



Public Notice

Public Notice Number: 200275107

Date: June 20, 2002

Comments Due: July 5, 2002

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

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 place fill into waters of the United States for the purpose of reservoir dam rehabilitation at three of the Battlement Reservoirs near Parachute, Colorado, as shown in the attached drawings.

APPLICANT: United States Forest Service
White River National Forest
Rifle Ranger District, 094 CR244
Rifle, Colorado 81650
Attention: Ms. Julie Grode
(970) 263-5828

APPLICANT'S AGENT: NatureTech Consultant Services, Corporation
532 East Avenue
Rifle, Colorado 81650
Attention: Mr. Steve Dahmer
(970) 625-8553

LOCATION: The project reservoirs are located within the White River National Forest southeast of Parachute, Colorado, on Battlement Mesa (reference Figure 1). The legal description is within Sections 7 and 12 of Township 8 South, Ranges 94 and 95 West, Garfield County, Colorado.

PURPOSE: To restore the retention capacity of three Battlement reservoirs identified as the Werhonig and Gardner (W & G) Reservoir and Reservoirs #1 and #3 (reference Figure 3), for recreation, shoreline wetland restoration and wildlife habitat. The reservoir restoration activities are key to the re-establishment of trout fisheries in support of the Battlement Reservoir cutthroat trout recovery project.

PROJECT DESCRIPTION: This project proposes to rehabilitate three dams and spillways associated with reservoirs #1, #3, and W & G in order to create additional and higher quality wetlands, create trout fishery, amphibian, reptilian, waterfowl, and other migratory bird habitat, protect the safety of downstream human inhabitants and watersheds and preserve a senior water

right on federal land in Colorado. The construction of an emergency spillway on reservoir #2 in accordance with Colorado State Engineer standards will not affect current storage elevations at #2 or impact any waters of the United States.

Rehabilitation activities for the three dams and spillways will require the placement of 900, 1847 and 3274 cubic yards of fill below the storage elevation of reservoirs #1, #3 and W & G, respectively. The fill necessary for each dam rehabilitation activity will be obtained from the existing dams. Re-contouring activities will supply the borrow material necessary for compliance with current State Engineer standards regarding slope and compaction (reference Figures 4, 5 and 6). Other activities include the removal of non-working outlet structures and the construction of permanent and hardened spillways.

Construction activities for the W & G dam are scheduled for late July 2002 and should be completed by October 1, 2002. The projected schedule for Reservoirs #1 and #3 will begin in 2003 and completed in the fall of 2004.

ALTERNATIVES: The applicant identified the only alternative as no action. According to the State Engineers office, this alternative will risk downstream dwellings and population centers if these reservoirs are not maintained in a safe working condition. If the no action alternative is selected, the State Engineers office would require complete dam removal and reservoir draining that would negatively impact approximately 36.2 acres of existing wetlands and associated wildlife habitat.

AREA DESCRIPTION: The Battlement Reservoirs are situated on Battlement Mesa with an approximate elevation of 10,380 above mean sea level and are approximately 8 miles southeast of the Town of Parachute, Colorado. The reservoir area is part of a riparian-wetland complex which supports both high quality shrub/scrub and emergent wetlands. However, the grass-grass/like wetland is the dominant type which surround the reservoir complex area. There are several sources of water supporting the reservoirs, all of which are derived from springs and snowmelt emanating from the surrounding volcanic rims. Historic fisheries in these reservoirs were exceptionally productive.

ADDITIONAL INFORMATION:

As proposed, the reservoir restoration project will provide a net increase of 4.0, 5.7 and 5.9 acres of wetlands for reservoirs #1, #3 and W & G, respectively. The applicant's agent advocates that the restored wetlands will provide a higher wetland value and function over existing conditions given that this project will result in a net cumulative increase of 15.6 acres of shoreline and emergent wetlands associated with these reservoirs.

The applicant has requested a verification of delineated wetlands associated with Reservoirs #1, #3 and W & G from the U.S. Department of the Army. A letter of verification is the process of being finalized and is not contingent upon the issuance of this public notice.

The applicant has also 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 **July 5, 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. Hegeman 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 concerning this project. During consultation with the Colorado State Historic Preservation Office (SHPO), it has been determined that the Battlement Mesa Reservoir Site is eligible for listing in the National Register of Historic Places. Further consultation with SHPO will be required to determine specific permit conditions, if a permit is issued for this project. Other pre-historic sites have been identified proximal to the Battlement Reservoirs but appear to be outside the permit area and will not be impacted by the proposed work. Presently unknown cultural resources may be located in the permit area.

In accordance with section 7 of the Endangered Species Act of 1973, the U.S. Fish and Wildlife Service in correspondence dated October 17, 2001, has determined this activity "is not likely to jeopardize the continued existence" for endangered fish species in the Upper Colorado River Basin and "is not likely to destroy or adversely modify designated critical habitat." Additionally, the Service in correspondence dated May 30, 2001, has concurred with the U.S. Forest Service's biological assessment, and has programmatically determined this activity "may affect but not likely to adversely affect" the Canada lynx.

Interested parties are invited to submit written comments on or before **July 5, 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 Mr. Mark Gilfillan, Western Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mark Gilfillan, at telephone number (970) 243-1199, extension 15, or email Mark.A.Gilfillan@usace.army.mil.

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

Enclosures: 5 Drawings