



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

Public Notice

Public Notice Number: SPK-200675335

Date: November 21, 2008

Comments Due: December 21, 2008

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Keyah Grande Gravel Pit and to authorize and resolve a previous unauthorized activity. The total impacts to waters of the U.S. as a result of the proposed gravel pit and past work is approximately 5.83 acres, including wetlands directly abutting Devils Creek, the Devil Creek stream channel, and ponds associated with the historic mining activity. A public notice regarding the Keyah Grande Gravel Pit was issued on November 16, 2006. A Department of the Army permit was never issued for the original project. The project has been modified since the issuance of the previous notice and this notice is to inform interested parties of the proposed changes to the 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 Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Keyah Grande
Paul Griffith
13211 Highway 160 West
Pagosa Springs, Colorado 81147

LOCATION: The project site is located approximately 16 miles west of the Town of Pagosa Springs at Keyah Grande Lodge and Elk Ranch, near Devil Creek, in Section 5, 6, 7, and 8 of Township 34 North, Range 3 West, Archuleta County, Colorado, and can be seen on the Chimney Rock and Lonetree Mountain, Colorado, USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The Keyah Grande Gravel Pit project will involve surface mining of aggregate from the alluvial floodplain of Devil Creek. The 33.89 acre project area includes acreage for compensatory wetland mitigation and riparian enhancement for past and proposed impacts as well as excavation and processing of gravel. The total surface disturbance for the project will be limited to approximately 16.54 acres.

Background Information:

The Keyah Grande Lodge and Elk Ranch was established in the 1980's with the defined intent of providing a first-class recreational retreat for outdoor enthusiasts. Since its establishment, Keyah Grande has been owned by the Sackman family and has been managed by two individuals. The previous ranch manager mined a portion of the Devil Creek floodplain for aggregate material. This activity impacted both Devil Creek and associated wetland communities. The ranch has very few records documenting the previous mining activity or the condition of the site prior to the disturbance. Based on photo analysis and limited information from the ranch, it has been determined that the

violation occurred at some point between 1999 and 2003. The extent of the impact to wetlands and other waters of the U.S. was determined by examining the historical channel of Devil Creek and the vegetative signature of the adjacent areas. The vegetative signature was determined by examining known, undisturbed vegetative communities on the site and comparing them to historic photos. It has been determined that the previous ranch operations impacted approximately 2.67 acres of wetlands or other waters of the U.S. The applicant took a conservative approach in determining the quantity of the wetland present before the disturbance to insure that this public notice accurately quantifies all direct impacts to waters of the U.S. as a result of unauthorized mining activities and the proposed new activity.

Current Conditions

Existing elevations within the study area range from about 2,013 m (6,900 ft) mean sea level (msl) to 2,114 m (6,945 ft) msl. Devil Creek is located along the western edge of the project area. Based on current conditions, approximately 6.66 acres of waters of the U.S. were delineated within the project boundary (including 2.62 acres of wetland area, 2.80 acres of stream bed and 1.24 acres of open water).

The site contains several wet-meadow wetland areas, an existing pond, and areas of palustrine scrub-shrub wetland within the riparian zone of Devil Creek.

The following is a description of the existing vegetative communities at the project site:

Wet meadow/Marsh (PEM):

The PEM wetland communities on-site are generally dominated by foxtail barely, creeping bent grass, red fescue, cattail, and various sedges and rushes. The primary ecological functions of the PEM wetland area on-site include flood abatement, wildlife habitat and groundwater recharge. Secondary functions include water quality and passive recreation. The habitat function is limited by the disturbed conditions that currently exist throughout the site. It has been observed that the functions of these communities improve each year.

Vegetated streambank (PSS):

The willow-shrub wetlands onsite are limited to a narrow strip, no more than 5 feet wide, along the bank of Devil Creek. The primary functions of these PSS wetland areas include wildlife habitat and streambank stability. Secondary functions include water quality and passive recreation. The habitat function is limited by its sparse and narrow willow cover and the disturbed conditions that exist throughout the site. This community type was likely much more common throughout the project area prior to agricultural manipulation.

Other Waters of the U.S./ Stream channel (R3SB):

The R3SB on-site is limited to Devil Creek and the eroded gully, which is a result of the 2005 spring run-off flooding. The primary functions of Devil Creek include wildlife habitat and storm water conveyance. Secondary functions include water quality and passive recreation. The eroded gully has a negative ecological function due to its current unstable state and lack of conveyance or habitat function. Both streambed areas are limited by the disturbed conditions that now exist throughout the site.

Palustrine Open Water (POW)

The POW on-site includes one large and three small ponds at the south end of the project area as well as an area of open water features in the center of the site, which includes an abandoned stream channel. The ponds were created as a result of minor mining activities previously undertaken. The primary function of the larger pond includes wildlife habitat (waterfowl and fish), water quality, flood

abatement and groundwater recharge. Secondary functions include passive recreation. The ponds trap eroded sediment that originates in the upstream gully. The three smaller open pond areas are also a result of past gravel mining activity and have minimal ecological function. The primary function of these pond areas is habitat and groundwater recharge; there are no significant secondary functions. The small open water features located near the middle of the site are natural oxbow formations. Since the abandonment of the channel several small ponds have formed in the old stream bed. These ponds have moderate ecological function. The primary function of the old streambed ponds includes wildlife habitat, flood abatement and water quality. Secondary functions include groundwater recharge and storm water conveyance. All three open-water type features are limited by the disturbed conditions that currently exist through the site.

The upland/transitional (UPL)

The upland and transitional communities, which include upland riparian vegetation such as cottonwoods and ponderosa pine communities, are located in the immediate vicinity of the wetland areas and are generally dominated by Baltic rush, smooth brome, western wheatgrass timothy, orchard grass, oxeye daisy, common yarrow, Wood's rose, narrowleaf cottonwood, and Ponderosa Pine. Much of the cottonwood and willow canopy that naturally existed in these upland riparian areas has been lost due to past agricultural practices.

Project Description:

The Keyah Grande Gravel Pit will involve surface mining of aggregate from the alluvial floodplain of Devil Creek. The excavation work will be performed with the use of loader and excavator. The material will be processed with a cone crusher and jam crusher with the use of conveyors. The mined gravel will be hauled to the onsite processing location, processed and then hauled to a project location or to the designated stockpile location. The gravel pits will be dewatered during the excavation process. The water from the pits will be passed through a stilling basin prior to discharge to Devil Creek. The project will result in two impoundments; Ponds A and B. Pond A will have a surface area of approximately 4.56 acres and Pond B will have a surface area of approximately 1.39 acres. The maximum depth in both ponds is 30 feet.

The proposed project will be implemented in three phases:

Phase I will involve the excavation and reclamation of Pond A, along with internal road improvements

Phase II will involve the sale and hauling of any stockpiled gravel and monitoring of the reclamation and wetland/riparian mitigation areas.

Phase III will involve the excavation and reclamation of Pond B, as well as the restoration of the processing area and stockpile areas.

The project would include impacts to 5.83 acres of waters of the U.S. (3.96 acres of wetland impacts, 0.87 acres of stream channel impacts, and 1.00 acre of open water impacts). These impact totals represent past and proposed impacts. Approximately half of the impact total (2.93 acres) is considered temporary in nature. For a detailed breakdown of the current, past, and proposed communities please see the attached figure entitled *Habitat Comparison: Past, Current, and Proposed, Impact Comparison Map, Keyah Grande Gravel Pit*

Project Purpose:

According to the applicant, the overall project purpose is to extract aggregate material for future use on roads within Archuleta County and to restore a previously disturbed wetland and stream complex on the site.

Alternatives:

The applicant has provided information concerning project alternatives. These alternatives include other site locations and site designs. Additional information concerning project alternatives is listed on the original public notice and 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 of 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. The applicant has expanded the overall project area and revised the original plans in an effort to avoid some wetland impacts and to be able to restore more wetlands on-site. As revised, the project would include a total of 5.83 acres of impacts to wetland, streambed, and open water area (1.00 acres of open water ponds, 3.96 acres of wetland area, 0.87 acres of stream area). To compensate for the unavoidable impacts, the revised mitigation plan proposes to restore and create 5.95 acres of open water ponds, create 3.02 acres of wetland, restore 1.67 acres of wetland, restore 1.65 acres of stream, and restore 3.37 acres of cottonwood area. Therefore the total creation and restoration of these communities equals 15.66 acres. For more information regarding mitigation, please see the attached plan entitled *Keyah Grande Gravel Pit; Reclamation, BMP and Wetland Planting Plan*.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Colorado is required for this project. The applicant has indicated that they have applied for certification.

HISTORIC PROPERTIES: Based on the available information, cultural resources are not within the project's area of potential effect. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management 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 SPK-200675335 must be submitted to the office listed below on or before December 21, 2008.

Kara Hellige, Project Manager
US Army Corps of Engineers, Sacramento District
Durango Regulatory Office
799 E 3rd Street, #2
Durango, Colorado 81301
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, 970-375-9452, kara.a.hellige@usace.army.mil.

Attachments: 4 drawings