



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200275012

Date: January 22, 2002

Comments Due: February 12, 2002

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 the North Fork Gunnison River and adjacent wetlands, as shown in the attached drawings.

APPLICANT: North Fork River Improvement Association
2917 L50 Lane
Hotchkiss, Colorado 81419

LOCATION: At the North Fork Gunnison River, beginning at the east boundary of Section 11 and ending at the west boundary of Section 21, within Sections 10, 15, 16 and 21, Township 14 South, Range 93 West, Delta County, Colorado.

PURPOSE: The project purposes are to improve river channel stability, enhance riparian and aquatic habitat, and reduce the ecological impacts associated with maintenance of existing irrigation diversions.

PROJECT DESCRIPTION: The applicant proposes to rehabilitate approximately 3.5 miles of the North Fork Gunnison River and floodplain to a pattern which mimics the morphology of more stable reaches of the river. The project would involve construction a river channel of appropriate stream width, depth, slope and meander geometry. Approximately 125,000 cubic yards of material would be excavated from and discharged back into the river channel and adjacent floodplain for reconstruction of a viable and more properly functioning system. An additional 4,000 cubic yards of large rock (boulders) would be installed for bank-toe protection and weir diversion construction to allow for improved fish passage, to reduce bank erosion, and reduce irrigation diversion maintenance. There are approximately 160 acres of riparian area within the limits of the rehabilitation project; however, the maximum area of wetland fill would not exceed 12.23 acres. The realignment of the river has been designed to minimize impact to wetlands to the extent practicable, and the applicant believes that remnant side channels abandoned due to construction will revert to riverine wetlands at a level sufficient to exceed a no net loss of wetlands within the project area. To facilitate the development of replacement

wetlands, the applicant proposes stockpile excavated sand and silt material, and to harvest sedge, rush and willow from on-site wetlands for strategic planting through the project reach.

ALTERNATIVES: A reduced project which would require less discharge of dredged and fill material into the river and floodplain wetlands was considered by the applicant.

This alternative, however, could substantially reduce the opportunity for successful streambank and streambed stabilization, increase the likelihood of streambank failure and erosion, and eliminate the ability to environmentally improve the diversion of irrigation water. A no action alternative would allow continued erosion of streambanks and loss of riparian vegetation and riverine wetlands.

AREA DESCRIPTION: The project site is located within the North Fork Gunnison River Valley at an approximate mid project elevation of 5,500 feet msl. The predominant land use consists of agricultural hay production and orchards. The river gradient is approximately 30 feet-per-mile and the flood plain vegetation is dominated by fragmented stands of mature cottonwood trees with sporadic willow and an understory of grasses, sedges and rushes. The floodplain is nearly level to moderately sloping with soils that are somewhat poorly drained to poorly drained.

ADDITIONAL INFORMATION: The applicant (North Fork River Improvement Association) was established in 1996 as a volunteer coalition to investigate the possibility of rehabilitating the North Fork Gunnison River. In 1999 the applicant successfully rehabilitated a 1.5-mile reach of the river as a demonstration project, and have performed various smaller projects in support of river improvement.

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. Andrew Ross, 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 **February 13, 2002**.

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. Ross at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3518.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. Presently unknown cultural resources may be located in the permit area. 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.

Interested parties are invited to submit written comments on or before **February 13, 2002**. 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 Ken Jacobson, Chief, Colorado/Gunnison Basin Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. Jacobson, at telephone number (970) 243-1199, extension 11, or email kjacobson@spk.usace.army.mil.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures: Drawing(s)