



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

# PUBLIC NOTICE

**Application Number: SPA-2018-00033-SCO**

**Date: January 19, 2018**

**Comments Due: February 9, 2018**

---

**SUBJECT:** The U.S. Army Corps of Engineers, Albuquerque District, (Corps) is evaluating a permit application to construct the Rio Grande Riverfront Park project in the Town of Del Norte, Rio Grande County, Colorado. The proposed project would result in permanent impacts to approximately 0.5-acres of waters of the United States within a 1,000 linear foot reach along the Rio Grande. 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 in waters of the United States (U.S.).

**APPLICANT:** Mr. Chris Trujillo  
Town of Del Norte,  
140 Spruce Street,  
Del Norte, Colorado 81132

**LOCATION:** The project site is located in the Town of Del Norte, Colorado in Section 30, Township 40 N, Range 6 E, Latitude 37.6852° E, Longitude -106.3509° N, Rio Grande County, Colorado.

**PROJECT DESCRIPTION:** The applicant is proposing to construct recreational and habitat enhancements at points within and adjacent to approximately 1,000 feet of the Rio Grande in Rio Grande County, Colorado. The project is located on lands owned by the town immediately upstream of the Oak Street/Colorado State Highway 112 Bridge. The project includes: construction of an access road and a parking area (in uplands); a 0.1-acre boat ramp, removal of an alluvial berm which reconnects the floodplain, a white water structure (9,000 sq. ft. of grouted boulders ranging in size of 4-5 ft. in diameter, which includes a low-flow ramp with an adjacent fish passage channel); Fish habitat structures (large rock placements for fish habitat); a rock cross-vane (to provide cover and holding for fish, causing a redirection of shear stress away from the banks towards the center of the river, sustaining a pool on the downstream side of the structure). A rock J-hook short-vane (to create and sustain cover, holding water for fish, protect the bank from erosion and create long pools that provide spawning habitat); placement of a series of rock deflectors; rock clusters; native material revetment/root wads; channel shaping and equipment access.

The applicant believes there is a need to enhance the recreational experience for both anglers and whitewater enthusiasts, improve public access to recreational features, to maximize use of existing footpaths and previously improved sections of the river-walk trail. Improve existing pedestrian access and adding new access to the river concentrate users and minimize vegetation trampling in the riparian corridor. 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 would encourage the colonization of riparian vegetation, helping to bring improved 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.

**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 0.5-acres of waters of the U.S. within the proposed project area along an approximate 1,000 linear foot reach of the Rio Grande. The river is considered a cold water stream with a riparian corridor on the south side of the river with mixed riparian woods and disturbed areas on the north side of the river.

**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 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.

**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 Rio Grande 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 activity may affect the Western Yellow-billed Cuckoo and Southwestern Willow Flycatcher which are Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

**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 9, 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:

Tony Martinez, Project Manager  
US Army Corps of Engineers, Albuquerque District  
Southern Colorado Regulatory Office  
200 S. Santa Fe Avenue, Suite 301  
Pueblo, Colorado 81003  
(719) 543-8102  
E-mail: joseph.a.martinez@usace.army.mil

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

Enclosures