



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Permit Application No: 2004 00502 Date: October 15, 2004

Phone: (719) 543-6914 Suspense Date: November 5, 2004

Fax No. 505-342-3498

In Reply Refer to: District Engineer, ATTN: CESPA-OD-R

cespa-od-r@usace.army.mil

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Action: We are requesting public comment on the following reissuance of a permit before the above suspense date. The permit to be reissued is for placing dredged and fill material under the Monument Creek Maintenance Guidance Plan in Monument Creek in Colorado Springs, El Paso County, Colorado. The Guidance Plan includes maintenance activities of: repairing floodway sides, removal of woody vegetation, removal of flood-deposited debris and sediment, protection of the floodway sides, permanent wetland crossings, and temporary channel crossings. Details of the proposed action are provided below.

Name of Applicant: City of Colorado Springs, 30 South Nevada, Suite 502, P.O. Box 1575, Mail Code 520, Colorado Springs, CO 80901-1575, phone 719-385-5064 (Lisa Ross).

Location: The Maintenance Guidance Plan is for a segment of Monument Creek and adjacent wetlands which contain flagstone channel sides. This encompasses the floodway from the Old Midland Railroad Bridge site south of Colorado Avenue upstream to south of Fontanero Street (west floodway side) and south of the abandoned Van Buren Street access to the city yard (east floodway side) in Colorado Springs, El Paso County, Colorado in Sec. 1 and 13 of Twp. 14S, Rge. 67W and Sec. 6, 7 and 18 of Twp. 14S, Rge. 66W.

Description of Work: To reissue Department of the Army individual permit No. CO-88-10035 which was issued in 1994 and will expire December 31,

2004. Several modification have been added to the Maintenance Guidance Plan (MGP) since its issuance.

Some of the work does not require a Section 404 permit and some of the work may or may not require a permit depending on how the action is accomplished. All parts of the MGP will be included in the reissued permit for clarity, ease of use, and mitigation value.

The continued work would be maintenance of a portion of Monument Creek and its floodway channel in accordance with the descriptions and restrictions of the MGP. For purposes of maintenance, the project reach described in Location above that been named the "Designated Maintenance Reach" (Reach). The Reach encompasses Monument Creek, 2.3 miles of the west side of the floodway channel and 2.8 miles of the east side of the floodway channel.

The MGP provides guidance to the City's operations staff regarding the type, timing and implementation of maintenance activities that are appropriate for the Reach. The following six classes of maintenance activities as described in the MGP and which may involve the discharge of dredged and fill material are proposed for reauthorization for another 10 years.

1. Maintenance and repair of floodway sides,
2. Mowing and removal of woody vegetation from overbank areas,
3. Removal of flood-deposited debris and sediment, which threaten public safety,
4. Placement of minimal amounts of fill when necessary to protect the toe of floodway sides,
5. Permanent wetland crossings of minor wetland areas, and
6. Temporary low-flow channel crossings.

Only specific maintenance activities are proposed for this individual permit reauthorization. Construction activities such as building new structures, expanding existing structures and/or substantially repairing existing structures are not included in the MGP. Maintenance activities not described in the MGP are also not authorized.

Purpose and Need: The stated goal of the MGP is to maintain the presence and viability of wetland and riparian vegetation within the overbank area, but manage the vegetation so that it does not substantially reduce floodway conveyance below the design capacity, prohibit the access and mobility of maintenance equipment or weaken the floodway sides. The original MGP was developed by the City in conjunction with the Environmental Protection Agency and the U.S. Army Corps of Engineers.

NEWS RELEASE

A summary of the MGP is given below. A copy of the entire Maintenance Guidance Plan is attached.

SUMMARY OF THE MAINTENANCE GUIDANCE PLAN:

1. MAINTENANCE AND REPAIR OF FLOODWAY SIDES.

a. Objectives: Repair of walls, regrouting of walls, and removal of woody vegetation from the floodway sides.

b. Timing: Work that involves heavy equipment in the stream will be done when soils are frozen.

c. Guidelines:

(1) Materials and vegetation removed from the floodway sides is disposed of in a location outside the floodway.

(2) Wetland areas are avoided by equipment. A minimum access width in the overbank area of 12 to 14 feet will be reserved for movement and operation of equipment (see Activity No. 4).

(3) Equipment will avoid wetland areas. Heavy equipment use in the overbank area will be limited to times when the soil is frozen.

(4) The City will conduct an annual, on-site review to discuss how upcoming work will be accomplished and to evaluate previous work. The on-site meeting will be coordinated with the Corps of Engineers (CE), the Environmental Protection Agency (EPA), and the U.S. Fish and Wildlife Service (FWS), and the Colorado Division of Wildlife (CDOW) and will be held in late summer/early fall.

2. MOWING AND REMOVAL OF WOODY VEGETATION FROM OVERBANK AREAS.

a. Objectives: Maintain a rotational cutting of woody vegetation to prevent such vegetation from reaching large diameters. The rotational mowing and cutting will allow areas of wildlife habitat to be continuously available.

b. Timing: Mowing and cutting will occur October through April.

c. Guidelines:

(1) About 1/3 of the Reach will be mowed each year.

(2) Only about 4,680 feet (east bank) and 3,780 feet (west bank) will be mowed each year.

(3) Mowed area each year cannot be one continuous length.

(4) Cut woody vegetation will be removed from the floodway. An exception is that the material may instead be chipped/shredded and spread thinly within the floodway.

(5) Removal of woody vegetation will not be done by scraping with mechanized equipment.

(6) Woody vegetation will be cut to within 6 inches of the ground to accommodate mowing.

(7) Heavy equipment will avoid wetlands.

(8) The City will conduct an annual on-site meeting with CE, EPA, FWS, and CDOW.

3. REMOVAL OF FLOOD-DEPOSITED DEBRIS AND SEDIMENT.

a. Objective: Removal of debris and sediment deposited by flood events.

b. Timing: Work as needed.

c. Guidance:

(1) All removed material will be deposited in uplands outside the floodway.

(2) Removal will not involve extensive scraping of the overbank, reshaping of the channel, or extensive uprooting of woody vegetation.

(3) Removal of sand bars is not authorized by the MGP.

(4) The City will conduct an annual on-site meeting with CE, EPA, FWS, and CDOW.

4. PROTECTION OF THE TOE OF FLOODWAY SIDES.

a. Objective: Preserve a 12- to 14-foot-width to protect the toe of the floodway sides and to provide maintenance vehicular access.

b. Timing: As needed to protect the floodway walls from being undercut or prevent a significant loss of overbank area. When possible, heavy equipment use will be limited to times of frozen soil.

c. Guidance:

(1) The City will conduct an annual on-site meeting with CE, EPA, FWS, and CDOW.

(2) All fill material must be clean and free of toxic pollutants.

(3) Material used for toe protection will be durable angular rock or broken concrete free of protruding rebar.

(4) Material used for toe protection must be protected from erosion and able to withstand expected high flow velocities and turbulence.

(5) The top surface of riprap will be covered with 3 to 4 inches of soil to allow for natural revegetation.

(6) Use of fill material for toe protection will be the minimum necessary.

(7) Flood-deposited sediment can be used to fill voids in coarser material used for toe protection.

5. PERMANENT CROSSINGS OF MINOR WETLAND AREAS.

a. Objectives: Provide permanent crossings for heavy equipment to cross minor wetland areas.

b. Timing: Construction will occur from October through March.

c. Guidelines:

(1) Existing wetland vegetation and soil will be removed and stockpiled. Crossing will be built of perforated CMP with 2-inch river rock around the pipe. Stockpiled wetland material will be placed to revegetate previous informal paths.

(2) The City will conduct an annual on-site meeting with CE, EPA, FWS, and CDOW.

6. TEMPORARY LOW FLOW CHANNEL CROSSINGS.

a. Objectives: Provide temporary equipment crossings of the stream to provide access for removal of woody vegetation.

b. Timing: Construction will occur from October through March.

c. Guidelines:

(1) Crossings will be constructed of 6- to 24-inch clean rock.

(2) Grading will not be done in areas of willows or other wetlands.

(3) Access roads will match the edge of the low bank where possible. Minor grading is allowable for banks exceeding 5 feet.

(4) The number of crossings will be held to a minimum.

(5) Temporary crossings will be removed upon completion of that season's maintenance activities. Original ground contours will be restored with clean fill dirt.

(6) The City will conduct an annual on-site meeting with CE, EPA, FWS, and CDOW.

Mitigation Proposed by the Applicant: The timing and manner in which vegetation will be removed in accordance with the MGP constitutes compensation for maintenance activities.

Plans and Data: A copy of the MGP, including drawings showing the location of the work site and other data is enclosed with this notice. If additional information is desired, it may be obtained from the permittee, or from:

Anita Culp
U.S. Army Corps of Engineers
Southern Colorado Regulatory Office
720 North Main Street, Suite 300
Pueblo, CO 81003-3047
(719) 543-6914
Fax No. (719) 543-9475

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. Original consultation with the Colorado State Historic Preservation Office (SHPO) revealed that Monument Valley Park is designated as a historic district. The park contains significant historic features including the grouted flagstone floodway sides. The Cache la Poudre Street bridge has also been determined to be potentially eligible for inclusion in the National Register of Historic Places. The original permit evaluation concluded that the MGP work would not adversely effect these historic features. It is possible that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for El Paso County, Colorado: American bald eagle (Haliaeetus leucocephalus)(T), black-footed ferret (Mustela nigripes)(E), greenback cutthroat trout (Salmo clarki stomias)(T), Ute ladies' tresses orchid (Spiranthes diluvialis)(T), Mexican spotted owl (Strix occidentalis lucida)(T), and Preble's meadow jumping mouse (Zapus hudsonius prebleii)(T). Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat. Monument Creek, including the MGP project reach is located within a block clearance granted by the U.S. Fish and Wildlife Service in September 2000 as renewed in June 2003.

The applicant has applied to the Colorado Department of Public Health and Environment for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this action. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office or Southern Colorado Regulatory Office, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than November 5, 2004. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers 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 of Engineers 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 the other public interest factors listed below. 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.

The decision whether to reissue the permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed 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 proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property

ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that reissuance complies with the 404(b)(1) guidelines, he will grant the authorization unless reissuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Todd Wang
Lieutenant Colonel, U.S. Army
District Engineer

Enclosure