



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200375402

Date: November 21, 2003

Comments Due: January 15, 2004

In reply, please refer to the Public Notice Number

SUBJECT: The Sacramento District Corps of Engineers (Corps) is evaluating a permit application to impact up to 15 acres of waters of the United States in and adjacent to the Uncompahgre River to continue instream gravel mining at the Abbott Pit. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps website at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/>.

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

APPLICANT: Robert L. Abbott
Abbott Ready Mix, Incorporated
Post Office Box 40
Ridgway, CO 81432 (970) 626-5801

Agent: Charles Ponchak
Post Office Box 219
Ouray, CO 81427 (970) 249-4434

LOCATION: The Abbott Pit is located at the Uncompahgre River, approximately one mile upstream of the State Highway 62 bridge in the Town of Ridgway within Sections 16 and 21, Township 45 North, Range 8 West, Ouray County, Colorado.

PURPOSE: To continue annual instream gravel mining operations.

PROJECT DESCRIPTION: The applicant proposes to annually construct two temporary alluvial berms and two temporary stockpiles within the ordinary high water mark of the Uncompahgre River to facilitate the excavation of an annual average 50,000 cubic yards (cy) of alluvial material. Excavation and construction will be conducted during low flow periods (less than 300 cubic feet per second) and occur outside the low flow channel of the river. After annual spring runoff a diversion berm approximately 300 feet long, 6 feet high, and 6 feet wide would be constructed at the south end of the pit to divert the river to the east side of the pit. An additional berm approximately 1,650 feet long, 12 feet high, and 12 to 50 feet wide would be constructed adjacent to the newly established west low flow channel. The river would then be diverted to the west low flow channel and mining would commence east of the large berm and include two large stockpiles.

The amount of alluvial fill deposited in the mining pit is solely dependant on the intensity and duration of the flood season. Within the last ten years, volume extracted has ranged from approximately 20,000 cy in 2002 to 69,000 cy in 1993. As such, mining depth will vary from 2 to 4 feet, but will not be excavated any deeper than the 1996/1997 surveyed low flow channel elevations which are surveyed and monitored annually.

AREA DESCRIPTION: The 15-acre project site is located within the river corridor of the Uncompahgre River and has been mined since the 1950s (the applicant has mined this site since 1972). The permittee has obtained Department of the Army permits for past mining activities under permit number 200075429 and 199675199. Since 1998, an upstream 10-acre portion, once part of a 25-acre mine, is no longer mined. A rock drop structure is located at the north downstream end of the pit on the river and is maintained as needed to effect grade control.

At this site, the river is at an elevation of approximately 7,100 feet msl and drains a basin of approximately 145 miles. The U.S. Geological Survey stream gage located near Ridgway indicates an average annual bankfull discharge of approximately 900 cubic feet per second (cfs). The high flow of record, based on over 40 years of data, occurred on June 24, 1983, measuring 2,100 cfs.

The project reach is a braided stretch measuring over one-half mile long. A thin band of riparian vegetation (cottonwood and willow) lines both riverbanks, but streambank erosion is frequent. The private landowner on the west riverbank has performed streambank stabilization efforts in 1997, 1999, 2001, and 2003. Surrounding land use is characterized as agriculture consisting of livestock forage production, grazing, and rural residences.

OTHER GOVERNMENTAL AUTHORIZATIONS: The applicant holds a permit with the Colorado Division of Minerals and Geology (M-75-049) and with Ouray County.

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. John Hranac, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, telephone (303) 692-3586.

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 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.

EVALUATION FACTORS: 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. 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.

ADDITIONAL INFORMATION: 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.

SUBMITTING COMMENTS: Comments, referencing Public Notice #200375402, must be submitted to the office listed below on or before December 21, 2003. The Corps is particularly interested in receiving comments related to 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. Written comments must be mailed to:

Susan Bachini Nall, Project Manager
U.S. Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
(970) 243-1199, extension 16
Email: susan.nall@usace.army.mil.

Additional information may be obtained from the applicant, their agent, or the Corps project manager.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Attachments: 3 Drawings