



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200375047

Date: March 25, 2003

Comments Due: April 25, 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 1.73 acres of wetlands, as shown in the attached drawings.

APPLICANT: OldCastle SW Group
dba United Companies (Mr. Richard Johnson 970/243-4900)
2273 River Road
Post Office Box 3609
Grand Junction, CO 81502

LOCATION: East of Highway 135 approximately 4.7 miles northeast of Gunnison, Colorado in the SE 1/4 of Section 7, Township 50 North, Range 1 East, Gunnison County.

PURPOSE: The applicant proposes to place fill material in 1.73 acres of wetland as part of a gravel mining operation.

PROJECT DESCRIPTION: The project site, referred to as Cottonhurst, is a 12.6-acre parcel between Highway 135 and the Gunnison River. The applicant proposes to mine the upper stream terrace, approximately 6 acres in size, if awarded the contract to provide sand and gravel for the planned nearby reconstruction of Highway 135. Asphalt for the reconstruction will also be produced at the site.

Mining will be limited to the upper terrace and will begin on the southern portion of the property and progress northward. The only water feature on the upper terrace is an irrigation ditch; no wetlands will be directly affected by the mining extraction operation. As shown on the attached drawings, there are 2.78 acres of wetland on the lower terrace. Of this, 1.73 acres will be impacted by topsoil removal and fill activities associated with mine processing operations. These associated fills include the placement of sand and gravel for the improvement of an existing access road and to provide firm and dry substrate in the processing, crushing and stockpiling area. The wetland is riparian and wet meadow vegetated by cottonwoods and species such as bluejoint, water sedge, Baltic rush and sphagnum moss. It is supported primarily by ground water and is located approximately 350 feet west of the Gunnison River. Values associated with this wetland include wildlife habitat and water quality enhancement.

Overburden from the mined area will also be stored in this lower terrace riparian and wetland area for later reclamation work. It is estimated that approximately 5,600 cubic yards of fill will be deposited in the wetland.

Reclamation of the site will be in accordance with a plan approved by the Colorado Division of Minerals and Geology. As part of this proposed plan, the applicant will remove all wetland fills and re-establish the original surface contours in the wetland area. Disturbed areas will be seeded with a mix consisting of those species already present at the site as well as several other species. The applicant will also create 2.25 acres of wet meadow in the mined area as indicated on the attached drawings. The ground surface in this mitigation area will be graded to the level of the existing wetland and topsoil previously salvaged from the wetland in the processing area will be spread across the surface. Cottonwood saplings will be planted adjacent to this wetland. The remaining reclaimed area will be seeded with upland grasses. Semiannual inspections of the mitigation area will be completed and annual monitoring reports will be submitted to the Corps of Engineers until the area has been successfully established. Construction of this mitigation area will begin approximately three months after mining is initiated.

ALTERNATIVES: Four alternatives were considered by the applicant as follows:

1. Applicant's Proposed Alternative. This alternative is the one described in this public notice. The subject site is advantageous in that it is proximate to the upcoming Highway 135 reconstruction project. This alternative will impact up to 1.73 acres of wetlands for the temporary construction of the processing and stockpiling facilities areas on the lower terrace. Once gravel operations are completed, the site will be reclaimed and disturbed wetlands reestablished at their existing location. To compensate for temporal impacts, 2.25 acres of additional wet meadow will be created adjacent to the reclaimed wetlands.
2. Reduced Project Scope. To fulfill the anticipated requirements for the upcoming Highway 135 reconstruction project, 176,000 tons of sand and gravel are required. Based on the area available for mining (5.98 acres), projected depth of the resource (14 feet), construction requirements and waste, reduction in the size of the project would not yield adequate amounts of aggregate to satisfy the contract requirements. Therefore, the project would be unfeasible economically and would result in the applicant's need to supplement gravel by securing additional material from competitors in order to complete the project.
3. Alternative Site Location. Three characteristics are required for a prospective site to be considered: sufficient gravel, agreeable landowner, and reasonable access. Other factors (such as proximity to residential neighbors, duration of the project, wildlife impacts, and highway vehicle traffic impacts) affect the decision of the County Planning Commission. The applicant has conducted a thorough investigation of the Gunnison area, especially the valley between Gunnison and Crested Butte. In this area and in this valley, high quality gravel deposits are abundant. Alternative sites have been evaluated by the applicant. These sites were rejected for a number of reasons, including economic considerations and non-compliance with county regulations. One site, referred to as the Trampe Site located approximately 1.5 mile north of this Cottonhurst Site, was proposed to the Gunnison County Planning Commission but withdrawn due to potential impacts to residential neighbors located approximately 1/4 mile from the pit site.

4. **No Action.** Under the no-action alternative, the applicant would not develop a gravel mine at this location and would not be able to compete for the contract to supply aggregate materials for the planned Highway 135 reconstruction. An individual permit would not be required and mitigation measures would not be undertaken.

AREA DESCRIPTION: The area to be mined is the second terrace above the Gunnison River. It is approximately 350 feet west of the river and is currently used as irrigated pasture. The lower terrace is vegetated by wet meadow and riparian upland. A corridor of mature cottonwood trees separates the two terraces. An unnamed drainage is located on the lower terrace outside of the parcel boundary. Surrounding land use is primarily agricultural and residential neighbors are located approximately 1/2 mile from this site.

ADDITIONAL INFORMATION: A berm will be constructed to provide a visual barrier along the Highway 135 right-of-way. Cottonwood trees will also be planted along the highway to provide additional screening. A small berm, 2 to 3 feet high, will be constructed around the remaining perimeter to capture and retain storm water runoff as it moves east to the Gunnison River. Issues related to storm water runoff and air quality will be addressed in permits the applicant must obtain from the Colorado Department of Public Health and Environment.

The applicant plans to begin initial site preparation late in 2003. Mining activities will begin in the spring of 2004 and will be completed in the fall of 2004. Reclamation activities will begin at the completion of mining and will continue through 2005.

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 **April 25, 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. They have preliminarily determined that this project will result in only temporary impacts to water quality. For further information regarding the anti-degradation provision, please contact Mr. Ross at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3540.

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 will be affected. The proposed activity will not affect any threatened or endangered species or their critical habitat. The District Engineer has made the above determinations based on information provided by the applicant and on the Corps' preliminary investigations.

Interested parties are invited to submit written comments on or before **April 25, 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 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, 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 Ms. 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: 4 Drawings