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**Re: Proposed Utah Lake Restoration Project Permit Application SPK 2018-00503**

Dear Leah Fisher and Jason Gibson,

We are requesting you to reject the Utah Lake Restoration Project permit application SPK 2018-00503 because it is incomplete and does not meet the U.S. Army Corps of Engineer's' (Corps) application requirements.

After carefully reviewing the submitted application, we believe the provided information is insufficient to satisfy the Corps' regulations. See 33 C.F.R. § 325.1. The attached document—an excel spreadsheet—clearly illustrates how and where the application fails to satisfy the Corps' permit application checklist. This easy-to-follow illustration leads to the conclusion that the application must be rejected.

In fact, the application does not provide adequate detail for the Corps or the public to evaluate the effects of dredging, the suitability of the islands for development, the consequences of constructing a city on those islands, or the nature of the unidentified "restoration" activities. As shown in the illustration, nearly every section of the application has major deficiencies, with key components, descriptions, and data missing to support applicant's claims, assertions, and plans. The degree of missing information is so substantial that defining the scope and areas of investigation for a comprehensive Environmental Impact Statement is unachievable. The Corps should not initiate the process of preparing an EIS based on incomplete and missing information.

To ensure a thorough and transparent permitting process, the Corps' regulations set forth fundamental requirements for every permit application. It is the burden of the applicant to comply with these requirements. LRS has failed to satisfy these prerequisites, putting the Corps and the public on unfair footing from the outset. Pursuant to its regulations, the Corps deny LRS's application as incomplete or defer the requisite NEPA process until a complete application is filed.

We are happy to provide additional detail if this would be helpful to the Corps.

Thank you for your consideration of these concerns,

Dr. Brian Moench,  
Utah Physicians for a Healthy Environment

Zach Frankel  
Utah Rivers Council

Heather Dove  
Great Salt Lake Audubon

David Bennett  
Utah Citizens Advocating Renewable Energy

Stan Holmes  
Stop the Polluting Port Coalition

Raphael Cordray  
Utah Tar Sands Resistance

Deeda Seed  
Center for Biological Diversity

Monica Hilding  
Environmental Caucus

Dixie Heufner  
Utah Citizens' Counsel

Lynn DeFreitas  
FRIENDS of Great Salt Lake

# Permit Checklist

# LRS Application

# Observations

## General Information (Complete and sign ENG Form 4345)<sup>2</sup>

Name, address and telephone of the applicant and authorized agent (if used)  
 Signature for statement of authorization designating official agent  
 Project Name or Title  
 Name of Nearest Waterbody, (if known)  
 Project Site Street Address

Section #	Status
1.1	complete
-	missing
1.0	complete
1.2	complete
-	missing
1.2; Figure 1	incomplete / incorrect
-	missing
-	missing
-	missing

Location of Project (County, State and coordinates)

Other Location Descriptions, if known (include Section, Township, Range, Meridian, etc.)  
 Total area of the Project Site  
 Directions to the Project Site

Application states the boundry is based on the Compromise Line for Utah Lake (representing an elevation of 4,489.045 feet above mean sea level [amsll]) and the state of Utah settled boundary line (Figure 1). However, the project includes medium/high density, multi-story (perhaps 10-20 story) structures. Therefore the elevation is substantially above 4,489 feet.

## Nature of Activity

### Complete written description of the proposed project

2.2	incomplete
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Project purpose states commercial/residential development, but no description of development is included. Also missing are descriptions of roads, bridges, causeways, water and sanitation required for development.

All activities which you plan to undertake which are reasonably related to the proposed project and for which a Department of the Army Permit is required.

2.1	as submitted, purpose is too narrow
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A more appropriate Project Purpose is; The basic Project purpose is to comprehensively restore and enhance Utah Lake. Application defines Project Purpose to be dredging, building containment areas, constructing islands, commercial/residential development. Therefore, setting up an argument that all Alternatives (section 6) must include dredging, containment areas and development.

Dimensions of proposed structures/fills and types of material proposed to be used in construction

Table 28	mostly incomplete. only island area included
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Mostly incomplete. No dimensions are included for residential and commercial buildings, roadways, bridges, causeways. No volume or depth dimension provided for containment areas / islands. No dimensions for height of islands above the compromise line. No description of type of fill material to be used in construction.

### For dredging activities

Type, composition and quantity of material to be dredged

4.0; Table 28; 5.4.22;	incomplete
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Type and composition of dredged material is not included. Quantity estimated is 958 million cubic yards.

Method of dredging, equipment used, method used to transport and site and plans for disposal

3.11.4.2; 4.0; 5.0; Appendix D	mostly incomplete. Only containment area plan included.
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Application is missing method of dredging, equipment used, and transport method. No mention of wetland destruction from shoreline staging areas. No data included to substantiate the applicants claim that geotubes trap dissolved nutrients.

### For structures/work in navigable waters

Identify specific structures to be constructed or work to be done and the use of the structure/work

5.5.27	missing
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No description included for the construction and maintenance of permanent containment impoundment structures. No description of structures to be built on containment areas.

Method by which work would be conducted (including equipment to be used))

5.4.22&25	missing
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No description of equipment to be used.

Linear distance of waterway that will be impacted for the entire proposed activity

1.2; Figure 1	missing
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Not provided.

If the proposed project involves a discharge of dredged and/or fill material into waters of the U.S.

4.0	missing
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No description of dredged material composition or of additional fill material to be added.

### Purpose and Need of the Proposed Project

What will the proposed project be used for and why? What is the need for the proposed project?

4.0-3	incomplete
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The project need is to dredge to create island which will be developed. The application does not include science based research/data to show dredging restores the lake environment. In fact, numerous studies show dredging is harmful to water quality and is not an accepted method of environmental restoration, except in the extreme cases of toxic material removal. The application does not include evidence or explanations of how their activities could benefit the ongoing recovery of Utah Lake.

Description of any related activities to be developed as a result of the proposed project

4.0-3	incomplete
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No description of the commercial/residential construction structures, including number of stories, estimated population, and additional water/sewage requirements of this population and these structures. LRS has shown renderings and descriptions to other organizations showing multi-story buildings 10-20 stories tall.

Approximate dates planned to begin and complete all work

3.10.4.3; 4.1	missing
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No information on planned start dates, completions dates for all work, including dredging, island building, commercial/residential construction.

### Projects involving the discharge of dredged and/or fill material into waters of the United States

Reasons for the discharge (specific purpose of the placement of material)

4.1	incomplete / incorrect
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Only reason for dredging is to build islands for development. No scientific research or data is included to show dredging Utah Lake and creating containment areas restores water quality.

Type of material being discharged and the amount of each type in cubic yards

	incomplete. Quantity estimated is 958 million cubic yards
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Type and composition of lake bed sediment being discharged is not included.

Source of the material to be discharge (e.g. on-site, commercial source, specific off-site location)

	missing
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No information included on dredging sourced sites. No description of the site area to be dredged.

Surface area of wetlands or other waters proposed to be filled, include type of waters to be filled and linear distance of waterway proposed to be impacted

4.1; Table 28	incomplete
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No information included on the surface area of wetlands to be filled for roads, bridges, causeways and staging areas. Surface area of containment areas is provided.

Means by which the discharge is proposed to be done (backhoe, dragline, etc.)

	missing
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Not included in application. Type of dredging and machinery not included.

Dredged material discharged at an upland site (description and map of the disposal site and steps taken to prevent runoff into any adjacent water(s).)

Is any portion of the work complete, if yes, describe the work

3.9.6.2	GIS desktop assessment
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A GIS desktop assessment of wetlands using Esri's ArcGIS was completed within a predetermined area of analysis surrounding Utah Lake. The results of this work is not included.

## Permit Checklist

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Permit Checklist	Section #	Status	Observations
Names and addresses of adjoining property owners, lessees, etc. whose property adjoins the waterbody List of other certifications or approvals/denials received from other Federal, state or local agencies for work described in application	Appendix E	complete	--
For activities that involve the construction of an impoundment structure, information sufficient to demonstrate that the structure complies with established state dam safety criteria		missing	Not included in application
<b>Mitigation</b>			
An explanation of how impacts associated with the proposed activity are to be avoided and minimized	5.6.2	incomplete	In most of the mitigation section 5.6, the applicant restates alleged benefits without directly addressing how impacts with the proposed activity are to be avoided or minimized. Instead the applicant repeatedly claims that they will "best management practices" without clearly stating how those decisions will be made.
An explanation of how impacts associated with the proposed activity are to be compensated	5.6.1	incomplete	No explanation provided. Only statement is "Unavoidable losses will be compensated in accordance with 40 CFR § 230.93 to ensure that the Project does not result in a net loss of wetlands."
Amount, type and location of proposed compensatory mitigation (if compensatory mitigation proposed to be conducted through the use of a Corps approved mitigation bank and/or in-lieu fee program, a statement to this effect is sufficient to meet this requirement)	5.6.1	missing	Not included in application
<b>REQUIRED FIGURES AND DIAGRAMS</b>			
Vicinity map	Figure 1	complete	--
Scale plan view diagram of anticipated conditions following construction of project		missing	No scale diagram of islands, roads, bridges, causeways, commercial/residential structures included. No diagrams of development support systems, including water, power, irrigation, sewage and sanitation structures.
Location of all waters of the U.S., including the location of the ordinary high water mark or mean high water mark and high tide line	Figure 1	complete	--
Indicate any existing structures at proposed project site or adjacent to site		missing	--
Project boundary, including all access, easement, permanent and temporary construction areas associated with the project		missing	--
Cross section or lateral view of proposed activity		missing	--
<b>LIST OF ADDITIONAL INFORMATION RECOMMENDED TO EXPEDITE EVALUATION OF INDIVIDUAL PERMIT APPLICATION</b>			
Bioassay results for Ocean Disposal projects		not applicable	--
Photographs of the project site (including aerials if available)	Appendix D	partial	No commercial/residential renderings included. No roads, bridges, causeway renderings included.
<b>Endangered Species</b>			
Information sufficient to initiate consultation with the United States Fish and Wildlife Service and/or National Marine Fisheries Service for compliance with Section 7 of the Endangered Species Act. Information required includes:	5.5.9	missing	The application states that "An Aquatic Species Restoration Plan and Invasive Species Management Plan has not been developed at time of application," and that the Conservation Plan and "conservation measures will be developed and implemented during the dredging."
A description of the action to be considered		incomplete	No description of the type and duration of dredging activities. No height description of multi-story structures to be built, therefore, no mechanical engineering assessment can be made regarding the stability of the dredge sediment and the lake bed. No hydrology, water circulation or stratification data provided. Impacts on the lake food web including, a decline in grazing zooplankton and benthic detritivores resulting in an increase in phytoplankton production and oxygen "dead zones" is not provided and the subsequent impact on endangered species.
A description of the specific area that may be affected by the action.	5.0; Figure 1	confused	The application states/implies the entire boundary area will be impacted.
A description of any listed species or critical habitat that may be affected by the action.	3.1.5&6	partial	List of federally protected species, flora fauna, reptiles and mammals included. No mention of how the project activity and duration effects each species.
A description of the manner in which the action may affect any listed species or critical habitat and an analysis of any cumulative impacts.	5.3	missing	No mention of how the project activity and duration effects each species. The application does mention causeway tie-ins account for 7,214 acres of impacted lake shore and wetland areas.
Relevant reports including any environmental impact statement, environmental assessment or biological assessment prepared.		missing	Not mentioned in application.
Any other relevant available information on the action, the listed species, or critical habitat.	5.2	incorrect	Application state the impacts from dredging, including substantial increases in turbidity, air and noise pollution are 'considered temporary' How can the impacts from 8-10 or more years of dredging be considered temporary?
A Biological Assessment sufficient to initiate consultation for compliance with Section 7 of the Endangered Species Act, prepared in accordance with the attached United States Fish and Wildlife Service and National Marine Fisheries Service Template and Guidance on Preparing an Initiation Package for Endangered Species Act Consultation.			

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Section # Status

### Cultural Resources

A cultural resources report of archeological/historical resources on/near project site compiled from a record search by a qualified professional archeologist/historian at the regional center in your locale

A Cultural Resources Report sufficient to initiate consultation for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, prepared in accordance with the attached Sacramento District Regulatory Branch Guidelines for Compliance with Section 106 of the National Historic Preservation Act of 1966, As Amended

Alternatives information sufficient to show compliance with EPA's Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR 230). The 404(b)(1) Guidelines state that no discharge of dredged and/or fill material shall be permitted if there is a practicable alternative which would have less adverse impacts on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology and logistics in light of the overall project purpose. Practicable alternatives include, but are not limited to: (1) activities which do not involve a discharge of dredged or fill material into WOUS or ocean waters, (2) discharges of dredged or fill material at other locations in WOUS. If it is an otherwise practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered.

### Compensatory Mitigation

A Draft/Final Mitigation and Monitoring Plan for the proposed preserve/ creation/ enhancement/ restoration areas, completed in accordance with the attached December 30, 2004 Mitigation and Monitoring Proposal Guidelines and Corps regulations found at 33 CFR 332. The plan shall include mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria.

A Draft/Final Operations and Management Plan for the propose preserve area, describing in detail any activities that are proposed within the preserve area(s) and the long term funding and maintenance of each of the preserve areas. An opens space preserve operations and maintenance template is attached

3.2.3

complete

Numerous archeological/historical sites are anticipated along the entire lake shore and bed. No plans are included to investigate and protect specific dredge sites prior to dredging each square meter of lake bed.

3.2.6;  
Appendix A

not started

This project is over 4 years old and NO coordination or meetings have been held. Despite 48 meetings listed in Appendix A, not one included Tribes.

6.0

missing

No alternatives included. There are dozens of successful projects underway, showing progress restoring the lake environment. Numerous scientific literature has been published and peer reviewed showing the success of the restoration efforts. All these alternatives DO NOT involve dredging and adding fill to the lake. Some of the ongoing restoration project results include Invasive phragmites successfully reduced by 70%, invasive carp decreased by 75%, algal bloom intensity and duration decreased for most of the lake, and the June Sucker fish was recently downlisted from endangered to threatened.

5.6.2

missing

No mitigation plans, locations, and design drawings included. No final success criteria included. No mitigation plans for air and noise pollution. No mitigation plans for substantially increased water turbidity during the dredging operations and island construction activities.

missing

No information provided on long term funding and maintenance. Maintenance activities include geotube replacement, shoreline erosion, roads, bridges, causeways, water supply, sanitation, etc.