharge violate any toxic effluent standards (under Section 307 of the Act)?		X

Table 8 – Compliance with Restrictions on Discharge		
Subject	Yes	No
4. Will the discharge jeopardize the continued existence of endangered or threatened species or their critical habitat?		X
5. Will the discharge violate standards set by the Department of Commerce to protect marine sanctuaries?		X
6. Will the discharge cause or contribute to significant degradation of waters of the U.S.?		X
7. Have all appropriate and practicable steps (Subpart H, 40 CFR 230.70) been taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem?	X	

Discussion: The proposed project would only dispose of clean and local fill within the aquatic resources. Also, the Corps determined the project “may affect and is likely to adversely affect” the June sucker (*Chasmistes liorus*) an endemic species of Utah Lake and its tributaries. The U.S. Fish and Wildlife (FWS) service provided a biological opinion on April 30, 2024. Conservation measures, including sediment curtains, erosion control fencing, and paying \$114,750 to the JSRIP would offset the loss of June Sucker habitat. The project would comply with the 401 Water Quality Certification, dated August 29, 2024, to minimize impacts to the aquatic ecosystem and the compensatory mitigation would offset these impacts.

7. General Public Interest Review (33 CFR 320.4 and Regulatory Guidance Letter 84-09): The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest as stated at 33 CFR 320.4(a). To the extent appropriate, the public interest review below also includes consideration of additional policies as described in 33 CFR 320.4(b) through (r). The benefits which reasonably may be expected to accrue from the proposal are balanced against its reasonably foreseeable detriments.

a. Public interest factors reviewed: All public interest factors have been reviewed and those that are relevant to the proposal are considered and discussed in additional detail. See Table 9 and any discussion that follows.

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
1. Conservation: The nearest conservation area is the PRRP located approximately 11.5 miles southeast. The effects would be negligible considering the project is in character of other uses in the area and BMPs such as sediment curtains and erosion control fencing would minimize indirect effects to the Utah Lake.				X		
2. Economics: Construction of the proposed action would result in a beneficial effect to economics for Saratoga Springs and the surrounding area. Project construction would result in temporary construction employment and the new improved marina would charge admission to the marina to utilize the facilities. Also, the project would provide lake access to recreationalist outside of Saratoga Springs that would bring in patrons to local businesses.					X	
3. Aesthetics: See Section 6.d.3.				X		
4. General Environmental Concerns: See Section 6.a-6.e.				X		
5. Wetlands: The project would result in a loss of 0.4 acre of wet meadow and 0.09 acre of forested wetland, which would be offset with the implementation of the compensatory wetland mitigation plan which includes rehabilitation and enhancement of wetlands.			X			
6. Historic Properties: The proposed project would have “no effect” on historic properties. Site 42UT2118 (North Marina) is not eligible for inclusion in the National Register of Historic Places. Utah SHPO was sent a letter requesting review and comment on our determination of eligibility of effect on April 26, 2025, and Utah SHPO sent a concurrence letter on September 2, 2025.	X					

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
7. Fish and Wildlife Values: There are approximately 1.65 acres of wet meadow, 0.1 acre of forested wetland, and 10.5 acres of open water/lakebed within the project area. The project site open water/lakebed provide habitat for several fish species, including June sucker, and smaller aquatic organisms. The open water especially near the shoreline, provides habitat for migratory birds, deer, and small mammals, such as, racoons, skunks, and fox. The effects are neutral and negligible, since the unauthorized activity and proposed aquatic resource impacts would be offset by the compensatory mitigation.			X	X		
8. Flood Hazards: The entire project area is located within FEMA Zone AE the 100-year floodplain. These aquatic resources provide a moderate amount of flood water retention/detention, and the filling of these aquatic resources would only displace a negligible amount of water during flood events, since the majority of the fill would be near existing grade and impervious surface would be minimal.				X		
9. Floodplain Values: The proposed project would have negligible effect on floodplain values since the project would only fill a small section of Zone AE floodplain. Also, the majority of the fill would be at or near the existing grade and would still function as a floodplain. The floodplain function losses would be partially offset by the proposed compensatory mitigation.				X		
10. Land Use: The project site is zoned Institutional/Civic (IC), and a portion of the site is on Forestry Fire and State Lands (FFSL). The project would meet the requirements of the IC zone and FFSL permit.	X					

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
11. Navigation: The majority of the project is located within Utah Lake, which is utilized for vessel navigation. It is unknown how much of the site is used for navigation since it is located so close to the shoreline. The proposed jetty would only extend approximately 400 feet into Utah Lake which is similar to the existing marina jetty and would not result in more than negligible effect to navigation in this area.				X		
12. Shoreline Erosion and Accretion: The project is located along the Utah Lake shoreline including the existing marina. The jetty, boat ramp, beach, and trail sections of the proposed project are all located along the shoreline of Utah Lake and would affect water patterns within the immediate area that affect erosion/accretion. These effects would be negligible considering the existing similar marina jetty of more than 50 years effects have been negligible and the proposed jetty would have similar effects.				X		
13. Recreation: The overall project purpose is to provide better recreation access to Utah Lake for vessels, fishing, swimming, and other water related activities.					X	
14. Water Supply and Conservation: The proposed project would result in some increase in water needs during construction, mainly for dust abatement. It is expected there is sufficient supply to meet the demand. The proposed action would result in a small amount of additional water needed to maintain the landscaping and operate the facility for needs, such as vessel cleaning stations and bathrooms.				X		
15. Water Quality: The project would comply with the 401 Water Quality Certification issued by the State of Utah Division of Water Quality on August 29, 2024.				X		
16. Energy Needs: Project construction would require the use of energy. Once finished, the site would utilize the amount of energy necessary to operate the marina facilities, which would be minimal. This alternative would not impact regional energy needs.				X		

Table 9: Public Interest Factors	Effects					
	None	Detrimental	Neutral (mitigated)	Negligible	Beneficial	Not Applicable
17. Safety: It is assumed all applicable safety requirements would be implemented during construction and marina operation. The project would not inherently create safety hazards.				X		
18. Food and Fiber Production: Currently the project area and the surrounding land do not provide food or fiber production. Historically, the property was grazed by livestock.	X					
19. Mineral Needs: The proposed project would result in a slight increase in mineral needs, primarily for the construction of the jetty, parking, and boat ramps. It is expected that the existing supply will meet these demands.				X		
20. Consideration of Property Ownership: The proposed project would not affect the rights or use of adjacent property owners.	X					
21. Needs and Welfare of the People: The proposed action would meet an identified need to provide Utah Lake access and marina on the north end of the lake.					X	

Additional discussion of effects on factors above: N/A.

b. Public and private need:

The relative extent of the public and private need for the proposed structure or work: The proposed project would meet the increasing need for Utah Lake recreational access, including boating, especially along the northern side of the lake.

c. Resource use unresolved conflicts: If there are unresolved conflicts as to resource use, explain how the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure or work was considered.

Discussion: There were no unresolved conflicts identified as to resource use.

d. Beneficial and/or detrimental effects on the public and private use: The extent and permanence of the beneficial and/or detrimental effects that the proposed work is likely to have on the public and private use to which the area is suited:

Detrimental effects are expected to be minimal and temporary. The project would result in a loss of 1.81 acres of lakebed and 0.49 acre of wetland. These aquatic resource impacts would be offset by implementing the “Saratoga Springs Mitigation Plan-North Marina Harbor Improvement Project,” dated October 2025.

Beneficial effects are expected to be more than minimal and permanent. The project would provide better access for water related activities to Utah Lake.

8. Mitigation (33 CFR 320.4(r), 33 CFR Part 332, 40 CFR 230.70-77, 40 CFR 1508.20 and 40 CFR 1502.14):

a. Avoidance and Minimization: When evaluating a proposal including regulated activities in waters of the United States, consideration must be given to avoiding and minimizing effects to those waters. Avoidance and minimization measures are described above in Section 1.c.1.

Describe other mitigative actions including project modifications implemented to minimize adverse project impacts (see 33 CFR 320.4(r)(1)(i)): The project was designed to avoid the wetland on the north end of the project and the wetlands/riparian habitat adjacent to Dry Creek on the east end of the project. BMPs, such as sediment curtains and erosion control fencing would minimize any indirect effects to adjacent aquatic resources.

b. Compensatory mitigation requirement: Is compensatory mitigation required to offset environmental losses resulting from proposed unavoidable impacts to waters of the United States? Yes.

c. Type and location of compensatory mitigation:

(1) Mitigation bank service area

Is the impact in the service area of an approved mitigation bank? No.

(2) In-Lieu fee program service area

Is the impact in the service area of an approved in-lieu fee program? No.

(3) Compensatory mitigation

Selected compensatory mitigation type/location(s). See Table 10:

Table 10 – Mitigation Type and Location	
Mitigation bank credits	
In-lieu fee program credits	
Permittee-responsible mitigation under a watershed approach	X

Table 10 – Mitigation Type and Location	
Permittee-responsible mitigation, on-site and in-kind	
Permittee-responsible mitigation, off-site and/or out of kind	

(4) Mitigation hierarchy

Does the selected compensatory mitigation option deviate from the order of the options presented in §332.3(b) (2)-(6)? No.

(5) Watershed approach

Does the selected compensatory mitigation option follow a watershed approach? Yes.

Is the impact in a watershed with a watershed plan? No.

d. Amount of compensatory mitigation: The compensatory mitigation would result in the re-establishment of 2.71 acres and rehabilitation of 10.77 acres, resulting in 7.08 acres of palustrine emergent wet meadow and 6.40 acres of palustrine emergent marsh.

Rationale for required compensatory mitigation amount: See the attached South Pacific Division Mitigation Ratio Setting Checklist(s) located in Attachment B.

e. Permittee Responsible Mitigation: For permittee responsible mitigation identified in 8.c.3 above, the final mitigation plan must include the items described in 33 CFR 332.4(c)(2) through (c)(14) at a level of detail commensurate with the scale and scope of the impacts. As an alternative, the district engineer may determine that it would be more appropriate to address any of the items described in (c)(2) through (c)(14) as permit conditions, instead of components of a compensatory mitigation plan. Presence of sufficient information related to each of these requirements in the applicant's mitigation plan is indicated by "Yes" in Table 11. "No" indicates absence or insufficient information in the plan, in which case, additional rationale must be provided below on how these requirements will be addressed through special conditions or why a special condition is not required:

Table 11 – Permittee-Responsible Mitigation Plan Requirements		
Requirement	Yes	No
Objectives	X	
Site selection	X	
Site protection instrument	X	
Baseline information	X	
Determination of credits	X	
Mitigation work plan	X	
Maintenance plan	X	
Performance standards	X	
Monitoring requirements	X	

Table 11 – Permittee-Responsible Mitigation Plan Requirements		
Requirement	Yes	No
Long-term management plan	X	
Adaptive management plan	X	
Financial assurances	X	
Other		X

9. Consideration of Cumulative Effects (40 CFR 1508 & Regulatory Guidance Letter 84-9): Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor direct and indirect but collectively significant actions taking place over a period of time. A cumulative effects assessment should consider how the direct and indirect environmental effects caused by the proposed activity requiring DA authorization (i.e., the incremental impact of the action) contribute to the aggregate effects of past, present, and reasonably foreseeable future actions, and whether that incremental contribution is significant or not.

a. Identify/describe the direct and indirect effects caused by the proposed activity: See Sections 6 and 7.

b. The geographic scope for the cumulative effects assessment is: The geographic area for the cumulative impacts assessment is the Utah Lake (HUC 16020201), which has an area of approximately 1,344 square miles.

c. The temporal scope of this assessment covers: The temporal scope of this cumulative effects assessment covers from 1985 to 2025.

d. Describe the affected environment: The watershed includes Saratoga Springs City, Utah Lake, the western slope of Mount Timpanogos, and extends west to Cedar Valley, and south to Nephi City. Based on National Wetlands Inventory (NWI) data, approximately 19,375 acres of wetlands exist in the watershed, comprising approximately 2.3% of the watershed area. The vast majority of the wetlands are along the shoreline of the Utah Lake. Based on NWI data there are approximately 6,700 acres of riverine waters contained within the watershed. Based on available information, Corps permits for the period 1985-present has authorized the fill/loss of approximately 75.5 acres of wetlands, 12.4 acres of riverine waters and 1.9 acres of Utah Lake; and temporary impacts to 5.5 acres of riverine waters and 9.8 acres of Utah Lake. The projection is that authorizations would increase because of anticipated continued growth attributable to the increase in the population and the remaining undeveloped open space containing aquatic resources, mainly wetlands. Natural resource issues of particular concern [from Corps & non-Corps activities] are direct and indirect losses and/or degradation of aquatic resources from development, water quality degradation, habitat fragmentation, invasive species, alterations to the hydrologic regime, and development practices that lead to a loss of wetland hydrology. Future conditions are expected to see an increase in similar types of

development projects to roughly match the growth and development of the surrounding area. Besides Corps authorized projects, other activities include infrastructure development, transportation projects, commercial, and residential developments. Resulting natural resource changes and stresses include further fragmentation of wildlife habitat, increased water quality degradation from urban runoff, water usage, and other stresses from increases in human populations. These resources are also being affected by continued residential, commercial, and industrial developments within the watershed. A key issue of concern in this watershed is the loss of wildlife habitat, and water quality degradation of Utah Lake resulting from the loss of aquatic resources.

e. Determine the environmental consequences: The proposed project would have minimal cumulative environmental consequences. The loss of 0.4 of wet meadow, 0.09 of forested wetland, and 1.81 acres of lakebed would be offset by the required compensatory mitigation; the re-establishment of 2.71 acres and rehabilitation of 10.77 acres of emergent marsh wetland, and preservation of the avoided onsite wetlands. The proposed project would minimize water quality impacts by managing impacts from storm water into neighboring aquatic resources, Utah Lake and adjacent wetlands. This would be accomplished through the implementation of BMPs during construction, sediment curtains, erosion control fencing, and dewatering of construction area for boat ramp installation. The loss of June sucker habitat would be offset with the implementation of the conservation measures in the biological opinion prepared by Fish and Wildlife Service, dated May 1, 2024. Noise pollution would be within the limits of a marina of this size to minimize disturbances to adjacent properties. Cumulatively, this project would induce further growth in the region, by providing improved recreational access for the north end of Utah Lake and Saratoga Springs City.

f. Conclusions regarding cumulative impacts: When considering the direct and indirect impacts that will result from the proposed activity, in relation to the overall direct and indirect impacts from past, present, and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the area described in Section 9.b, are not significant. Compensatory mitigation will be required to offset the impacts of the proposed activity to eliminate or minimize its incremental contribution to cumulative effects within the geographic area described in Section 9.b. Mitigation required for the proposed activity is discussed in Section 8.

10. Compliance with Other Laws, Policies, and Requirements:

a. Section 7(a)(2) of the Endangered Species Act (ESA): Refer to Section 2.b. for description of the Corps action area for Section 7.

(1) Lead federal agency for Section 7 of the ESA:

Has another federal agency been identified as the lead agency for complying with Section 7 of the ESA with the Corps designated as a cooperating agency and has that consultation been completed? No.

(2) Listed/proposed species and/or designated/proposed critical habitat:

Are there listed species or designated critical habitat that may be present or in the vicinity of the Corps' action area? Yes. June sucker (*Chasmistes liorus*) is an endemic species to Utah Lake and its tributaries. The Corps has determined that it has fulfilled its responsibilities under Section 7(a)(2) of the ESA.

Effect determination(s), including no effect, for all known species/habitat, and basis for determination(s): May affect and is likely to adversely affect the June sucker. The project would result in a loss of 1.81 acres of Utah Lake June sucker habitat.

(3) Section 7 ESA consultation: Consultation with either the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service was initiated and completed as required, for any determinations other than "no effect" (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation). The Corps sent a letter to FWS on February 28, 2024, requesting initiation of informal consultation for a "may affect, likely to adversely affect" determination for the Federally-listed June sucker. The FWS provided a biological opinion on May 1, 2024.

b. Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), Essential Fish Habitat (EFH): N/A. There is no essential fish habitat in this district's area of responsibility in Utah.

c. Section 106 of the National Historic Preservation Act (Section 106): Refer to Section 2.c for permit area determination.

(1) Lead federal agency for Section 106 of the National Historic Preservation Act

Has another federal agency been identified as the lead federal agency for complying with Section 106 of the National Historic Preservation Act with the Corps designated as a cooperating agency and has that consultation been completed? No.

(2) Historic properties

Known historic properties? No.

Effect determination and basis for that determination: No effect. Site 42UT2118 (North Marina) is not eligible for listing under the Nation Register of historic Places.

(3) Consultation with appropriate agencies, tribes, and/or other parties for effect determinations

Consultation was initiated and completed with the appropriate agencies, tribes and/or other parties for any determinations other than “no potential to cause effects.” (see the attached ORM2 Summary sheet for begin date, end date and closure method of the consultation). The Corps sent a letter to the Utah SHPO requesting review and comment on a determination of eligibility and a “No Effect” to historic properties determination on August 26, 2025. Utah SHPO sent a concurrence letter on September 2, 2025.

d. Tribal Trust Responsibilities:

(1) Tribal government-to-government consultation

Was government-to-government consultation conducted with federally recognized Tribe(s)? No.

(2) Other Tribal including any discussion of Tribal Treaty rights? The Corps initiated coordination with the Confederated Tribes of Goshute Reservation, Ute Indian Tribe, and the Skull Valley Band of Goshute Tribe in a letter on February 16, 2024. No comments were received.

e. Section 401 of the Clean Water Act – Water Quality Certification (WQC)

(1) Section 401 WQC requirement

Is a Section 401 WQC required, and if so, has the certification been issued, waived or presumed? An individual water quality certification is required and was granted on August 29, 2024.

(2) 401(a)(2) process

If the certifying authority granted an individual WQC, did EPA make a determination that the discharge ‘may affect’ water quality in a neighboring jurisdiction? No.

f. Coastal Zone Management Act (CZMA): N/A. There are no coastal zones within this District’s area of responsibility in Utah.

g. Wild and Scenic Rivers Act

(1) National Wild and Scenic River System

Is the project located in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system? No.

h. Effects on Corps Civil Works Projects (33 USC 408):

(1) Permission requirements under Section 14 of the Rivers and Harbors Act (33 USC 408)

Does the applicant also require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would alter, occupy or use a Corps Civil Works project? No, there are no federal projects in or near the vicinity of the proposal.

i. Corps Wetland Policy (33 CFR 320.4(b)):

(1) Wetland impacts

Does the project propose to impact wetlands? Yes.

(2) Wetland impact public interest review

Based on the public interest review herein, the beneficial effects of the project outweigh the detrimental impacts of the project.

j. Other (as needed): N/A.

k. Compliance statement: The Corps has determined that it has fulfilled its responsibilities under the following laws, regulations, policies, and guidance:

Table 12 – Compliance with Federal Laws and Responsibilities		
Laws, Regulations, Policies, and Guidance	Yes	N/A
Section 7(a) (2) of the ESA	X	
EFH provisions of the Magnuson-Stevens Act	X	
Section 106 of the NHPA	X	
Tribal Trust	X	
Section 401 of the CWA	X	
CZMA	X	
Wild and Scenic Rivers Act	X	
Section 408 - 33 USC 408	X	
Corps Wetland Policy (33 CFR 320.4(b))	X	
Other: N/A.		

11. Special Conditions:

a. Special condition(s) requirement(s):

Are special conditions required to ensure minimal effects, ensure the authorized activity is not contrary to the public interest and/or and/or ensure compliance of the activity with any of the laws above? Yes.

b. Required special conditions:

Special Condition 1: To compensate for the loss of 0.49 acre of palustrine emergent wetland and 1.81 acres of lakebed, you shall fully implement the "Saratoga Springs Mitigation Plan- North Marina Harbor Improvement Project," dated October 2025, prepared by Consor.

Rationale: This special condition is necessary to ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the proposed project. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332; 40 CFR 230).

Special condition 2: You shall complete the construction of any compensatory mitigation required by Special Condition 1 of this permit prior to or concurrent with initiation of construction activities authorized by this permit. In addition, you shall notify this office in writing at least 30 calendar days prior to the scheduled construction date and within 30 calendar days following completion of the required compensatory mitigation.

Rationale: This special condition is necessary to ensure avoidance and minimization of impacts to waters of the U.S. as well as ensure successful compensatory mitigation for the unavoidable losses of waters of the U.S. due to the construction of the proposed project. (33 CFR 320.4(r)(1); 33 CFR 325.4(a)(3); 33 CFR 332.4(c)(7); 40 CFR 230).

Special Condition 3: This Corps permit does not authorize you to take an endangered species, in particular June sucker, or designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (e.g., an Endangered Species Act Section 10 permit, or a Biological Opinion under Endangered Species Act Section 7, with "incidental take" provisions with which you must comply). The enclosed Fish and Wildlife Service Biological Opinion (Number FWS/R6, FF06E23000 2022_0033946, dated April 30, 2024) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the Biological Opinion. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached Biological Opinion, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the Biological Opinion, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The U. S. Fish and Wildlife Service is the appropriate authority to determine compliance with the terms and conditions of its Biological Opinion, and with the Endangered Species Act. You must comply with all conditions of this Biological Opinion, including those ascribed to the Corps.

Rationale: This condition is necessary to ensure compliance with Section 7 of the Endangered Species Act for impacts to threatened and/or endangered species and/or Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act for adverse effects to essential fish habitat (16 USC 1531 et seq.; 16 USC 1801, et seq.; 50 CFR 402; 50 CFR 600; 33 CFR 320.4(j)(4); 33 CFR 325.2(b)(5); 33 CFR 325.4(a)(1).

Special Condition 4: You shall record within 30 days following completion of the construction activities in waters of the U.S., the enclosed Declaration of Conservation Covenants and Restrictions (CC&Rs) including the “avoided wetland” on the northern end of the project site with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property. The purpose of these deed restrictions of the avoided wetland is to ensure that functions and services of this wetland are protected.

Rationale: This condition is necessary to ensure that subsequent property owners are aware of the DA permit/verification, including all terms & conditions in order to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).

Special Condition 5: At least 10 days prior to initiation of construction activities in waters of the U.S. authorized by this permit, you shall notify this office in writing of the anticipated start date for the work. No later than 20 calendar days following completion of construction activities in waters of the U.S. authorized by this verification, you shall notify this office in writing that construction activities have been completed.

Rationale: This condition is necessary to assist the Corps in scheduling compliance inspections to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).

Special Condition 6: Prior to commencement of construction activities in waters of the U.S. authorized by this verification, you shall clearly identify the limits of disturbance in the field with highly visible markers (e.g., construction fencing, flagging, silt barriers, etc.). You shall maintain such identification properly until construction is completed, and the soils have been stabilized. You shall notify this office upon installation of visible markers. Construction may not commence until you have received written notification from this office that the markers have been correctly installed. A site inspection may be necessary prior to construction activities to verify the location of the markers.

Rationale: This condition is necessary to ensure the construction activities do not occur outside of the project area, which would cause adverse impacts to the aquatic ecosystem (33 CFR 325.4(a)(3)).

Special Condition 7: You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit. You shall ensure that a copy of the verification and associated

drawings are available for quick reference at the project site until all construction activities in waters of the U.S. authorized by this permit are completed.

Rationale: This condition is necessary to ensure that all workers on site are aware of the terms and conditions of the permit in order to ensure compliance with the permit and applicable conditions (33 CFR 325.4; 33 CFR 326).

12. Findings and Determinations:

a. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

b. Presidential Executive Orders (EO):

(1) EO 11988, Floodplain Management: Alternatives to location within the floodplain, minimization, and compensatory mitigation of the effects were considered above and determined to be not practicable or appropriate. See Section 5.

(2) EO 13112, Invasive Species, as amended by EO 13751: The evaluation provided above included invasive species concerns in the analysis of impacts at the project site and associated compensatory mitigation projects.

(3) EO 13212 and EO 13302, Energy Supply and Availability: The proposal is not one that will increase the production, transmission, or conservation of energy, or strengthen pipeline safety.

c. Findings of No Significant Impact: Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an environmental impact statement will not be required.

d. Compliance with the Section 404(b)(1) Guidelines: Having completed the evaluation above, I have determined that the proposed discharge complies with the Guidelines, with the inclusion of the appropriate and practicable special conditions to minimize pollution or adverse effects to the affected ecosystem.

e. Public interest determination: Having reviewed and considered the information above, I find that the proposed project is not contrary to the public interest. The permit will be issued with appropriate conditions included to ensure minimal effects, ensure the authorized activity is not contrary to the public interest and/or ensure compliance of the

activity with any of the authorities identified in Section 10.

PREPARED BY:

Hollis Jencks
Project Manager
Utah Regulatory Section

Date: 7 Nov 2025

REVIEWED/APPROVED BY:

Michael Pectol
Senior Project Manager
Utah Regulatory Section

Date: 7 Nov 2025