



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200075350

Date: September 5, 2003

Comments Due: September 30, 2003

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: This is an amendment to the Public Notice issued July 24, 2003. This amendment addresses changes to the project scope, project impacts to special aquatic habitat, and alternatives. Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to mine aggregate and produce aggregate products in the Wetlands, as shown in the attached drawings.

APPLICANT: Mr. Gary Tuttle
Lafarge West, Inc.
1590 West 12th Avenue
Denver CO 80204-3410

LOCATION: The proposed River Valley Resource gravel pit is located south of the city of Steamboat Springs, on Colorado State Highway 131, approximately 4.25 miles south of the intersection with U.S. Highway 40. The proposed entrance to the project site is the last driveway to the east, just north of the Yampa River. The proposed project is located in Section 21, Township 5 North, Range 84 West, in Routt County, Colorado.

PURPOSE: The purpose of the project is to mine aggregate resources and produce products for sale to the public, including pit run, road base, crushed aggregate products, and ready-mix concrete. The application also listed an asphalt plant on site, but the applicant has since withdrawn the plant from the proposed project.

PROJECT DESCRIPTION: The applicant is proposing to mine 93 of the total 131-acre site leased from the More Family Ranches, LLC, the owner of the 650-acre ranch property that includes the project site. In addition to gravel mining, the project site would also include a ready-mix concrete plant, a crush and screen plant, and a wash plant. The applicant has withdrawn the proposed asphalt plant from the project. The proposed total impacts to waters of the United States including wetlands is 4.92 acres. The plant and associated operations would impact 4.04 acres and the accel/decel lane would impact an additional 0.88 acre.

As proposed, the project would be implemented in 5 phases. The applicant states that the mining operation would not exceed 37 acres at anyone time, and that each phase would be reclaimed as soon as possible. The applicant proposes to operate the mine for a period of 13 years.

The proposed gravel pit would be de-watered as shown on the attached drawings. The water from de-watering during mining and reclamation of the site would be discharged into settling ponds prior to subsequent flow into adjacent wetland areas off the project site. The applicant states that re-directing the settled water from de-watering into adjacent wetland channels will ensure maintenance of adequate hydrology to these wetlands and other aquatic features located hydrologically down-gradient.

As proposed, Phase 1 consists of mining on the eastern portion of the north parcel. The crusher and screen plant, the wash plant, and all stockpiles would be located at the current surface elevation. As soon as practicable, the equipment associated with operations and product stockpiles would be moved to the bottom of the pit to reduce visual impact of the operation during the remaining phases of mining. The applicant committed to maintaining no greater than 37 acres of disturbed land during all phases of mining. Previously mined areas on the side slopes and pit bottom would be covered in topsoil and re-seeded to maintain plant cover and control weeds during the mining operation. Alternatively, prior to reclamation, some previously mined areas might be flooded with groundwater to a shallow depth to prevent weed establishment.

In addition to the proposed mining operation, accel/decel lanes would be necessary to access the site from Colorado State Highway 131. Construction of these lanes would impact 0.88 acre of wetlands. The applicant notes that the Colorado Department of Transportation was authorized to impact 0.63 acre of these wetlands during the widening of State Highway 131. The applicant further states that, although these wetlands were not filled during the road widening work, the Colorado Department of Transportation mitigated for the proposed loss of 0.63 acre of wetlands. The applicant states that Lafarge should be responsible for mitigation of 0.25 acre of the proposed 0.88 acre of impact for the accel/decel lanes, reasoning that the Colorado Department of Transportation has already mitigated for 0.63 acre of impacts for widening State Highway 131, which would be further widened 1380 feet to the north and 596 feet to the south in order to construct the accel/decel lanes.

The applicant is proposing to reclaim the project area with the creation of 5 lakes, 2 wetland areas from settling ponds, and 6 wetland areas in uplands. The applicant is proposing to create a total of 10.45 acres of wetlands of the U.S., in addition to the 5 open-water lakes. The applicant further states that all wetland mitigation areas within the 131-acre project site will be protected via a deed restriction to prohibit future excavation, fill or grazing.

ALTERNATIVES: The applicant presents that several alternative project approaches were reviewed during the planning process. The alternatives included two on-site alternatives and several off-site alternatives. The Lafarge planning efforts are summarized below.

No-Build Alternative: The No-Build Alternative assumes that the proposed River Valley Resource project would not be built. In this case, the land use practices would remain under agricultural operations and no waters of the United States would be impacted by aggregate mining. Information compiled by Routt County suggests that the Steamboat Springs area is approaching a critical situation for gravel reserves. According to the applicant, one of the primary effects of the No-Build Alternative is a significant increase in truck hauling traffic through the city of Steamboat Springs. The No-Build Alternative would limit any expansion of the applicant's operations in the Steamboat Springs area.

Full North Parcel Alternative: The applicant briefly considered mining the entire 105-acre north parcel. This alternative would have impacted 13.07 acres of waters of the United States, including 12.11 acres of jurisdictional wetland and 0.96 acre of other waters. Mining the

entire property would add about 2 years of project life and produce a greater economic benefit to the applicant. This alternative was rejected in favor of the preferred alternative which allows the applicant to limit impacts to wetlands and waters of the United States.

Partial North Parcel Alternative: The original proposal would have mined less than the full north parcel. This alternative was presented to Routt County during the conceptual review process. Based on comments from the Planning Commission and County Commission, this alternative was revised to the preferred alternative. The original plan presented to the County would have impacted 7.48 acres of wetlands, or 62 per cent of the wetlands within the proposed mine permit area.

Werner Property Alternative: The Werner property is located adjacent to Lafarge's North Pit operation, just east across the Union Pacific Railroad. This site is approximately 100 acres in size and contains 4.76 acres of wetlands. A wetland jurisdictional determination was completed in June 1999. Access to this alternative site was proposed through the existing North Pit operation to access Colorado State Highway 131. The applicant submitted a mine plan and application for special use approval to Routt County in 1999 to mine the area, which also included construction of accel/decel lanes. The proposed plan, as submitted, avoided and preserved the largest and higher quality wetland areas on site. Routt County denied the plan and application for a variety of reasons, including, but not limited to, its proximity to the south city limits of Steamboat Springs and its visibility from U.S. Highway 40.

Other sites: The applicant also considered the potential of several other sites with sufficient acreage on which to locate the proposed aggregate operations in the South Valley. While at least two sites might be of sufficient size, they are located in close proximity to the southern city limits of Steamboat Springs and would likely be subject to the same objections that led to the rejection of the Werner proposal. None of the off-site parcels considered by the applicant as potentially suitable alternative project locations are owned or otherwise controlled by the applicant, nor are they amenable to lease or acquisition by the applicant.

Locate Mine Area Elsewhere on the More Ranch Property Alternative: The applicant studied locations throughout the 650-acre More Family Ranch. The applicant determined that the preferred site on the ranch property would result in the fewest visual impacts, provide excellent distance buffers from the public travel corridors, not impact threatened or endangered species (or critical habitat), and ensure that the function and value of the wetlands unavoidably impacted would not be unique but substantially similar to the functions and values provided by the majority of the wetlands most commonly observed in the South Valley.

AREA DESCRIPTION: The proposed project is located in the South Valley area of Routt County, adjacent to the Yampa River. The property historically has been utilized as agricultural land. It is planted in hay crops and flood irrigated. In addition to hay production, cattle and horses are pastured during periods of the year. The property provides similar natural resource values to those that exist on ranch land throughout the floor of the Yampa Valley. The proposed project site consist of approximately 14 acres of wetlands. The Little River flows through the project site.

The position of the proposed project site is located within the 100-year floodplain.

The upland areas are dominated by mixed cultivated grasses including timothy, Kentucky blue grass, meadow foxtail, meadow fescue and smooth brome. The emergent wetland areas consist of sedge/rush communities dominated by beaked sedge, Nebraska sedge, water sedge, cloaked

bulrush and cattail. The site also supports willow/cottonwood and willow/cottonwood/riverbirch communities with an understory of sedges, cattails and rushes.

The proposed accel/decel lanes will be constructed adjacent to a Great Blue Heron rookery, defined by the U.S. Fish and Wildlife Service as Colonial-Nesting Waterbirds. According to the Colorado Division of Wildlife, the project area also may be utilized by Sandhill Cranes.

ADDITIONAL INFORMATION:

The applicant has requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. John Hranac, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **September 30, 2003**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Hranac at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3586.

Based on visual reconnaissance of the entire proposed site, the applicant states that there is no historic structure on site.

This activity would not affect any threatened or endangered species or their critical habitat. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation. However, as stated above, a Great Blue Heron rookery exists just west of the property, adjacent to the proposed accel/decel lanes.

Interested parties are invited to submit written comments on or before **September 30, 2003**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

For further information, please contact the applicant, Mr. Gary Tuttle, Lafarge West, Inc., 1590 West 12th Avenue, Denver CO 80204-3410, or Mr. Anthony Curtis of the Frisco Regulatory Office, telephone (970) 668-9676, or email Anthony.C.Curtis@usace.army.mil.

Written comments on this permit application should be submitted to the attention of Mr. Anthony Curtis, Frisco Colorado Regulatory Office, U.S. Army Corps of Engineers, P.O. Box 607, Frisco, Colorado 80443-0607. Comments should reference Public Notice No. 200075350 and should be submitted on or before **September 30, 2003**.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Enclosures: Drawings