



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200575451
Date: December 22, 2005
Comments Due: January 23, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application for general maintenance activities associated with the Oso Diversion Dam located on the Navajo River. 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/regulatory.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: Bureau of Reclamation
Albuquerque Area Office
Ms. Nancy Umbreit, ALB-185
555 Broadway NE, Suite 100
Albuquerque, New Mexico 87102
505-462-3599

LOCATION: The project site is located on the Navajo River at Section 9, Township 32 North, Range 2 East Archuleta County, Colorado.

PROJECT DESCRIPTION: The Oso Diversion Dam is part of the San Juan-Chama Project, which consists of a system of diversion structures and tunnels for the transmountain movement of water from the San Juan River Basin to the Rio Grande Basin. Primary purposes of the San Juan-Chama Project are to furnish a water supply to the middle Rio Grande Valley for agriculture, municipal, domestic, and industrial uses. The project was authorized by Congress in 1962. The Oso Diversion Dam, which was constructed in November 11, 1970, diverts water from the Navajo River to the Oso Diversion Conduit. This conduit, with a capacity of 650 cfs, extends from Oso Diversion Dam to Azotea Tunnel in the Rio Grande Basin. For more information regarding the San-Juan Chama project please visit the US Bureau of Reclamation's website at www.usbr.gov/dataweb/html/sjuanchama.html.

The Bureau of Reclamation (Reclamation) is responsible for the maintenance and operation of the Oso Diversion Dam. General annual maintenance involves sediment removal, bank stabilization, and repair and maintenance of existing structures.

Reclamation is applying for an individual permit to perform general maintenance on all aspects of the diversion structure, within the reservoir pool behind the dam, and downstream of Oso Diversion Dam. Since a Department of the Army permit has never been issued, Reclamation is currently applying for authorization for routine maintenance of structures and other activities.

Reclamation is requesting authorization for the following activities:

- 1) The future placement of riprap to provide bank stabilization along portions of the normal pool level of the reservoir.
- 2) Securing a permit for an existing levee annual sediment removal.
- 3) Permit an existing Oso Diversion Dam access road

- 4) Recontour the spoil area to a natural grade adjacent to the wetland areas. Reclamation's spoil piles have encroached into a wetland area located below the dam. Reclamation has agreed to restore this area to its original condition.
- 5) Remove sediment annually which accumulates upstream of Oso Diversion Dam.
- 6) Remove sediment annually which accumulates within the channel below Oso Diversion Dam.

Detail Description of Work

Bank stabilization

Reclamation is proposing to place 1200 cubic yards of riprap to stabilize approximately 500 feet of eroding bankline upstream of the dam. The riprap will range from 6 inches in diameter to a 1/4 yard. See enclosed diagram for more information. In addition, the applicant is requesting approval of similar bank stabilization as part of their routine maintenance plan.

Oso Diversion Dam Sediment Removal Work

The training dike and access road at Oso Diversion Dam have been constructed from and will be maintained using existing riverbed material. Due to the high spring flows of 2005, the access road requires approximately 900 cubic yards of material to repair. The training dike requires approximately 4000 cubic yard of material to rebuild. The training dike would allow flows to stay on one side while the reservoir sediment removal operations proceed on the dike's drier side.

Yearly sediment removal would amount to approximately 25,000 cubic yards of material for an average flow year to 40,000 cubic yards for an above average flow year. Reclamation plans to remove sediment each year to maintain a surface elevation of 7764 feet for the diversion structure to work properly.

Diversion Structure

The levee (aka training dike) has been constructed using river gravel and erodible material. The purpose of the levee is to divert flow into the bypass channel permitting downstream water deliveries into the river and allowing the main channel to drain so that the removal of sediment and gravel can take place. Without the levee, the flow could not be diverted. The levee would be constructed with the same materials as those being removed from the reservoir. During a high flow event, the levee would erode; however, its contribution to sediment movement in the river is negligible during runoff or storm events and would be contained by the diversion dam. Reclamation has requested to repair the dike, which was impacted during the 2005 spring runoff. Once in place, the training dike, which is 1,800 feet long, 15 foot wide, and 4 foot tall, would assist in allowing water to flow unimpeded and undisturbed to the water bypass outlet. This proposed operation methodology is effective in reducing and/or preventing additional turbidity while minimizing adverse effects to aquatic resources.

Oso Diversion Dam Access Road

The purpose of the road is to provide access across the Navajo River upstream of the reservoir and the diversion channel for maintenance purposes. The road is 200 feet long, 15 feet wide, and 4 feet tall at a 3:1 side slope. It contains five 36 inch culverts to allow water to pass through. The access road would be reconstructed, as needed after each spring runoff, utilizing materials obtained from the diversion dam sediment removal operation.

Permit all Future Maintenance Activities

Reclamation is requesting approval for all future maintenance activities which would involve the removal of accumulated sediment and repair of existing structures, such as the existing training dike, access road, riprap, dam and other associated infrastructure.

Remove Fill within Wetlands

On August 2, 2005, a representative of the US Army Corps of Engineers (USACE) observed an unpermitted discharge of fill into jurisdictional wetland areas. The fill is in association with the stockpiling of dredged material during the sediment removal operation. Reclamation prepared a "Stormwater Pollution Prevention Plan" with a Notice of Intent effective October 10, 2005. The purpose of the plan is to provide a construction permit under Environmental Protection Agency's (EPA)

Construction General Permit. Construction includes the recontouring and implementing of best management practices (BMPs) at the Oso Diversion spoil site. The BMPs have been designed to protect the Navajo River and the wetlands from stormwater runoff as well as from construction activities during recontouring the spoil site. As part of Reclamation's permit request, they are proposing to restore all disturbed wetland areas.

Remove Excess Sediment Below Dam

Historically Reclamation has utilized a ramp located below the dam to access the river with their equipment to remove deposited sediment in the river channel (approximately 100 cubic yards per year). The purpose of the sediment removal is to ensure that the gauging station downstream continues to function properly. As part of this permit application, Reclamation is requesting approval to retain the ramp.

ADDITIONAL INFORMATION:

All work will be performed during late fall early winter season to avoid high flows.

USACE's individual permits are generally valid for a period of 5 years. If a permit is to be issued for this project, it would allow general maintenance activities to occur on an annual basis for a period of 5 years.

Equipment used for sediment extraction includes a front-end loader, excavator, and dump trucks.

Alternatives. The applicant has reviewed other alternatives for maintenance activities for Oso Diversion Dam. The applicant feels that the proposed alternative is the only practicable alternative for ensuring that delivery demands downstream are met and water quality remains at acceptable levels. Additional information concerning project alternatives may be available from the applicant. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Colorado Department of Health and Environment, is required for this project. The applicant is in the process of applying for certification.

HISTORIC PROPERTIES: Based on the available information, cultural resources are not within the project's area of potential effect.

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 Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

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 200575451, must be submitted to the office listed below on or before January 23, 2006:

Kara Hellige, Project Manager
US Army Corps of Engineers, Sacramento District
Durango Regulatory Office
278 Sawyer Drive, Suite #1
Durango, Colorado 81303
Email: kara.a.hellige@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 Kara Hellige in the Durango Regulatory Office, 278 Sawyer Drive # 1, Durango, Colorado 81303, telephone 970-375-9452, or e-mail kara.a.hellige@usace.army.mil.

Attachments: 3 drawings