



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200275566

Date: January 17, 2003

Comments Due: February 17, 2003

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 material in the Uncompahgre River in conjunction with a bank reclamation and erosion protection project, as shown in the attached drawings.

APPLICANT: Thomas Patzau
Dalwhinnie Limited
6154 County Rt. 23
Ridgway, CO 81432

LOCATION: Dalwhinnie Equestrian Facility on the Uncompahgre River, Section 21, Township 45 North, Range 8 West, south of Ridgway, Ouray County, Colorado.

PURPOSE: The applicant proposes to reclaim approximately one acre of land lost through bank erosion and to stabilize the newly established stream bank in a manner that protects his property and improvements from future erosion. The proposed work will also correct a safety problem posed by the vertical stream banks in the project area.

PROJECT DESCRIPTION: The applicant proposes to reclaim and stabilize a 750-foot length of bank. As shown on the attached drawings, a trench will be excavated in the channel along the length of the work area and a concrete block or gabion retaining wall will be constructed in the trench. Approximately 350 large boulders will then be placed on top of the retaining wall. The area between this newly established bank and the existing bank will be filled. Fill material will include approximately 815 cubic yards of streambed gravel and cobble that is currently stockpiled in the channel. An additional 685 cubic yards of soil will be placed over the gravel and cobble fill to bring the total fill below the ordinary high water line to 1,500 cubic yards. Additional soil will be placed over this fill and sloped to meet the grade of the existing bank. As shown on the attached drawings, the reclaimed area will be up to 50 feet in width.

Reclaimed and disturbed areas will be stabilized with a native grass seed mix consisting primarily of wheatgrasses or wild rye. Additionally, approximately 2,250 willow stems will be planted along the retaining wall. These stems will be harvested from willows on the site and

quickly planted in the fill area at a rate of three stems per foot of bank. The stems will be inserted into the fill so that they will be in contact with ground water.

In-stream work will be completed in late winter or early spring 2003 using a bulldozer and a rubber-tired loader. No work will be done in a live channel.

ALTERNATIVES: A number of previous attempts have been made to stabilize the bank at this site. These attempts included the placement of boulders and gabions along the toe of the bank in 1997 and construction of two concrete block deflectors in 2001. These attempts failed to stabilize the bank, resulting in the continued loss of the applicant's property and a continued threat to structures. In response to these failed attempts, the applicant has developed the current proposal which is intended to provide a permanent solution to the problem.

AREA DESCRIPTION: The Uncompahgre River at this location is a braided system with a significant amount of depositional material. The channels have a gradient of about 0.8%. Bank-full flow is approximately 1,200 cubic feet per second.

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. 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 17, 2003**.

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) 692-3540.

No further cultural resources review is warranted because the permit area has been extensively modified by previous work.

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 17, 2003**. 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 impacts, 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 or Dennis Blinkhorn, 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 Susan Bachini Nall, at telephone number (970) 243-1199, extension 16, or email Susan.Nall@usace.army.mil.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures: Drawings