



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

PUBLIC NOTICE

Application Number: SPK-2016-00412

Date: January 31, 2023

Comments Due: March 2, 2023

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) is evaluating a request from the Town of Eagle to modify recreational whitewater features within Eagle River at the Eagle River Park. The proposed modification involves the seasonal placement of three-dimensional blocks on existing in-stream concrete structures to manipulate and improve recreational river features. 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: Town of Eagle
Attn: Tom Gosiorowski
200 Broadway
Eagle, CO 81631

AGENT: Scott Shipley
S2O Design and Engineering
318 McConnell Dr.
Lyons, CO 80540

LOCATION: The project site is located on the Eagle River at the Eagle River Park, directly upstream of the Eagle County Fairgrounds, at Latitude 39.656416°, Longitude -106.830839°, Eagle County, Colorado.

PROJECT HISTORY: A Corps Standard Individual Permit for the Eagle River Park project was issued on December 21, 2017, that authorized the construction of four in-stream concrete and grouted boulder recreational water structures and a fish by-pass channel around the two up-stream structures. Compliance with the terms and conditions of the permit was continually assessed since commencement of the project in the winter of 2017-2018. Construction was completed in the winter of 2018-2019 and monitoring efforts, as required by the permit, were conducted during the fall of 2019, 2020, and 2021. The applicant has since worked with the Corps to achieve compliance, which was confirmed by a June 16, 2022 Corps inspection.

PROJECT DESCRIPTION: The applicant has proposed to temporarily install two different configurations of “Rapidblocs” for (1) whitewater events and competitions and (2) improvement of late-season wave quality. Rapidblocs are composed of rotomolded polyethylene with a galvanized steel frame and can be adjusted and secured to existing channels in each of the existing concrete pads using galvanized anchor rods. Details regarding the proposal are provided in the enclosed *Rapidbloc Configuration Study*, memo dated October 27, 2022, and prepared by S2O Design and Engineering.

Configuration #1 (Low Water Event Configuration): For whitewater events and competitions, the applicant has proposed to place Rapidblocs on the two up-stream concrete structures (1 and 2) as shown on Figure 8 of the enclosed memo. The applicant proposes to install the blocks on an annual basis prior to spring runoff (approximately between May 1 and May 15) due to the difficulty of installation during high flows. The blocks would then be removed each year once river flows fall below approximately 500 cubic feet per second (cfs).

Configuration #2 (Season Extension Configuration): To improve late-season recreational wave quality, the applicant has proposed to place Rapidblocs on the two downstream concrete structures (3 and 4), as shown on Figure 8 of the enclosed memo. As proposed, the blocks would be installed annually when flows are approximately 250 cfs and would be removed by October 31 of each year to prevent ice damage.

PROPOSED MITIGATION: Mitigation is an important part of the U.S. Army Corps of Engineers permitting process. Mitigation is a sequential process and includes avoidance, minimization, and compensation for unavoidable adverse impacts to aquatic resources. A detailed mitigation plan is not required for issuance of a public notice but all three aspects of mitigation must be adequately addressed prior to any Corps permit decision.

Currently, the applicant has attempted to avoid and minimize impacts to aquatic resources by limiting 2-dimensional average velocities within expected fish passage routes to less than 7.5 feet per second. The applicant has proposed to validate estimated velocities by directly sampling pre-defined fish passage routes immediately following the placement of each configuration to ensure actual velocities are less than 7.5 feet per second. Specifically, Configuration #1 would be sampled at approximately 105 cfs and Configuration #2 would be sampled at 250 cfs. To minimize potential sedimentation issues, the applicant has proposed to slightly adjust some of blocks with a downstream angle.

The applicant believes the proposed modification would not result in more than minimal adverse ecological impacts and therefore is not proposing compensatory mitigation at this time.

WATER QUALITY CERTIFICATION: Under Section 401 of the Clean Water Act (CWA), the Corps cannot issue a permit to conduct any activity that may result in a discharge into waters of the United States unless a Section 401 water quality certification (WQC) is granted, verifying compliance with water quality requirements, or WQC is waived. The Colorado Department of Public Health and Environment (CDPHE) issued an individual WQC for the original construction of the project on December 14, 2017. The need for a new or updated WQC will be determined by the CDPHE prior to any Corps authorization.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **March 2, 2023**, 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:

Benjamin Wilson, Senior Project Manager
US Army Corps of Engineers, Albuquerque District
400 Rood Avenue, Room 224
Grand Junction, CO 81501-2520
(970) 243-1199 X 1012
E-mail: Benjamin.R.Wilson@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