



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200275237

Date: May 13, 2004

Comments Due: June 14, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to impact up to 0.14 acre of the Crystal River to rebuild and perform streambank stabilization along 300 linear feet of riverbank. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Larry Darien
2880 County Road 3
Marble, Colorado 81623
970-963-7088

APPLICANT'S AGENT: Claffey Ecological Consulting, Inc.
1371 17 Road
Fruita, CO 81521
970-858-1670
Attn: Michael Claffey

LOCATION: The project site, referred to as Lot 3 of the Darien River Subdivision, is located approximately two miles west of the Town of Marble at the section line of Sections 21 and 28, Township 11 South, Range 88 West, Gunnison County, Colorado, and can be seen on the Marble USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to reconstruct 300 feet of streambank stabilization on the north bank of the Crystal River on his property. The applicant received a Nationwide General Permit number 13 to perform streambank stabilization at this site in May 2002. However, the work completed exceeded the limits of this nationwide permit and an enforcement action was initiated in December 2002. The excess work included a channel encroachment, averaging 15 feet, for approximately 220 feet of riverbank. This effort went beyond the purpose of bank protection and included bank reclamation that the applicant says existed prior to the 2002 runoff. Since the original project was constructed, the river has continued to challenge the subject bank and overtopped and deposited debris (see photo on drawing 13 of 13) during large runoff events.

The subject project proposes to stabilize this reach of the Crystal River using a design developed by hydrologist Robert O'Brien of AquaTerra Services LLC. This reach is experiencing meander migration due to channel incompetence to move bedload as a result of a large medial channel bar on the south bank. The north riverbank will be reconstructed in the same alignment as it currently exists (not pre-2002). The proposed project will remove and reshape the point bar (1,500 ft²), reconstruct the rip-rapped north bank and extend the effort a few feet upstream and downstream, and construct up to six rock vanes.

Approximatley 350 cubic yards of large rock (2-3 foot diameter) will be used for vane construction, 210 cubic yards of existing large rock will be used for 300 feet of bank reconstruction, 300 cubic yards of bar materials will be redistributed in point bar reshaping, and 70 cubic yards of bar cobbles will be used as fill for bank revetment. Excess bar materials will either be hauled off site or used on Lot 3 as road base. Willow cuttings (3/4-1 inch diameter) will be installed wherever possible along the bank.

The applicant's stated project purpose is to stabilize this reach of the Crystal River to allow for potential future use of the property and to protect property values. The applicant believes there is a need to protect the riverbank for potential future use of the property and to protect property values. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The project site is at the upstream end of the Crystal River at an elevation of approximatley 7,800 feet, two miles west of the Town of Marble. A USGS stream gage for the Crystal River is located (since 1955) near Redstone and reports a drainage area of 167 square miles and a maximum peak flow of 4,180 cfs on June 25, 1983. The subject area is transitional between upper Montane and Subalpine ecosystem. The applicant's property on Lot 3 is characterized as forested including subalpine fire, Engelmann spruce, and aspen. The lot also includes riverine wetlands with a subclass of forested riverine. Portions in the north and northwest part of the lot would be considered slope with a subclass of shrub/emergent, as the hydrologic source appears to be a spring or groundwater not associated with the alluvial aquifer. County Road 3 forms the northern border of the parcel and the Crystal River forms the southern boundary. Land use in the area is rural residential.

As mentioned above, this reach of the Crystal River is experiencing meander migration to the north due to channel incompetence to move bedload as a result of a large medial channel bar on the south bank. This instability may be due to rip-rapping of the river banks upstream as well as an undersized bridge crossing upstream. The river morphology changes significantly just downstream of this reach as the river is more confined with a steeper gradient.

The applicant has indicated plans to eventually build a home in the upland area of Lot 3 but will need to pursue approvals from Gunnison County. Additionally, driveway and utility line access to the upland area may require a permit from the Corps of Engineers.

Alternatives. The applicant has not provided information concerning project alternatives.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. The applicant has proposed to include willow plantings in with the bank work, but cannot determine a density until the bank is reconstructed (based on fines and plantable void spaces). Reconstruction of this riverbank will resolve the ongoing enforcement action with the applicant.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Colorado Department of Public Health and Environment, is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information, no cultural resources are within the project's area of potential affect.

ENDANGERED SPECIES: The project will not affect any federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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. The activity's impact on the public interest will include application of the 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200275237, must be submitted to the office listed below on or before June 14, 2004:

Susan Bachini Nall, Project Manager
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Susan.Nall@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Susan Bachini Nall, 970-243-1199, extension 16, Susan.Nall@usace.army.mil.

Attachments: 13 drawings