



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200675335

Date: November 16, 2006

Comments Due: December 16, 2006

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 US as a result of the proposed gravel pit and past work is approximately 5.51 acres (permanent, temporary, and conversion impacts), including wetlands in and adjacent to Devil Creek. Conversion impacts are considered impacts associated with converting one type of aquatic community into another type, such as the conversion of wetland into open water. 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 reviewed under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Archuleta County
Sue Walan
1122 Highway 84
Pagosa Springs, Colorado 81147
970-264-5660

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.

PROJECT DESCRIPTION: The applicant is proposing to mine gravel and restore a previously disturbed site. The proposed project will result in permanent impacts to 0.10 acres of waters of the US, temporary impact to 2.41 acres of waters of the US, and 2.19 acres of stream and/or wetlands conversion to open waters. Past impacts due to unauthorized fill and excavation activities resulted in 3.40 acres of impact to waters of the United States (including 0.74 acres of stream and 2.66 acres of wetlands). To mitigate for these impacts, the applicants have proposed to create 0.49 acres of stream channel, 5.35 acres of open water feature (3.06 acres of created and 2.29 acres of converted) and 1.03 acres of palustrine scrub shrub and emergent wetlands. In addition, the project will restore 0.88 acres of open water, restore 1.64 acres of palustrine scrub-shrub and emergent wetlands, and preserve/enhance an additional 15.0 acres of riparian habitat.

Project Purpose:

The overall purpose of the project is to extract aggregate material for future Archuleta County road infrastructure and to restore a previously disturbed wetland and stream complex.

The applicants' specific purpose is to extract a minimum of 160,000 cubic yards of aggregate material from the project area in order to meet the purpose and needs of the growing Archuleta County road infrastructure. According to the Colorado Office of Demography, Archuleta County had the second highest rate of growth among all counties in Colorado in the late 1990's and highest growth rate in southwestern Colorado. However, road improvements during that time have not kept up with the increased usage. Therefore, the County is burdened with the duty of finding sufficient sand and gravel aggregate to meet the transportation and commerce needs of the growing community and, at the same time, minimize environmental degradation that is normally an inherit and unavoidable characteristic associated with such activities.

In addition, the land owner and manager of Keyah Grande and Elk Ranch is interested in resolving an outstanding violation of Section 404 of the Clean Water Act, and create a more aesthetic view for its guests. The previous manager of the Keyah Grande and Elk Ranch conducted gravel mining activities within the Devil Creek floodplain for the purpose of on-site road improvements. These activities were conducted without receiving appropriate approval from the Corps.

Background information:

The Keyah Grande Lodge and Elk Ranch was established in the 1980's with the 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 had mined 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 regarding this 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 wetland and other waters of the US 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 the historic photos. It has been determined that the previous gravel pit impacted approximately 3.40 acres of wetlands or other waters of the US. This has been calculated within the overall 5.51 acres of total impacts (past and proposed). The applicant took a conservative approach in determining the quantity of wetland present before the disturbance to insure that all direct impacts to waters of the US are accounted.

Current Conditions:

Existing elevations within the study area range from about 2,103 m (6,900 ft) mean seal 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 4.23 acres of waters of the U.S. were delineated within the project boundary. The site contains several wet-meadows wetland areas,

an existing pond and areas of palustrine scrub-shrub wetlands in the riparian zone of Devil Creek. The project site is comprised of mostly disturbed ground. The area on the eastern portion of the pit is characteristic of a Ponderosa meadow and Cottonwood floodplain. Devil Creek is channelized and incised along the northern boundary of the meadow. See attached photos.

Operational Plan:

Mining will take place in an inactive and previously disturbed section of the Devil Creek floodplain. No mining will occur in the established channel of Devil Creek and a minimum 30 foot buffer will be maintained to ensure that normal lateral bank erosion does not pose a threat of breaking through to the deeper ponds that will be created as a result of the mining activities. The Devil Creek bank will be fortified at the location of the highest erosional forces.

The formal mining plan entails excavating no more than 70,000 cubic yards of material from the project area, with a total surface disturbance of 10 acres maximum. It is anticipated that the aggregate materials will be removed to a maximum depth of 11 to 32 feet (measured from the Devil Creek stream-bed elevation). The maximum depth of the ponds is dependent on the size and shape of the excavation area, the occurrence of desirable aggregate material and the side slope design standard which is to be no greater than 2:1. All of the excavation work will be completed as quickly as possible. It is anticipated that the excavation work will be completed in less than 3 months. The material will be crushed on-site. Wet extracted material may be temporarily stockpiled adjacent to the excavation area for a period of a few days to several weeks to drain. All topsoil will be stockpiled near the site for use in the reclamation.

A 20-foot wide access road will be maintained within the project boundaries during mining activities. A 10-foot wide maintenance road will be left in place upon reclamation for future maintenance of the sit. No impacts to wetlands and other water of the US will result from the installation of the maintenance road. The remaining access road will also serve as a dike to prevent erosion of the buffer area.

Water quality monitoring will be preformed at the site, before, during and after the mining activities.

Mining will take place during low-flow period of the river. No mining will occur in the river. Mining activities are scheduled to occur in the late summer and fall of 2007.

The attached drawings provide additional project details.

Alternatives:

The applicant has provided information concerning project alternatives. Attached is a table of off-site alternatives that have been considered. The project design is limited by the type of Colorado Division of Mineral's and Geology permit that the applicant is requesting and quantity of material that the applicant wants and needs to extract. 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. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to create 0.49 acres of stream channel, 5.35 acres of open water feature (3.06 acres of created and 2.29 acres of converted) and 1.03 acres of palustrine scrub-shrub and emergent wetlands. In addition, the project will restore 0.88 acres of open water, restore 1.64 acres of palustrine scrub-shrub and emergent wetlands, and preserve/enhance an additional 15.0 acres of riparian habitat. This mitigation accounts for the impacts associated with the unauthorized and proposed mining activity.

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 has indicated they have applied 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 affect, but not likely to adversely affect the Colorado pikeminnow, razorback sucker, southwestern willow flycatcher, and bald eagle. 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 200675335, must be submitted to the office listed below on or before December 16, 2006:

Kara Hellige, Project Manager
US Army Corps of Engineers, Sacramento District
Durango Regulatory Office
799 E 3rd St
Suite 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, or e-mail kara.a.hellige@usace.army.mil.

Attachments: 11 drawings