



**US Army Corps  
of Engineers®  
Albuquerque District**

# PUBLIC NOTICE

**Application Number: SPA-2018-00032-SCO – Cañon City River Park  
Expansion Project**

**Date: January 26, 2018**

**Comments Due: February 16, 2018**

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**SUBJECT:** The U.S. Army Corps of Engineers, Albuquerque District, (Corps) is evaluating a permit application to construct the Cañon City River Park Expansion Project in Fremont County, Colorado. The proposed project would result in permanent impacts to approximately 0.4-acres of waters of the United States within a 1,400 linear foot reach along the Arkansas River. This notice is to inform interested parties of the proposed activity and to solicit comments.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material affecting waters of the United States (U.S.).

**APPLICANT:** Tony O'Rourke  
City of Canon City  
P.O. Box 1460  
Canon City, Colorado 81215

**LOCATION:** The project site is located in the City of Cañon City in the Arkansas River between 1<sup>st</sup> Street and 4<sup>th</sup> Street in Section 34, Township 17 S, Range 72 W, Latitude 38.4731°E, Longitude -105.4397°N, Fremont County, Colorado.

**PROJECT DESCRIPTION:** The applicant is proposing to construct and expand an existing whitewater recreational area and enhance aquatic habitat between 1st and 4th Streets within and adjacent to approximately 1,400 linear feet of the Arkansas River. The project includes: removal of debris from stream banks, a grouted boulder whitewater park structure, with fish passage structure, placement of a series of 7 jetties, one boulder deflector, toe boulder stream bank stabilization, boulder clusters, and a concrete pad for modular blocks to adjust the existing whitewater park structure and allow equipment access. The applicant believes there is a need to expand and enhance the existing recreational area for both anglers and whitewater enthusiasts, improve public access to recreational features, to maximize use of existing pedestrian access and add new access to the river users and develop previously improved sections of the river-walk trail. The attached drawings provide additional project details.

**PROPOSED MITIGATION:** The project promotes in-stream habitat enhancements that reduce the width of the main channel in some locations and increase depth, which is expected to decrease summer water temperatures and increase holding capacity for fish, creating a narrower/deeper channel that would promote sediment movement in the system. This would result in self-scouring of the pools formed below rock structures, and potentially result in enhanced deposits of spawning size gravels in the glide locations. Shaping of alternating side deflectors along the river promotes the colonization of riparian vegetation, increase shade to the river and cover for fish and promote low flow sinuosity. With these proposed feature enhancements; the applicant purposes these features would act as self-mitigation.

**OTHER AUTHORIZATIONS:**

**State Water Quality Certification:** The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Colorado Department of Public Health and Environment. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, where the tribe does not have water quality certifying authority, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

**Floodplains Permit:** The applicant is required to obtain a floodplain permit from the local floodplains administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

**ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately .4-acres of waters of the U.S. within the proposed project area and/or there are approximately 1,400 linear feet along the Arkansas River that are waters of the U.S. within the proposed project area. The site is characterized by approximately 0.4-acres of waters of the U.S. within the proposed project area along an approximate 1,400 linear foot reach of the Arkansas River. The river is considered a cold water stream with a riparian corridor with mixed riparian woods, vegetation, concrete debris and disturbed areas along both sides of the river banks.

**Alternatives.** The applicant has provided project alternatives review. Additional information concerning project alternatives may be available from the applicant or their agent. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**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

in 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.

**HISTORIC PROPERTIES:** The Corps consulted district files and records, the latest version of the National Register of Historic Places (NRHP), and state records of NRHP-eligible and potentially eligible historic properties to determine if there are any historic properties that may be affected by the proposed undertaking. The project area was recently surveyed for historic properties involves work of a limited nature and scope and has little likelihood of impinging upon a historic property even if such properties were to be present. Based on this initial information, the Corps has made a preliminary determination that the proposed project will not likely affect any historic properties that meet the criteria for inclusion in the NRHP.

**ENDANGERED SPECIES:** The Corps has reviewed the U.S. Fish and Wildlife Service's latest published version of Federally-listed endangered and threatened species located in Fremont County, Colorado to determine if any listed species or their critical habitat may occur in the proposed project area. The Corps has made a preliminary determination that the proposed project will not affect any Federally-listed endangered or threatened species or their critical habitat that are protected by the Endangered Species Act.

**FLOODPLAIN MANAGEMENT:** The Corps is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before February 16, 2018, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. 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. Comments and requests for additional information should be submitted to:

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Southern Colorado Regulatory Office  
200 S. Santa Fe Avenue, Suite 301  
Pueblo, Colorado 81003  
(719) 543-8102  
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Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available through the Freedom of Information Act.

DISTRICT ENGINEER  
ALBUQUERQUE DISTRICT  
CORPS OF ENGINEERS

Enclosure