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

Public Notice

Number: 200675454
Date: November 28, 2006
Comments Due: December 28, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to mine an existing dike and restore portion of the Animas River, which would result in impacts to approximately 2.5 acres of the Animas River, an interstate waterway. 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: Four Corners Materials
Peter Siegmund
PO Box 2707
Durango, Colorado 81301
970-247-2172

LOCATION: The project site is located 11 miles north of Durango within the Animas River at the historic Thomas Pit in Section 1 and 36 of Township 36 and 37 North and Range 9 West, La Plata County, Colorado. The property is owned by the Thomas family.

PROJECT DESCRIPTION: The applicant is proposing to mine an existing dike located within the Animas River. Based on the available information, the overall project purpose is to obtain aggregate for commercial sale and restore the river to a more stable condition. The applicant believes there is a need to provide adequate aggregate to the region for road and other similar infrastructure construction, while improving conditions in the Animas River caused by previous mining activities. The attached drawings provide additional project details.

The dike will be removed by either one or more front-end loaders picking and carrying the material or a loader and truck tram. The length of the dike to be removed is approximately 1100 feet and the volume to be removed is approximately 59,000 cubic yards. The material will be transported from the point of excavation across the upper dam and stockpiled on the existing pad. Dozers may be used to windrow material prior to loading. The remaining material, approximately 5000 cy will be placed as fill for the purpose of restoration within the western channel.

As part of the removal of the dike, two cofferdams will be installed. The upstream cofferdam will redirect the low flow water into the eastern channel of the river and will be constructed of river gravel. The material for the upper dam is available from the adjacent splay. The purpose

of the lower cofferdam will be to act as a filter. The area between the two cofferdams will not be dewatered. The lower cofferdam will be installed by pushing material from the northern portion of the dike with a dozer. These dams will be removed at the completion of the proposed work. The lower dam will only be removed to the elevation of the newly placed adjacent fill. The upper dam will be removed and placed back into the adjacent splay. The eastern channel will be contoured to match the existing splays on the western channel. The restoration area will be left with some irregularities to create pools and braiding.

Materials not needed as part of the restoration effort will be removed from the channel and placed above the 100-year floodplain. Approximatleu 54,000 cy of material will be used for sellable aggregate products.

Once the dike has been removed final grading will take place. The surface will be shaped to mimic the natural braiding process. Impacts to existing vegetation will be avoided to the greatest extent. The remaining vegetation will be used to determine the location of the new braided channels.

An area of dozed gravel that was pushed up on the east bank of the river in the 1970's will be removed. This area is located above the ordinary highwater mark of the Animas River. The pushed gravel was actes as a flood control for properties located on the eastern side of the river. Approximately 1.1 acres will be graded back to the original ground surface, which is an average cut of 2 feet and a maximum cut of 6 feet. The east bank will be restored to an elevation of 6674 feet mean sea level (msl), which is the elevation of the adjacent undisturbed land. It is estimated that 3550 cy of gravel will be extracted from the area.

The western bank above the current jetty will be graded to a 2:1 (horizontal:vertical) slope for 1400 linear feet. This will be accomplished by cutting 3500 cy of material from the bank and backfilling with 4800 cy of material. The 1300 cy of material difference will be transported from the extracted aggregate from the eastern bank.

All disturbed areas above the ordinary highwater mark will be planted with willow or cottonwood cuttings. The woody vegetation will be planted in clumps of 10 and will be randomly spaced.

Background Information

The Thomas property was initially mined by the Colorado Department of Highways in the 1930's in order to build portions of the "Million Dollar Highway", now US 550, north toward Silverton.

Prior to the late 1960's, the property was also the site of a gold mine dredge operation. A 200 feet wide, 900 feet long and over 60 feet deep hole was dredged in the east bank, adjacent to the river, to approximately . In 1968, Nielsons, Inc. (Animas Aggregates) took over the site and extracted sand and gravel from the River by directing flows to one part of the channel while the other part is mined. Mining also occurred by excavating material adjacent to the river.

In 1973, the US Army Corps of Engineers (USACE) assisted in restoring the flood control dike along the west bank of the Animas River channel. A portion of that dike now forms a berm of

gravel, isolated within the river channel itself. The original river channel flows along the dike-berm's eastern side, and the former dredged channel carries water to the west.

The State of Colorado enacted a law in the 1970's which required operators to obtain mining and reclamation permits. In 1976, Animas Aggregates was issued Permit No. M-1076-020 for the Thomas Pit operation.

In April of 1980, Animas Aggregates received a USACE permit (#9668) authorizing the placement of approximately 3000 cubic yards of dredged material into the Animas River to repair damaged dikes along the west riverbank.

In 1994, USACE issued Animas Aggregate a permit to continue mining within the river channel. The permit allowed 18,800 tons of material to be extracted per year. The permit expired in 1996 and mining has not occurred in the river since this time.

In 2001, the landowner and Four Corners Materials (FCM) were granted permission from the State of Colorado to mine sand and gravel adjacent to the Animas River. This pit did not require a USACE permit.

In 2002, a USACE permit was issued for bank stabilization to increase fortification around the pit (DA# 200275200). The armoring of the bank consisted of a boulder jetty and bank armoring with 3'x4'x4' pre-cast blocks anchored together with cables.

After the spring of 2005 runoff event, undercutting occurred to the armored bank. Unintended secondary reflection from the historic USACE dike-berm, and down-cutting from the historic gravel pit are the main causes of the undercutting. The removal of the dike berm will assist in protecting this western bank.

Environmental Setting:

The project site is currently the most upstream gravel mining site in the Animas River Valley. The woody riparian vegetation within and surrounding the project area is dominated by narrow-leaf cottonwoods and willows. Currently the dike forces the river into the western channel during low flows. During periods of highflow, the river splits into two channels. The river at the location of the historic Thomas Gravel Pit resembles an unnatural depressed area (refer to attached cross-section). Th eresult of the unnatural depression is river incision and headcutting upstream of the pit. The project area does not contain any special aquatic sites, including wetlands. Attached are aerial photographs of the site from 2002 and 2005. The 2002 photo does not reflect current conditions. The recent conditions not shown on this aerial photograph include, the Thomas off-stream mining pit, the jetty and bank armoring approved by the USACE in 2002, and gravel bar deposits, otherwise referred to as splays, which occurred during the 2005 spring runoff.

Alternatives:

The applicant has provided information concerning project alternatives. The applicant's alternative analysis is enclosed as a figure with this public notice. 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. As part of this project, the applicant will fill in depressions within the river caused by previous mining activities. The applicant feels that by filling these depressions, they will be accelerating the "healing" process of the river, which will result in a more stable channel profile.

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. The area of potential effect is located within the active channel of the Animas River.

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 project will not cause the destruction of suitable habitat for the Southwestern willow flycatcher or the bald eagle. In addition, the project will not cause any water depletions that could affect the Colorado pikeminnow or razorback sucker.

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 200675454, must be submitted to the office listed below on or before December 28, 2006:

Kara Hellige, Project Manager
US Army Corps of Engineers, Sacramento District
Durango Regulatory Office
799 E 3rd Street
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, kara.a.hellige@usace.army.mil.

Attachments: 10 drawings