

**STATE OF UTAH  
DIVISION OF WATER QUALITY  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SALT LAKE CITY, UTAH**

**§401 Water Quality Certification No. DWQ-2019-01001**

Pursuant to §401 of the *Federal Clean Water Act*(CWA), the Utah Department of Environmental Quality (DEQ), Division of Water Quality (DWQ) certifies that the applicant has provided reasonable assurance that any discharges associated with the proposed project will not violate surface water quality standards, or cause additional degradation in surface water not presently meeting water quality standards. In accordance with Section 401(a)(1) of the CWA [33 U.S.C. Sec. 1341(a)(1)], DWQ hereby issues this §401 Water Quality Certification provided any listed conditions are met and included in the corresponding U.S. Army Corps of Engineers (USACE) 404 Permit.

**Applicant:** Saratoga Springs  
Mr. Jeremy Lapin  
213 North 900 East  
Saratoga Springs, UT 84045

**Project:** The Utah Lakeshore Trail: Hotpots and Amanda Lane is located along the northwest shoreline of Utah Lake, south of the Jordan River outlet in Saratoga Springs, Utah. The trail project includes the construction of two segments of trail. The proposed trails would be 10 feet wide with two-foot shoulders and a paved surface. The two trail segments connect to existing portions of the Utah Lake Shoreline Trail. The purpose of the project is to expand local and regional recreation opportunities, complete gaps in the existing trail network and allow access for maintenance activities. The completion of these segments trail would result in 6 miles of trail of continuous trail along the Utah Lake shoreline. The proposed trail project is part of the Saratoga Springs Trail Master Plan as well as the Statewide Active Transportation Plan.

**Location:** The project is located in Saratoga Springs, Utah County, Utah. The Hotpot segment begins at approximately 400 South and continues south 4,500 feet (Start: 40.354776, -111.900831, End: 40.345282, -111.909092). The Amanda Lane segment begins at Eagle Park and continues south 3,600 feet to Talon Cove Golf Course (Start: 40.335326, -111.907564, -111.907564, End: 40.329763, -111.898750).

**Watercourse(s):** Emergent Marsh and Wet Woodland Wetlands adjacent to Utah Lake in the Jordan River Watershed.

**Effective Date:** **May X, 2019**

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Erica Brown Gaddis, PhD  
Director

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## Section 1: Background:

### I. Other Applicable Permits:

1. USACE 404 Permit No.: SPK-2018-00610

### II. Project Description/Purpose:

The Utah Lakeshore Trail: Hotpots and Amanda Lane is located along the northwest shoreline of Utah Lake, south of the Jordan River outlet in Saratoga Springs, Utah. The trail project includes the construction of two segments of trail. The proposed trails would be 10 feet wide with two-foot shoulders and a paved surface. The Hotpot segment begins at approximately 400 South in Saratoga Springs and continues south 4,500 feet. The Amanda Lane segment begins at Eagle Park and continues south 3,600 feet to Talon Cove Golf Course. The two trail segments connect to existing portions of the Utah Lake Shoreline Trail. The purpose of the project is to expand local and regional recreation opportunities, complete gaps in the existing trail network and allow access for maintenance activities. The completion of these segments trail would result in 6 miles of trail of continuous trail along the Utah Lake shoreline. The proposed trail project is part of the Saratoga Springs Trail Master Plan as well as the Statewide Active Transportation Plan.

### III. Site Description:

The 40.84 acre project site is located along the northwest shore of Utah Lake. The site boundary contains approximately 23.45 acres of emergent marsh wetlands, 1.75 acres of scrub-shrub wetlands, 0.14 acres of open water pond, 611 linear feet of perennial stream channel, and 0.31 acres of previously filled emergent marsh wetlands.

### IV. Proposed Alterations/ Mitigation:

Saratoga Springs is proposing to permanently impact 2.86 acres of Emergent Marsh, 0.04 acres of Wet woodland, and 0.03 acres of open water. The proposed mitigation site is located along the shoreline of Utah Lake and is approximately 12.27 acres in size. It begins at Eagle Park in Saratoga Springs and extends south to Talon Cove Golf Course. The wetland mitigation plan proposes to reestablish 3.44 acres of wetland and rehabilitate 8.83 acres of wetland. The proposed credit ratio is 2:1 for reestablished wetlands and 5:1 for the rehabilitation of wetlands.

## Section 2: Certification Conditions:

### I. Project Specific Conditions:

#### 1. Impact Reduction

- a. Wetlands outside of the permitted impact area shall be clearly marked to prevent unintentional/additional impacts to water features.
- b. Any channel dug to convey stormwater on the lakeside portion of the trail, shall be stabilized with natural vegetation.
- c. The pond and restoration area south of the Saratoga Springs Marina should be avoided by the construction of an elevated boardwalk. Hydrologic connectivity should be maintained between the spring at the top of the open water pond and the wetlands on the lakeside of the proposed trail.
- d. Machinery access/ construction entrances to the project area should be limited and clearly marked.
- e. Construction and tree clearing should be conducted September thru December, to avoid nesting season for nesting birds that have potential to be within the project area. If work is conducted outside of that date range, a survey for nesting birds should be conducted prior to any disturbance.

#### 2. Mitigation

- a. All monitoring reports associated with mitigation required by the USACE, shall additionally be submitted to the DWQ for review.

### II. General Conditions:

#### 1. Good Housekeeping

- a. Applicant and their subcontractors shall ensure that all workers involved are continuously aware of the water quality protection measures before the start and during the construction period.
- b. Retain a copy of this §401 Certification and its affiliated USACE 404 Permit onsite.

#### 2. Stormwater and BMPs

- a. Water quality standards in associated water resources could be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment and nutrient load to any adjacent waters during project construction. The applicant shall not use any fill material which may leach organic chemicals (e.g. discarded asphalt), noxious weeds/seeds or nutrients (e.g., phosphate rock) into waters of the State.

- b. Construction activities that disturb one acre or more, or are part of a common plan of development, are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Stormwater General Permit for Construction Activities, Permit No. UTR300000<sup>[1]</sup>. The permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) to be implemented and updated from the commencement of any soil disturbing activities at the site, until final stabilization of the project. The SWPPP should include, but not limited to, final site maps and legible plans, location of stormwater outfalls/discharges, as well as information pertaining to any stormwater retention requirements.
- c. Dewatering activities, if necessary during construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000<sup>[2]</sup>. The permit requires water quality monitoring every two weeks to ensure that the pumped water is meeting permit effluent limitations, unless water is contained onsite.
- d. A project within a Municipal Separate Storm Sewer System (MS4) jurisdiction, must comply with all the conditions required in that UPDES MS4 Permit and associated ordinances. No condition of this 401 Certification shall reduce or minimize any requirements provided in the MS4 Permit. In the case of conflicting requirements, the most stringent criteria shall apply.
- e. Utah Administrative Code R317-2 requires that the Applicant cannot increase water turbidity by 10 NTUs. If violated shall immediately notify the DWQ. A fact sheet describing the Utah Department of Environmental Quality's (DEQ) recommended environmental BMPs for construction sites are located on our web site <sup>[3]</sup>.

### 3. Spills

- a. Refueling equipment and storage of lubricants and fuels will occur at designated staging areas and in state approved containers. The storage and refueling areas will be at least 500 feet from the edge of the nearest waterbody (including wetlands), at least 200 feet from the nearest private water supply well, and at least 100 feet from the nearest municipal water supply well.
- b. Utah Annotated Code 19-5-114 requires that any spill or discharge of oil or other substances which may cause pollution to waters of the State, including wetlands, must be immediately reported to the Utah DEQ Spill Hotline at (801) 536-4123, a 24-hour phone number.

<sup>1</sup>Link: <https://documents.deq.utah.gov/water-quality/permits/updes/DWQ-2017-003485.pdf>

<sup>2</sup> Link: <https://deq.utah.gov/legacy/permits/water-quality/utah-pollutant-discharge-elimination-system/docs/utg070000.pdf>

<sup>3</sup>Link: <https://deq.utah.gov/legacy/businesses/business-assistance/construction/index.htm>

**Section 3: Aquatic Resource Impacts:** All Waters of the State of Utah (defined in Administrative Code (UAC) R317-1-1) are protected from pollutant discharges that affect water quality by narrative standards (*see* UAC R317-2-7.2); broadly, discharges should not become offensive or cause undesirable conditions in human health effects of aquatic life. In addition, some particularly sensitive classes of water are further protected from deleterious effects of specific pollutants by application of numeric criteria to designated (beneficial) uses of that water body. Listed below are the water features within the project area and their associated designated beneficial uses (*see* UAC R317-2-6):

I. Impacts to Wetlands

1. Wetlands adjacent to the Utah Lake are presumptively classified:
  - a. Class 2B: Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is low likelihood of ingestion of water or low degree of bodily contact with the water.
  - b. Class 3D: Protected for waterfowl, shore birds, and other water-oriented wildlife not included in Classes 3A, 3B, or 3C, including the necessary organisms in their food chain.

**Section 4: Modifications:**

1. Without limiting DWQ's discretion to take other actions in accordance with UAC R317-15, and, as applicable, 33 USC 1341, DWQ may modify the Certification to add, delete, or modify the conditions in this Certification as necessary and feasible to address:
  - a. Adverse or potential adverse project effects on water quality of designated beneficial uses that did not exist or were not reasonably apparent when this certification was issued;
  - b. TMDLs;
  - c. Changes in water quality standards;
  - d. Any failure of Certification conditions to protect water quality or designated uses when the Certification was issued; or
  - e. Any change in the Project or its operations that will adversely affect water quality of designated beneficial uses when this Certification was issued.

## **Section 5: Other Information**

### **I. Fees:**

1. The legislatively-mandated fee for the 2019 fiscal year is \$100.00/hour, for review and issuance of the §401 Water Quality Certification [<sup>4</sup>]. A quarterly invoice will be sent once plans have been approved. Your payment is due within 30 days.

### **II. Liabilities:**

1. Applicant must acquire all necessary easements, access authorizations and permits to ensure they are able to implement the project. This §401 Certification does not convey any property rights or exclusive privileges, nor does it authorize access or injury to private property.
2. This §401 Certification does not preclude the applicant's responsibility of complying with all applicable Federal, State or local laws, regulations or ordinances, including water quality standards. Permit coverage does not release the applicant from any liability or penalty, should violations to the permit terms and conditions or Federal or State Laws occur.

## **Section 6: Public Notice and Comments**

### **I. Public Notice Dates:**

1. USACE Permit No. SPK-2007-00789: 10/26/18 – 11/26/18
2. Utah DEQ Certification No. DWQ-2018-00256:

### **II. Public Notice Comments:**

<sup>4</sup>Link: <https://documents.deq.utah.gov/admin/2019-fee-schedule.pdf>

## Appendix A

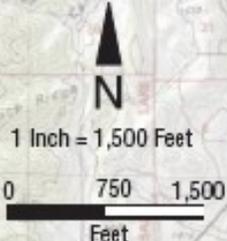
Site Location/ Alignment

PND DRAFT



**Legend**

- PROPOSED TRAIL
- PROPOSED WETLAND MITIGATION SITE
- PROJECT AREA



Coordinate System: NAD 1983 UTM  
 Zone 12N  
 Projection: Transverse Mercator  
 Datum North American 1983

**Figure 1**

UTAH LAKESHORE TRAIL:  
 HOTPOTS AND  
 AMANDA LANE

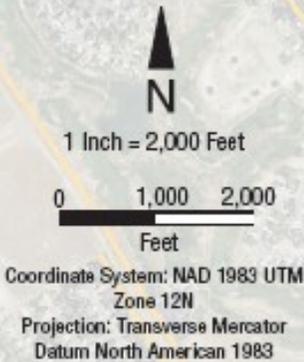


Project Name: Utah Lakeshore Trail: Hotpots and Amanda Lane  
 Map Created May 7, 2018  
 Delineator: Kari Coy



**Legend**

- PROPOSED TRAIL
- EXISTING TRAIL



**Figure 2**  
 UTAH LAKESHORE TRAIL:  
 HOTPOTS AND  
 AMANDA LANE

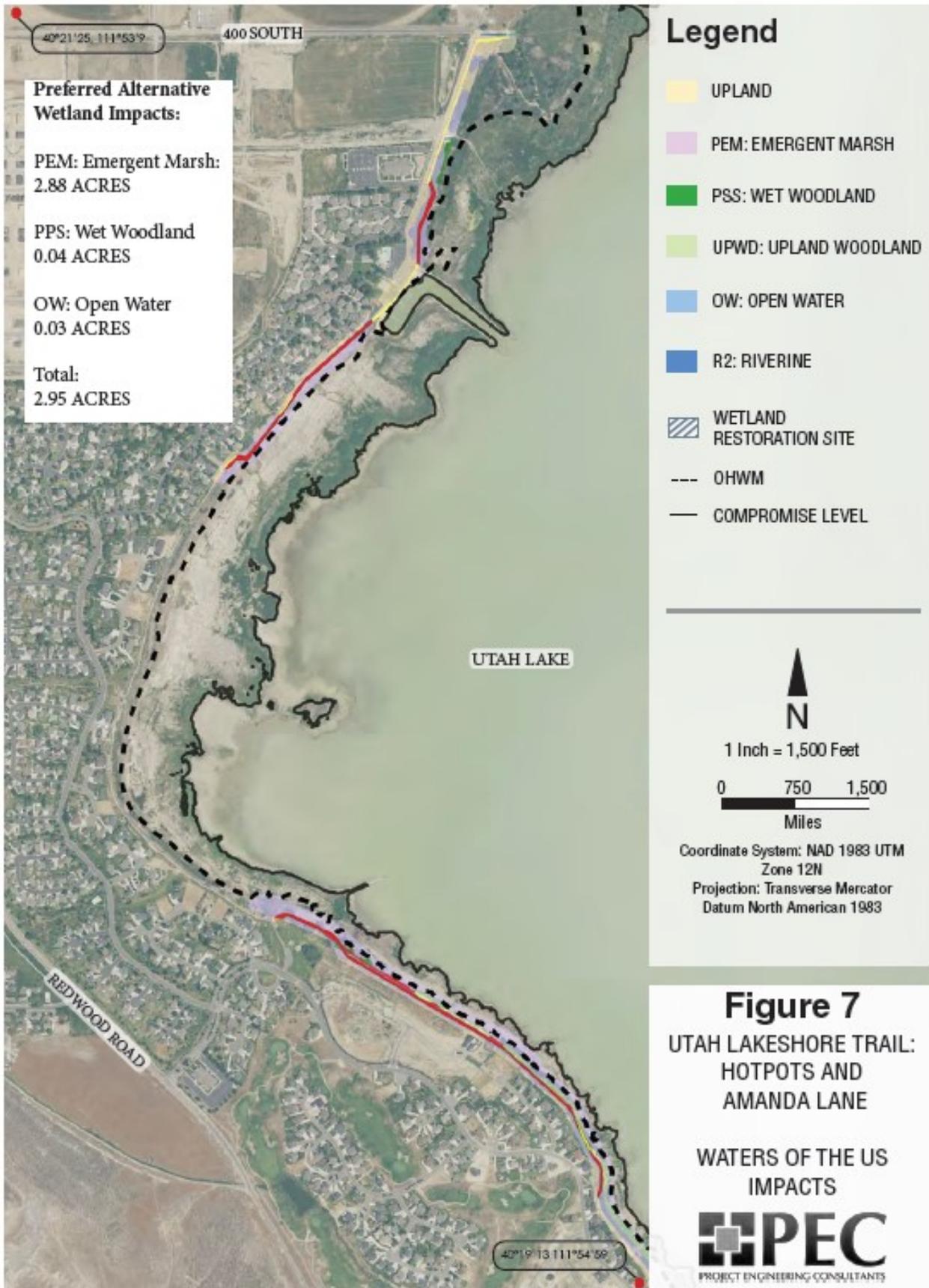


Project Name: Utah Lakeshore Trail: Hotpots and Amanda Lane  
 Map Created May 7, 2018  
 Delineator: Kari Coy

**Appendix B**

Proposed Alterations/ Outfalls

PND DRAFT



Project Name: Utah Lakeshore Trail: Hotpots and Amanda Lane  
 Map Created May 7, 2018  
 Map Revised September 25, 2018  
 Delineator: Kari Coy

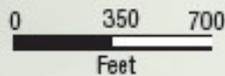


**Legend**

- PROPOSED TRAIL
- PROPERTY PARCEL LINES
- - - UTAH LAKE OHWM
- UTAH LAKE COMPROMISE LEVEL
- PROPOSED OUTFALL LOCATION



1 Inch = 700 Feet



Coordinate System: NAD 1983 UTM  
 Zone 12N  
 Projection: Transverse Mercator  
 Datum North American 1983

**Figure 4**

UTAH LAKESHORE TRAIL:  
 HOTPOTS AND  
 AMANDA LANE

OUTFALL LOCATIONS FOR  
 HOTPOTS SEGMENT

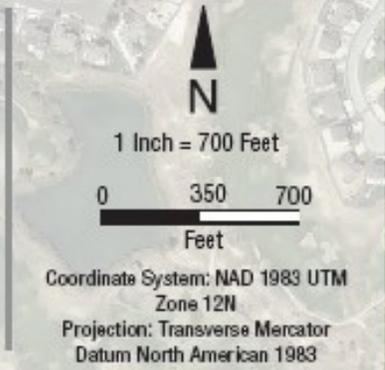


Project Name: Utah Lakeshore Trail: Hotpots and Amanda Lane  
 Map Created January 11, 2019  
 Map Revised March 7, 2019  
 Delineator: Kari Coy



### Legend

- PROPOSED TRAIL
- PROPERTY PARCEL LINES
- - - UTAH LAKE OHWM
- UTAH LAKE COMPROMISE LEVEL
- PROPOSED OUTFALL LOCATION



### Figure 5

UTAH LAKESHORE TRAIL:  
HOTPOTS AND  
AMANDA LANE

OUTFALL LOCATIONS FOR  
AMANDA LANE SEGMENT



Project Name: Utah Lakeshore Trail: Hotpots and Amanda Lane  
 Map Created January 11, 2019  
 Map Revised March 7, 2019  
 Delineator: Kari Coy

**Appendix C**

Proposed Mitigation Site Location/Plan

PND DRAFT

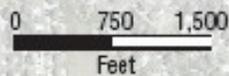


**Legend**

— PROPOSED WETLAND  
 MITIGATION SITE (12.27 Acres)



1 Inch = 1,500 Feet



Coordinate System: NAD 1983 UTM  
 Zone 12N  
 Projection: Transverse Mercator  
 Datum North American 1983

**Figure 3**

Proposed Wetland  
 Mitigation Site

LOCATION MAP



Project Name: Utah Lakeshore Trail: Hotpots and Amanda Lane  
 Map: Created June 14, 2018  
 Delineator: Kari Coy  
 UTM 12N, 111 52 265, 40 20, 495



Project Name: Utah Lakeshore Trail: Hotspots and Amanda Lane  
Map: Created March 13, 2019