



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JAN 15 2014

Ref: 8EPR-EP

Mr. Bill Damery
Utah Division of Water Quality
P.O. Box 144870
Salt Lake City, Utah 84114-4870

RE: Proposed 401 Water Quality Certification to close the East Culvert of the Union Pacific Railroad Causeway

Dear Mr. Damery:

The Environmental Protection Agency Region 8 (EPA) has reviewed the public notice for the proposed Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) associated with the Corps of Engineers' emergency authorization of CWA Section 404 Nationwide Permit (NWP) 14 to temporarily fill the East Culvert of the Union Pacific Railroad (UPRR) Causeway due to imminent threat of failure. EPA has also reviewed the Division of Water Quality's (DWQ) approval of the WQC, dated December 16, 2013. The scope of this WQC focuses on the temporary fill of the East Culvert, outlining interim monitoring measures, modeling expectations, and requirements for UPRR's final Mitigation and Monitoring Plan, until a permanent fill and mitigation proposal are authorized under a separate Corps Individual Permit and State WQC.

The EPA is providing comments on this WQC because of the importance of the Great Salt Lake ecosystem, and our interest in ensuring that any monitoring and mitigation measures associated with this project are protective of the water quality and existing uses of this important ecosystem. We appreciate the State's decision to pursue an individual WQC for this project, as the special conditions in the WQC should help to identify potential water quality impacts of this proposed action. We also appreciate the level of coordination among agencies in exploring how to best protect water quality while providing for the applicant's needs.

The Great Salt Lake is an ecological resource of national and international significance, and a major economic driver for multiple industries. The construction of the causeway has already led to significant ecosystem changes in the Great Salt Lake¹, and the closure of the East culvert

¹ Gwynn, J.W. (2002) Great Salt Lake, Utah: Chemical and Physical Variations of the Brine and Effects of the SPRR Causeway, 1966-1996. In: Great Salt Lake: an Overview of Change, edited by J.W. Gwynn, Utah Department of Natural Resources.

Loving, BL, Waddell, K.M, and C.W. Miller. (2002) Water and Salt Balance of Great Salt Lake, Utah, and Simulation of Water and Salt Movement through the Causeway 1963-98. In: Great Salt Lake: an Overview of Change, edited by J.W. Gwynn, Utah Department of Natural Resources.

further contributes to the cumulative loss of hydrologic connectivity, and associated water chemistry and ecological changes that have occurred in the lake.

As we noted in our October 31, 2013 letter to the Corps, we recognize the emergency nature of this closure and the need for NWP 14 emergency authorization. However, we have remaining concerns with the potential project impacts to the Great Salt Lake. Of particular concern are the interim loss of hydrologic connectivity between arms of the Great Salt Lake until permanent mitigation measures are developed, the lack of assurance that this mitigation will be developed and implemented in a timely manner, and the lack of a detailed action plan that discusses corrective actions that will be taken by UPRR if impacts are observed in the interim. Our first concern is addressed by DEQ's approval conditions that require the development of an Interim Monitoring Plan, which would monitor conditions within the Great Salt Lake until modeling analyses are completed and a final mitigation and monitoring plan is approved. We believe that the quarterly monitoring proposed in the WQC will be sufficient to detect potential changes to existing conditions within the lake, including water chemistry and aquatic life, from the closure of the causeway culverts.

The Interim Monitoring Plan required by this WQC should provide a sound basis for the Interim Mitigation and Monitoring Plan required under the Corps' NWP 14 special conditions. The NWP 14 special conditions also require an action plan that identifies corrective actions that will be taken if impacts occur in the interim period. We encourage the State to consider inserting a deadline for the submittal and finalization of the Mitigation and Monitoring Plan (Condition 5) to ensure that the impacts of this closure are indeed temporary, and a final mitigation option is implemented in a timely manner.

We appreciate the coordination we've experienced with you on this project, and look forward to further coordination as the monitoring and mitigation components of this project develop. Thank you for the opportunity to review this public notice. Please contact Julia McCarthy of my staff at mccarthy.julia@epa.gov or 303-312-6153 if you have any questions regarding these comments.

Sincerely,



Humberto L. Garcia, Jr., Director,
Ecosystems Protection Program

cc: Jason Gipson, USACE Bountiful Office

Jones, E.F., and W.A. Wurtsbaugh. (2014) The Great Salt Lake's monimolimnion and its importance for mercury bioaccumulation in brine shrimp (*Artemia franciscana*). *Limnology and Oceanography*, 59(1): 141-155.