



Public Notice

Public Notice Number: 200275399

Date: September 4, 2002

Comments Due: October 4, 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 impact up to 2.0 acres of wetlands and waters of the United States along Razor Creek, as shown in the attached drawings.

APPLICANT: Greg & Rodney Peterson
Razor Creek Ranch
53466 East Highway 50
Gunnison, Colorado 81230

LOCATION: Project site is located on Razor Creek approximately 20 miles east of Gunnison and four miles southwest of Doyleville within the SE 1/4 SE 1/4 of Section 8, Township 48 North, Range 3 East, Gunnison County, Colorado.

PURPOSE: The project purpose is to create an agricultural irrigation reservoir. Water storage is needed to supplement current irrigation practices.

PROJECT DESCRIPTION: Approximately 2,500 cubic yards of native hydric soil materials will be excavated and discharged onsite to create a dam and agricultural irrigation reservoir on Razor Creek. The dam will be less than 10 feet high, 70 feet wide, and 115 feet long directly impacting up to 0.18 acre of Razor Creek and associated wetlands immediately behind the dam. The water surface area of the reservoir will be approximately 12 acres and will inundate an additional 1.8 acres of Razor Creek and associated wetlands for a total aquatic impact of 2.0 acres. Work is targeted to begin this fall and will be accomplished by backhoe and scraper. Razor Creek is expected to be dry during the construction activities.

ALTERNATIVES: The applicants' have contemplated other means of improving irrigation to their agricultural fields. Based on the arid nature of this site, water storage is necessary. Water rights exist with the applicants and an on-channel storage pond is the most practicable alternative.

AREA DESCRIPTION: This reach of Razor Creek is located approximately three miles upstream of the confluence with Tomichi Creek on the south side of Highway 50. Razor Creek appears as a ditch, approximately 2 feet wide by 1 foot deep and flows intermittently at an elevation of 8,150 feet msl. It is located within an arid open area of hay meadow lacking any woody component and the adjacent wetlands are dominated by sedges. Cattle graze this open area which is suited for agricultural use. The applicants have attempted improvements on an upstream reach of Razor Creek through the plantings of willows which is showing some minor success.

MITIGATION: Mitigation to compensate for the 2.0-acre wetland and stream impacts involves the fencing the majority of the reservoir site, approximately 15 acres. This will provide relief from cattle grazing and allow the natural vegetation to establish. Furthermore, the applicants propose to plant native willows, trees, and shrubs to improve the site for wildlife use. Waterfowl would be an obvious natural beneficiary of this project as there isn't many areas of water habitat available in this arid valley. Fencing and planting mitigation efforts will be targeted after reservoir construction and no later than spring 2003.

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. 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 **October 4, 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 and there are no places either listed or recommended as eligible which would be affected. No further cultural resources review is warranted because the type of work in the permit area is of such limited nature and scope that there is little likelihood of impinging upon a cultural resources site.

This activity will result in a net depletion of water from the Colorado River basin and may affect the Colorado pikeminnow (*Ptychocheilus lucius*), bonytail chub (*Gila elegans*), humpback chub (*Gila cypha*), and razorback sucker (*Xyrauchen texanus*), Federally-listed endangered species, and may adversely impact critical habitat. These depletions result from evaporative losses associated with the creation of a 12-acre impoundment. The applicant estimates an **average annual water depletion of 18.0 acre-feet**. By copy of this public notice, the Corps of Engineers is initiating Section 7 consultation with the U.S. Fish and Wildlife Service on the above depletion in accordance with the Endangered Species Act. 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 **October 4, 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 Susan Bachini Nall, 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 Ms. Nall, at telephone number (970) 243-1199, extension 16, or email Susan.Nall@usace.army.mil.

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

Enclosures: 5 Drawings