



CONSERVE  
UTAH VALLEY

April 4, 2022

Leah M. Fisher  
U.S. Army Corps of Engineers  
Leah.M.Fisher@usace.army.mil

Re: Proposed Utah Lake Restoration Project

Dear Ms. Fisher

I represent Conserve Utah Valley (CUV), a nonprofit organization made up of civically engaged citizens who represent the environmental interests of residents in Utah Valley. The U.S. Army Corps of Engineers (the Corps) recently received a project proposal from Lake Restoration Solutions, Inc. (LRS) that involves extensive dredging and island building on Utah Lake. CUV contends that the LRS application is undone, under-done, and plagiarized. It does not meet the basic requirements set forth in the Corps' regulations or provide the requisite information to initiate the NEPA process.

The Corps' regulations require that the application include "a complete description of the proposed activity including necessary drawings, sketches, or plans," which should, when circulated to the public, "provide sufficient information concerning the nature of the activity to generate meaningful comments." 33 CFR 325.1(d)(1) & 325.3(a)(5). The application is nowhere near complete.

To begin, LRS itself does not appear to have a complete description of the proposed activities for its project. The application mentions several major objectives of the proposal without providing any details as to how LRS plans to execute those objectives. How do they plan to rid the lake of invasive fish species (especially without harm to the endangered and native species); how do they plan to eradicate phragmites around the lake; how do they plan mitigate wetland loss without any net loss of wetland functions and values; how do they plan to maintain the water level of the lake after dredging increases the lake's capacity? These questions and others remain because the proposal fails to provide the necessary descriptions.

Even where the application does provide an inkling of LRS's plans, it furnishes little detail, rendering it incomplete. The adequacy of an application is meant to be judged as to whether it provides detail "sufficient for public notice." 33 CFR 325.1(d)(1). The application should not be deemed complete, and the Corps should not move forward with the NEPA process, until there is "sufficient information to give a clear understanding of the nature and magnitude of the activity." 33 CFR 325.3(a). Where the application discusses anticipated effects, LRS admits

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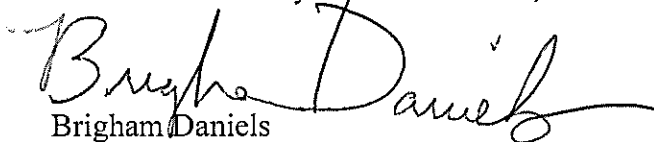
that it does not have sufficient information about fourteen of the sub-sections because it lacks basic project details regarding the proposed dredging activities. (See App. A).

Further, the Corps also requires that applications include “[a]ll activities which the applicant plans to undertake which are reasonably related to the same project.” 33 CFR 325.1(d)(2). Specific to projects that involve construction on a filled area, “the project description must include the use of, and specific structures to be erected on, the fill or platform.” 33 CFR 325.1(d)(5). LRS clearly states that they plan to build islands and that 89% of the acreage will be used for development (LRS Application, 4-2, Table 28), yet the provided mapping only outlines the general location of the islands and causeways. Other than a single cursory statement saying that the development islands will include all garden-variety municipal land uses, LRS provides no further description of the development meant to cover almost 16,000 acres. The proposal lacks any consideration of the sewage, water, gas, and electric amenities that will be needed to develop the islands. No details are provided about the roads and other infrastructure required for a large mixed use development. Omitting this detail denies the Corps and the public the opportunity to evaluate the direct, indirect, and secondary impacts of the project.

It is not for the Corps or interested residents to fill in these blanks but the burden of the project applicant. Before LRS receives the greenlight to move ahead with NEPA analysis, the Corps must first require LRS to provide sufficient information in its application so all parties understand what is being proposed. Certainly, necessary notice and comment period cannot begin until sufficient information is provided to interested parties, and that has not yet occurred.

Because LRS provides a proposal that lacks “sufficient detail,” we ask the Corps to deny its current application as incomplete or at least halt the permitting process until LRS submits a complete permit application, as is required for any other project proponent.

Sincere thanks for your consideration,

  
Brigham Daniels

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## Appendix A - Excerpts from the LRS Application

This appendix lists a collection of excerpts from the LRS application submitted to the Corps. These excerpts highlight areas of insufficient detail and a lack on the part of LRS to answer basic questions about their own project. These examples are in addition to the fundamental failure to disclose the development activities and infrastructure to be constructed on the fill material—a shortfall that permeates the entire permit application.

5.4.1 - Substrate. “The dredging limits are still being developed. This section will be updated once the dredge limits are finalized and evaluated in the EIS process.”

5.4.2 - Suspended Particles/Turbidity. “This section will be updated once the dredge limits are finalized and evaluated in the EIS process. In addition, conservation measures will be developed and implemented during the dredging.”

5.4.3 - Water. “The Project will cause a temporary short-term, localized disturbance of water quality resulting from dredging operations. Following the initial disturbance, the Project is expected to have long-term positive effects on water quality within Utah Lake. Additional details will be provided at the completion of the Water Circulation and Water Quality Modeling and will be evaluated during the EIS process.”

5.4.4 - Current Water Patterns and Water Circulation. “Project activities are expected to improve the normal current patterns and water circulation of Utah Lake. LRS has conducted extensive modeling related to Utah Lake’s water circulation and the containment areas placements. Additional modeling details will be provided at the completion of the Water Circulation and Water Quality Modeling and will be evaluated during the EIS process.”

5.4.5 - Normal Water Fluctuation. “Project activities are not expected to significantly disturb the normal water fluctuations within Utah Lake. Section 3.9 provides details on the water fluctuations. Additional details will be provided at the completion of the Water Circulation and Water Quality Modeling and will be evaluated during the EIS process.”

5.4.8 - Fish, Crustaceans, Mollusks, and Other Aquatic Organisms in Food Web. “Project activities will temporarily disrupt the life cycle movements of aquatic life indigenous to Utah Lake. Additional details will be provided at the completion of the Water Circulation and Water Quality Modeling.”

5.4.12 - Mud Flats. “The Project may temporarily affect mud flats during the dredging activities. The dredging limits are still being developed. This section will be updated once the dredge limits are finalized and evaluated in the EIS process.”

5.4.13 - Vegetated Shallows. “LRS is planning to complete SAV surveys in May 2022. The Hydroacoustic SAV surveys will provide information on canopy height, percent coverage, and overall biomass of the surveyed areas. The results of the SAV survey will be used to adjust the layout of the project as required and the data will be provided to USACE upon completion.

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Project impacts will be determined during the alternative analysis and enhanced as part of the Restoration Plan. These potential impacts will be evaluated in the EIS process.”

5.4.18 - Aesthetics. “The containment areas may potentially impact the aesthetics of Utah Lake and view from multiple viewpoints. LRS is actively determining the Project’s effects on aesthetics. This section will be updated once the visual resource assessment is finalized and evaluated in the EIS process.”

5.5.2 - Economics. “The Project will have a significant beneficial effect on the local and regional economy resulting from increased economic opportunities and access to Utah Lake and the surrounding areas. In addition, the Project will provide new skilled jobs. A detailed economic analysis will be completed as part of the EIS.”

5.5.4 - General Environmental Concern. “General environmental concerns will be identified during the EIS process and subsequent evaluations. Identified concerns will be assessed and mitigated, to the greatest extent practicable, through project refinement, design, and engineering.”

5.5.5 - Wetlands. “The Project includes the removal of invasive plants, including Phragmites, from Utah Lake and the creation of additional littoral zones with planting and monitoring of SAV communities. Compensatory mitigation will be utilized to offset unavoidable adverse impacts to WOTUS. Compensatory Mitigation will be completed through four methods:

- Enhancement – enhancing existing aquatic resources functions
- Restoration – restoring a previously existing site
- Establishment – creating an entirely new aquatic site
- Preservation – preserving an existing aquatic site

These methods will be fully described in the Compensatory Mitigation Plan.”

5.5.17 - Energy Needs, Energy Conservation and Development.. “The Project will increase local energy needs; however, the Project will utilize energy efficient and conservation-based technologies. The energy needs, levels of conservation, and development requirements will be assessed as part of the EIS process.”