



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200175036

Date: February 22, 2001

Comments Due: March 24, 2001

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** 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 discharge dredged and fill material in Colorado River and 10.73 acres of adjacent wetlands as shown in the attached drawings.

**APPLICANT:** Roaring Fork Resources, Incorporated  
14156B Highway 82  
Carbondale, CO 81623

**APPLICANT'S AGENT:** Mr. David Johnson  
Western Ecological Resource, Incorporated  
711 Walnut Street  
Boulder, Colorado 80302  
(303) 449-9009

**LOCATION:** Colorado River about one mile east of Rifle, Garfield County, Colorado in Sections 11, 12, 13 and 14, Township 6 South, Range 93 West.

**PURPOSE:** To facilitate the commercial mining of aggregate and reclamation of the mined lands over a 25-year period.

**PROJECT DESCRIPTION:** The applicant is proposing to mine the aggregate resources (sand and gravel) on 147.68 acres of the 308-acre project site, and potentially mine an additional 78 acres. The aggregate resources would be mined in seven separate areas, ranging in area from 12.85 acres to 61.61 acres, in five-year intervals. The aggregate production is estimated at about 100,00 tons per year for the first year of operation and then 200,000 tons per year for the duration of the project. However, production will vary with market demand.

The Colorado River (with the exception of Area A), Dry Creek and Mamm Creek would be protected by a 100-foot wide "no mining" buffer zone. Wetland 3, the south property boundary, and the southside of Mining Area A would have a 50-foot wide buffer. There would be a 150-foot wide buffer along the west property line.

Mining would commence at the 51.51-acre Mining Area B, proceed to areas C, D, and then E, which includes the east end of the facilities site. Mining Area A, also known as the Renewable Resource Area, would be mined for additional material during the mining of the other areas.

There are not any current plans to mine Areas F and G. However, the applicant has a first Right of Refusal on these areas. The 6.37-acre Snyder Ranch house and farm buildings site would not be mined.

The 8- to 10-acre surface facilities area would be located east of Dry Creek and extend eastward onto a portion of Mining Area E. At the end of the mining operation, the surface facilities would be located westward to allow for the mining of the east end of Mining Area E. Surface facilities would include concrete batch plant, asphalt plant, concrete products manufacturing facilities, sand and gravel stockpiles, office trailer and portable shop.

Access to the mining areas and surface facilities site would be from three existing ranch access roads off the Frontage Road along Interstate 70. Topsoil would be stockpiled in some locations along the south side of the mining areas up to a height of 10 feet to create a visual barrier. The barrier would not involve a discharge of dredged or fill material in waters of the U.S.

Mining Area A, the Renewable Resource Area, is located in a high water channel of the Colorado River. Mining would occur here only during periods of low water. The banks of the area will be left as a 3:1 slope. Approximately 150 feet of landscape on the east end of the channel would be left as a barrier to prevent the channel from filling up with water from the river. The downstream end would have a dike/weir designed to let high flows through and keep low flows out so that mining can occur. In addition, the bank of the river, along the northwest side of the surface facilities, and the northeast side of Mining Area D would be stabilized with coarse rocks to prevent further erosion. After the initial mining of Area A, the frequency of mining in this area would be determined by the capacity of the Colorado River to deposit sand and gravel during periods of high flow. The applicant projects that mining will likely occur in Area A only once every 4 to 5 years and mining will not occur in this area during the mid-February to mid-August period.

The bottom of the pit in Area A will range in elevation from 5334 feet msl on the east end to 5329 feet msl on the west end. The Colorado River will continue to flow into this area during periods of high flow. Water is expected to stabilize at the 5332-foot elevation during low water periods, creating a pond approximately 11 acres in size, which over time would likely fill in with sediment and small gravel.

Mining Areas B, C, D and E are expected to fill with water following completion of mining, creating ponds with a water surface area of approximately 101 acres. These ponds will have a slope of 3:1 to the water.

All mine pits will be excavated to depths below the level of ground water and will, therefore, require dewatering for the lower elevations of the pits. Water will be pumped from the mine pits and disposed in one of the following ways: 1) used to flood irrigate agricultural areas not being mined, 2) pumped to detention ponds, or 3) pumped to mine pits at which mining has been completed. All dewatering will be conducted in accordance with an NPDES discharge permit from the State of Colorado.

Mining areas A, B, C, D and E impact 10.73 acres of wetlands, 2.17 acres of aquatic habitat, and 10.11 acres of drainage channels. The total impact to waters of the U.S. is 23.01 acres. If Mining Areas F and G are mined, an additional 0.15 acre of wetlands would be impacted.

**ALTERNATIVES:** The applicant provided an alternatives analysis. These included the "no action" or permit denial alternative and an alternative mining plan with additional acreage being mined. Under the no action alternative, impacts to waters of the U.S. from mining would not occur and the land is assumed to remain under current agricultural uses for the short term. The long term forecast for maintaining current uses appears bleak since agricultural land use is no longer economically viable. Livestock grazing and use as a feed lot would perpetuate existing impacts to wetlands including overgrazing, trampling, erosion, siltation, excessive nutrient loading, and enhanced introduction of noxious vegetation. Under the no action alternative, another local source of aggregate would be lost resulting in a potential increase in building costs; there would be a loss of 20 jobs; and the local economy would be adversely affected. Adverse impacts from mining to wildlife, air, visual aesthetics, and noise levels would not occur.

The second alternative is the same as the proposed work, except that an additional 133.2 acres of landscape would be mined on the large island (Mining Area H) in the Colorado River on the northeast portion of the project site, and at areas F (Snyder Ranch) and G (Snyder Ranch/Mamm Creek). A conveyor belt would be constructed to the island to bring the aggregate across the river. Machinery would ford the river. As with the other mining areas, the Colorado River would also be protected by a 100-foot wide no-mining buffer. More aggregate would be mined over a period of about ten years on the island, nine years at mining area G, and 1.5 years at area F. Greater exposure of ground water (113.22 acres) would occur after mining ceased. Total impacts to waters of the U.S would be 29.68 acres (14.92 acres of wetlands, 2.27 acres of aquatic habitat, and 12.49 acres of drainage channels). Additional impacts to upland vegetation, agricultural grassland, and riparian forest and shrubland would occur. Air pollution impacts will be the same as the applicant's proposed action except the impacts would be extended for an additional 20 years, the time required to mine areas F, G and H. Impacts to wildlife would be greater. Visual aesthetics impacts would be greater and extended due to the longer mining period. Jobs would be extended for another 20 years. Economic benefits to the local community would also be extended for an additional 20 years.

**AREA DESCRIPTION:** The project site is ranch land characterized by the Colorado River and its numerous islands and alternative channels on the north, by river terraces of different elevations on the south, and by two small, north-flowing tributaries which bisect the site. A slough, fed by a perennial spring west of the Snyder Ranch house and barns, flows west near the south property boundary to join the Colorado River. Numerous irrigation ditches and laterals bisect the river terraces to distribute water to introduced agricultural seedlings. The project site ranges from a high of 5380 feet msl in the southeast to a low of 5320 feet msl in the northwest. Predominant wildlife habitats consist of grazed pasture, irrigated hayfields, wetlands and cottonwood riparian along the river. Pasture and riparian habitats are heavily grazed by livestock. A communal rookery for great blue heron is located adjacent to the Renewable Resource Area.

**ADDITIONAL INFORMATION:** As mitigation, the applicant conceptually expects to create 10.73 acres of wetlands, 101 acres of aquatic habitat (open water) and 10.11 acres of drainage channel. Approximately 16.8 acres of landscape appropriate for wetland mitigation has been identified along the slough (wetland 3), along Mamm Creek, and in the mine pit of Mining Areas B and D to replace the 10.73 acres of wetland impact. A riparian wetland complex with shallow water habitat for emergent plants, and seasonally saturated soils for riparian trees and shrubs would be created along the slough and Mamm Creek. An emergent wetland habitat will be created in the mine pits. The new wetlands areas along the slough and Mamm Creek would be broadcast with a native wetland seed mix into topsoil. Trees, shrubs, and forbs will be acquired from nurseries and planted in appropriate habitats. Sandbar willows may be started from cuttings from local willow populations. Cottonwood seedlings which will likely germinate around

margins of the water in the mining areas may be relocated to mitigation sites. The mine pit wetlands will be created by broadcasting the native wetland mix and by planting live graminoids and forbs. The wetlands mitigation sites will be monitored by a wetlands ecologist for 3 consecutive years. Annual reports would be submitted to the Corps of Engineers. As mentioned above, the 2.17 acres of aquatic habitat impact would be mitigated by the 101 acres of aquatic habitat created in the mine pits. The mining of Area A would impact 8.70 acres of drainage channel. After termination of mining, the 24 acres of lowered landscape would fill with water and would eventually fill with sediment and small size aggregates. Therefore, the applicant states that this 24 acres of new drainage channel would compensate for the 10.11 acres of drainage channel impacts.

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. Phil Hegeman, 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 **March 24, 2001**.

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. Hegeman at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3575.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are not any places either listed or recommended as eligible which would be affected. Presently unknown cultural resources may be located in the permit area.

This activity may affect the following endangered species or their critical habitat: Colorado River pikeminnow, bonytail chub, humpback chub, and razorback sucker. The activity may also affect the bald eagle, a threatened species. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation. The Corps of Engineers will consult with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act.

Interested parties are invited to submit written comments on or before **March 24, 2001**. 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.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Grady L. McNure, Chief, Northwestern Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. McNure, at telephone number (970) 243-1199, extension 11, or email [gmcnure@spk.usace.army.mil](mailto:gmcnure@spk.usace.army.mil).

Michael J. Walsh  
Colonel, Corps of Engineers  
District Engineer

Enclosures: Drawings