



PUBLIC NOTICE

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

Application Number: SPA-2021-00056

Date: October 18, 2021

Comments Due: November 18, 2021

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) is evaluating a permit application to construct the Cottonwood Creek Channel Rehabilitation Project, which would result in impacts to approximately 8,000 linear feet (1.70 acres) of Cottonwood Creek. 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 U.S.

APPLICANT: Adam Copper
City of Colorado Springs
30 S Nevada St., 401
Colorado Springs, Colorado 80903

LOCATION: The project site is located on Cottonwood Creek, Sections 1 and 2, Township 13S, Range 66W, Latitude 38.926°, Longitude -104.803°, El Paso County, Colorado. (Enclosure 1)

PROJECT DESCRIPTION: The applicant proposes to construct Cottonwood Creek Channel Rehabilitation project. Based on the available information, the overall project purpose is to rehabilitate the Cottonwood Creek channel. The applicant believes there is a need to stabilize 8,000 linear feet of Cottonwood Creek to protect utility and road infrastructure, reduce erosion, and reduce downstream sediment loading. The project specifically involves the total discharge of 4,538 cubic yards of concrete and boulders and 13,745 cubic yards of riprap for the construction of 49 in-stream sculpted drop structures, soil riprap, and rock cross-vanes. The project goal involves slope stabilization, creation of a stable planform, grade control, floodplain reconnection, and establishment of native revegetation. Enclosure 2 contains additional project information.

PROPOSED MITIGATION: No mitigation is proposed at this time. The project proponent feels that the proposed project will provide an overall improvement of the stream reach.

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. The applicant has received water quality certification for this project.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 2.02 acres of palustrine wetlands and approximately 8,000 linear feet of perennial streams that are waters of the U.S. within the proposed project area. The site is characterized by steeply down-cutting, sparsely vegetated, sandy soils that are prone to further erosion.

Alternatives. The applicant has not provided information concerning project alternatives. 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 has not been recently surveyed for historic properties and further identification efforts will likely be required. Based on this initial information, the Corps has made a preliminary determination that the proposed regulatory action 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 El Paso 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 November 18, 2021, 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:

Winston Zack, Division Archaeologist
US Army Corps of Engineers, Albuquerque District
Southern Colorado Regulatory Branch
201 West 8th Street, Suite 350
Pueblo, Colorado 81003
(719) 543-9459 X 2
E-mail: Winston.S.Zack@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

Enclosure