



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200575713

Date: December 21, 2005

Comments Due: January 20, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct Phase 3 of a stream and fishery enhancement project on the Castleton Ranch. This project would result in impacts to approximately 3.24 acres of waters of the United States, including 2.18 miles of Ohio Creek and adjacent wetlands. 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: Glen Dubin
Dba Ranch Properties, LLC
c/o Dubin & Sweica
9 West 57th Street, 27th Floor
New York, New York 10019-2701
212-287-4900

AGENT: George M. Fosha, P.E.
P.O. Box 136
Calhan, CO 80808
719-347-3132

LOCATION: The project site is located on 2.18 miles (11,520 feet) of Ohio Creek near it's confluence with Carbon Creek on the Castleton Ranch. This property is located approximately 14 miles north of the City of Gunnison and the project reach is located within Sections 18, 19, 20 and 29, Township 15 South, Range 86 West, Gunnison County, Colorado, and can be seen on the Squirrel Creek USGS Topographic Quadrangle.

BACKGROUND AND ENVIRONMENTAL SETTING: The Castleton Ranch, which encompasses approximately 6,800 acres, is located in the Ohio Creek Valley. Ohio Creek is a tributary of the Gunnison River and runs the length of the ranch ranging in elevation from 9,600 to 8,200 feet msl. Smaller tributaries to Ohio Creek on the ranch include Carbon, Willow, Price, Middle, and Squirrel creeks. The land is characterized by spruce/fir and aspen forests in the higher elevations and by large meadows of native grass hay, irrigated using the ranch water rights. The riparian corridor includes willow/sedge wetlands with several stands of mature cottonwoods. Jurisdictional wetlands were identified using aerial photography and onsite verification and delineation by Claffey Ecological Consulting.

Although the ranch continues to be operated for the historic use of cattle and hay production, the owner is placing a much greater emphasis on the development of recreational uses and the enhancement of wildlife

and fishery habitat. As part of the habitat improvements, the ranch has undertaken modification and restoration of Ohio Creek within the ranch. In 2004, the Corps approved a channel restoration project (Phase 1) along a 1,900-foot section of Ohio Creek at the upstream end of the ranch under Nationwide General Permit number 27, assigned Corps number 200475401. Phase 1 work consisted of:

- construction of 6 small oxbow ponds (in stream meanders);
- construction of 28 rock structures;
- enlargement of an existing irrigation pond (Ranch Pond 1); and
- creation of a new fishery/waterfowl feature (Entry Pond).

In fall 2005, the Corps received and approved an additional 750 feet of channel modification (Phase 2) under Nationwide General Permit 27, assigned Corps number 200575382. This Phase 2 work expanded the Phase 1 work downstream and included:

- a 330-foot realignment of an existing meander;
- construction of 2 oxbow ponds; and
- construction of 6 rock structures.

While additional work was planned on the remaining three miles of Ohio Creek, this Phase 2 permit was limited to the 750-foot segment designed by hydrologist Dave Rosgen of Wildland Hydrology who was using the project to instruct an outdoor Advanced River Design class. The applicant was advised that additional work for the remaining three miles of Ohio Creek would require the processing of an individual permit, which is the subject of this public notice.

PROJECT DESCRIPTION: The applicant is proposing Phase 3 of a stream and fishery enhancement project on the remaining segment of Ohio Creek. The project involves the modification and channel restoration of 2.18 miles of Ohio Creek. Phase 3 proposed work includes:

- channel modification of approximately 11,520 feet (2.18 miles) of Ohio Creek upstream (5,000 feet) of Phase 1 and downstream (6,520 feet) of Phase 2 work.
- construction of 9 oxbow ponds;
- construction of 102 rock structures; and
- enlargement of the Ranch Pond 1.

Ohio Creek restoration is designed by hydrologist Dave Rosgen of Wildland Hydrology to assist in channel stability which will also create habitat diversity for self-sustaining fish populations. Overall objectives include decreasing stream width to depth ratio, channel realignment to restore natural sinuosity and reduce bank erosion, and reestablishment of streambank vegetative cover. In certain areas where channel realignment is proposed, "oxbow ponds" will be created in former channel meanders to help provide a more diverse recreational fishery with deeper water (5-12 feet) and slower velocities for fish refuge. Eight such features were performed in Phase 1 and 2. A further description of project activities is as follows:

Channel Re-Alignment (2,015'): An estimated 8,500 cubic yards (cy) of materials will be excavated and reused for channel realignment work. Any excess materials will be removed and transported to upland disposal sites on the ranch.

In-Channel Modification (9,505'): An estimated 18,727 cy of materials will be excavated from the channel and redistributed for channel re-shaping. Calculations and experience show that there is a near balance between excavation and fill volumes. Again, if excavation exceeds fill requirements, excess materials will be disposed of in an upland ranch location.

Rock Structures: The Phase 3 plan includes the construction of 102 rock structures including 18 "cross vane" structures for grade control and 52 "J-hook" vanes, 15 modified "J-hook" vanes, 17 combination

rock/log vanes designed for bank stabilization. Rock materials will be obtained from the ranch and average 3.5 to 6' in diameter.

Oxbow Ponds (9): Excavation to deepen the proposed 9 oxbow ponds in old channel meanders and adjacent wetlands is estimated to be 14,144 cy (with an average depth of cut of 9'). The majority of this excavation will occur in Ohio Creek (9,701 cy) while the remainder will occur within wetlands (4,443 cy).

Enlargement of Ranch Pond 1: Upland areas will be excavated (8-15') to enlarge the existing Ranch Pond. This activity is not regulated by the CWA, but is described because it is hydraulically connected to the existing Ranch Pond 1 permitted in Phase 1 work.

Project planner Dave Rosgen will supervise construction activities which will be performed by contractors experienced in river construction. Best management practices will be implemented and at the lower end of the project, Ohio Creek flows will be temporarily diverted through a sedimentation pond and/or wetland filter zone to help remove suspended solids. Material staging areas, haul roads, and disposal sites will be located in upland areas, well separated from the river and wetland areas. Wetland sod mats will be salvaged and reused to naturally contour the areas around the step-pool plugs. Additionally, willow clumps will be transplanted to assist in natural streambank stabilization. Remaining disturbed areas will be graded and re-seeded with a local grass seed mix. Revegetative efforts for the Phase 1 and 2 work has been intense and is proving to be quite successful.

Phase 3 is scheduled for mid to late summer 2006. This timing will be during low flow periods on Ohio Creek and will also help minimize impacts to downstream users. Supplemental revegetation efforts will be accomplished in fall 2006 or spring 2007 as dictated by weather conditions and specific plant establishment requirements.

This project, in combination with Phase 1 and 2 work, will involve channel restoration on 14,150' (2.68 miles) of Ohio Creek. Pre-restoration, Ohio Creek measures 15,760 feet. This project, along with Phases 1 and 2, will result in an overall stream length reduction of 1,610 feet due to the elimination of many of the old channel meanders.

Based on the available information, the overall project purpose is to improve channel stability in Ohio Creek and develop premier quality fishery habitat on the applicant's property. The applicant believes there is a need to address stream deficiencies and diversify habitat on the ranch property. The attached tables and drawings provide additional project details. [NOTE: Attached drawings show proposed channel modifications superimposed on aerial photo images obtained in October 2003.]

ALTERNATIVES: The applicant has provided information concerning project alternatives:

- 1) No Action. The "no action" alternative would leave this reach of Ohio Creek in its existing substandard condition. Severe bank erosion would continue, resulting in excessive sediment movement and an on-going loss of riparian habitat along the eroding banks. No action would result in under-utilization of a prime nature resource to the detriment of the environment on Castleton Ranch and other private and public riparian properties at downstream locations.
- 2) More Aggressive Commercial Fish Stocking and Feeding Program. This alternative could improve fish densities, but only on a non-sustainable basis. This type of program entails relatively high operating costs and there is no assurance of holding fish during either low flows or flood conditions. Since habitat and food chain conditions are not improved, this alternative would support only a temporary, low quality fish population in Ohio Creek.

3) Installation of More Traditional Structural Channel Improvements. This alternative (including such activities as channelization, riprap, check structures, etc.) could improve channel flow efficiency, reduce streambank erosion, and may provide additional fishery habitat. However, this is a costly and less natural alternative and typically the more conventional improvements do not provide a naturally sustainable, high quality fish habitat.

4) Expanded Project Reach. An earlier alternative design included an additional 1,550 feet at the far north end of the ranch and an additional 1,665 feet at the far south end of the ranch. After additional investigation, it was concluded that these excluded river segments are relatively stable with minimal bank erosion. Exclusion of these segments would not substantially detract from the project objectives and would reduce activities within Ohio Creek and adjacent wetlands.

Additional information concerning project alternatives may be available from the applicant or their agent. 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. The applicant has made efforts to minimize aquatic impacts, including decreasing the overall project length from 17,365' to 14,150' (inclusive of Phase 1 and 2 work). Of the 3.24 acres of aquatic impacts proposed, most (2.39 acres) are attributable to excavation of materials from wetlands for the Ohio Creek realignment, channel modifications, and oxbow pond construction. A smaller amount (0.85 acre) is the result of fill placement in wetlands for channel reshaping and rock structures. As such, the applicant has proposed to compensate for 3.24 acres of aquatic impact. Prior activities have been over-mitigated onsite at the direction of Claffey Ecological Consulting. With consideration of a surplus 0.56 acre, the applicant proposes to create the remaining 2.68 acres of wetland mitigation on the property at various locations. Refer to Figures 3-1 through 3-12 and Table 5 for summaries of wetland mitigation details for this project.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Colorado Department of Public Health and Environment (CDOH), is required for this project. The applicant has indicated they have applied for certification. Comments related to water quality should be addressed to Mr. John Hranac at email address john.hranac@state.co.us or telephone (303) 692-3586.

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

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat due to increased depletion losses associated with evaporation from created ponds. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. 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 200575713, must be submitted to the office listed below on or before January 20, 2006:

Susan Bachini Nall, Environmental Engineer
US Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Susan.Nall@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 Susan Bachini Nall at email address Susan.Nall@usace.army.mil, or telephone number (970) 243-1199, extension 16.

Attachments: 34 drawings