



State of Utah

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DIVISION OF WATER QUALITY  
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June 18, 2023

DIVISION OF WATER QUALITY  
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
PUBLIC NOTICE TO ISSUE A SECTION 401 WATER QUALITY CERTIFICATION

**PURPOSE OF PUBLIC NOTICE**

The purpose of this public notice is to declare the State of Utah's intention to issue a Section 401 Water Quality Certification with Conditions under the authority 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 and Utah Administrative Code R317-15.

**PERMIT INFORMATION**

PERMITTEE NAME: Ferron Canal and Reservoir Company  
MAILING ADDRESS: PO Box 256 Ferron, Utah 84523  
PROJECT LOCATION: The Project site is located on Millsite Reservoir and below the reservoir along Ferron Creek in Emery County, Utah. The approximate location is at 39.0994 and -111.1976 degrees.  
DWQ CERTIFICATION NO.: DWQ-2023-03001  
WATERCOURSES: Ferron Creek

**BACKGROUND**

Ferron Canal and Reservoir Co. (Project Proponent) proposes to dredge deposited sediment from the Millsite Reservoir and release the material over the secondary spillway during the snowmelt runoff period, where it will reenter Ferron Creek. The Project Proponent proposes that the Millsite Dam Sediment Management Project (the proposed project) is needed to preserve the remaining storage capacity of Millsite Reservoir. The Project Proponent also suggests that the introduction of the sediment to the downstream creek will increase turbidity during spillway discharge events so as to more closely mimic the natural sediment characteristics of the Creek. The proposed release of dredged sediment will only occur when the reservoir is overtopping the spillway, which occurs most years and lasts typically up to 6 weeks. The Project is located within the watershed of Ferron Creek, which is approximately 153 square miles in size and consists mainly of US Forest Service, US Bureau of Land

Management and State managed Lands. Ferron Creek is a perennial stream that drains into the San Rafael River. The Project Proponent has proposed extensive monitoring both upstream and downstream of the discharge locations to ensure that the impacts of the Project do not degrade Ferron Creek. It is estimated that the Project could discharge approximately 71.3 acre-feet (roughly 116,500 tons) of accumulated sediment over the spillway per year. The discharge sediment will be mostly composed of sand and silt. The Project Proponent will utilize USGS gauges, transects and visual inspections to ensure the Project impacts are minimal. The Project Proponent will submit annual reports to the Department of Water Quality (DWQ) Division Director. USACE has not proposed that any compensatory mitigation be required at this time. This Project received a 401 Certification and a 404 USACE permit which expired in 2020 for this proposed project.

### **PUBLIC COMMENTS**

Public comments are invited any time prior to the deadline of the close of business on August 18, 2023. Written public comments can be submitted to: Linsey Shafer, General Permitting Section, Utah Division of Water Quality, PO Box 144870, Salt Lake City, Utah 84114-4870 or by email at: [wqcomments@utah.gov](mailto:wqcomments@utah.gov). After considering public comments the Utah Division of Water Quality may execute the Certification issuance, revise it or abandon it. The Certification is available for public review under <https://deq.utah.gov/water-quality/water-quality-public-notice>. A copy may be obtained by contacting Linsey Shafer (385) 405-4158.

DWQ-2023-118652