

August 1, 2017

**Division of Water Quality
Utah Department of Environmental Quality
Notice of Public Comment Period for the following:
Amended SPK 2011-00755 March 2, 2015 401 Water Quality Certification to Permanently
Close the East Culvert of the Union Pacific Railroad Causeway on Great Salt Lake and two
Long-term Memorandum of Understandings.**

Purpose of Public Notice

The Utah Division of Water Quality (DWQ) is soliciting public review and comments regarding the issuance of an Amended SPK 2011-00755 March 2, 2015 401 Water Quality Certification (Amended 2015 401 Certification) for the permanent closure of the East Culvert of the Union Pacific Railroad (UPRR) Causeway in the Great Salt Lake. The objective of the Amended 2015 401 Certification is to certify that UPRR has provided reasonable assurance that the permanent closure of the East Culvert of the UPRR Causeway across the Great Salt Lake will not violate surface water quality standards, or cause water quality degradation. In addition, two related DWQ post-regulatory Long-term Memorandums of Understandings (MOUs) are included for public review and comment.

The authority to issue a 401 Water Quality Certification is found in Section 401 of the federal Clean Water Act, (33 U.S.C. § 1341) and consistent with the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Ann. 1953, as amended in Utah Administrative Code R317-15. A person who wishes to challenge a Certification Order may only raise an issue or argument during an adjudicatory proceeding that is raised during the public comment period and supported with sufficient information or documentation to enable the Director to fully consider the substance and significance of the issue. Utah Code Ann. 19-1-301.5 can be viewed at the following internet URL:
<http://www.deq.utah.gov/NewsNotices/notices/water/index.htm#wqc>.

Permit Information

Permittee: Union Pacific Railroad (UPRR)

Mailing Address: 1400 Douglas Street, Stop 0910, Omaha, Nebraska, 68179-0910

Project Location: The East Culvert was located at UPRR Mile Post 750.53, in Section 29, Township 6 North, Range 6 West, Salt Lake Meridian, 41.221 and -112.561, Box Elder County, Utah. The West Culvert was located at UPRR Mile Post 744.94, in Section 29, Township 6 North, Range 7 West, Salt Lake Meridian, 41.223 and -112.668, Box Elder County, Utah. The new causeway opening is located at UPRR Mile Post 739.78, in Section 29, Township 6 North, Range 6 West, Salt Lake Meridian 41.221 and -112.561, Box Elder County, Utah. The locations of the bridge opening and the East and West Culverts can be viewed on USGS Quadrangles: Lakeside, Carrington Island NE, and Carrington NW, respectively.

Certification, MOUs and CMMP Background

On December 13, 2013 the U.S. Army Corps of Engineers (USACE) and DWQ Jointly Public Noticed a project to permanently close the East Culvert and construct a 180-foot bridge to compensate for closure of both the East and West Culverts. On December 16, 2013 DWQ issued a 401 Water Quality Certification to temporarily close the East Culvert of the UPRR Causeway on the Great Salt Lake due to instability of the East Culvert and the need for UPRR to commence repair work. On January 7, 2014

UPRR submitted a 401 Water Quality Certification Application for the permanent closure of the East Culvert of the UPRR Causeway in the Great Salt Lake. DWQ issued the 401 Water Quality Certification with Conditions, SPK 2011-00755 on March 2, 2015 (Amended 2015 401 Certification) for permanent closure of the East Culvert. On April 1, 2015 UPRR submitted a Request for Agency Action (Request) to the Amended 2015 401 Certification. On December 30, 2016 UPRR submitted a notification letter that the construction of the UPRR Great Salt Lake causeway opening was complete. Since UPRR's Request, UPRR and DWQ have worked diligently to resolve the outstanding issues of concern and the product of this effort is the Amended SPK 2011-00755 March 2, 2015 401 Water Quality Certification with Conditions, date to be determined, along with two MOUs. The first MOU is between DWQ, the USACE and the UPRR. The second MOU is between DWQ and the Utah Department of Natural Resources, Division of Forestry, Fire and State Lands (FFSL). The approved Compensatory Mitigation and Monitoring Plan (May 2016 Updated CMMP) provides regulatory information on the construction of the 180 foot-long bridge structure with an opening that is adaptable in order to duplicate, as closely as possible, the aquatic function lost due to the closure of the East and West Culverts. The May 2016 Updated CMMP was previously public noticed, has since been updated and is provided for informational purposes.

The Public Comment period for this action begins with a notice posted on DWQ's website at: <http://www.deq.utah.gov/NewsNotices/notices/water/index.htm#wqc>, on August 1, 2017 through, August 30, 2017.

Public Notice Items

The following documents are posted on DWQ's Public Notice website at: <http://www.deq.utah.gov/NewsNotices/notices/water/index.htm#wqc>.

For Public Comment:

- Draft Amended SPK 2011-00755 March 2, 2015 401 Water Quality Certification with Conditions.
- Draft DWQ MOU with FFSL.
- Draft DWQ MOU with UPRR and the USACE.

For Informational Purposes Only

- Approved May 2016 Updated CMMP, dated May 25, 2016.

Submission of Public Comments

Public comments on this matter must be received by the Division of Water Quality by **August 30, 2017**. All comments will be considered before finalizing the Amended SPK 2011-00755 March 2, 2015 401 Water Quality Certification with Conditions and the two MOUs.

Please submit comments to Bill Damery at wdamery@utah.gov . Comments may also be submitted by mail to:

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

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources at (801) 536-4413, TDD (801) 536-4414.