



PUBLIC NOTICE

US Army Corps
Engineers
Omaha District

Application No: NWO-2008-2659-DEN
Applicant: Will-O-Wisp Metropolitan District
Raw Water Diversion and Pipeline

Waterway: Elk Creek

Issue Date: November 18, 2008
Expiration Date: December 18, 2008

REPLY TO:

Denver Regulatory Office
9307 South Wadsworth Boulevard
Littleton, CO 80128-6901
FAX (303) 979-0602

30 DAY NOTICE

PUBLIC NOTICE FOR PERMIT APPLICATION SUBMITTED TO U.S. ARMY CORPS OF ENGINEERS

The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a Department of the Army (DA) permit application from **Will-O-Wisp Metropolitan District, c/o Mr. Rick Angelica, 956 Wisp Creek Road, Bailey, Colorado, 80421**. Permits are issued under Section 404 of the Clean Water Act (Section 404) which regulates the discharge of dredged or fill material in the nation's waters.

The applicant is requesting authorization to disturb 1.3 acres of wetlands to construct a metering weir, an infiltration gallery, an intake structure, a grit chamber, a diversion dam and a raw water line to a pump station [constructed in uplands]. The project impacts are located in **Section 26, Township 6 South, Range 72 West, Park County, Colorado**. The location and project details are shown on the attached drawings in five (5) Sheets dated November 14, 2008.

History and Purpose

According to the applicant, basic project purpose is to provide raw water to the District. The overall project purpose is to divert a direct water right of 0.7 cubic feet per second (cfs) on Elk Creek at the Glasman Ditch #2 and pump the raw water to the water treatment plant. The District currently relies on a series of groundwater wells to service its water demand. However, to provide for a reliable water supply and to supply future demands the District needs to develop the Elk Creek water right.

Project Description

Water will be diverted from Elk Creek at Glasman Ditch #2 utilizing a small intake structure and infiltration gallery located at the decreed site on Elk Creek. Water collected will flow to the raw water pumping station where the water will be metered and pumped to the water treatment plant located within the District. The route of the raw water line will pass over Jones Creek via the utility easement associated with the bridge. No impacts to waters would occur at that site. To reduce the impacts of the District's diversion on downstream reaches of Elk Creek, the District develop

Operating Principles (OP) by which the diversion will be operated. The OP was developed with the Colorado Division of Wildlife (CDOW) as part of the Park County 1041 permitting process, in an effort to maintain a minimum flow of 2.1 cfs as required to meet minimum criteria of CDOW for flow-related stream habitat quality. Details of the OP are available for viewing at the Denver Regulatory Office.

Wetland Impacts

The project is expected to impact approximately 1.3 acre of wetlands/WUS and will be mitigated at a minimum ratio of 1:1.

The Colorado Department of Public Health and Environment, WQCD-GWPS-B2, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. For further information, please contact the Colorado Water Quality Control Division, (303) 692-3500.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work may affect species designated as threatened or endangered or adversely affect critical habitat as a result of depletions to the South Platte River. This office is currently initiating consultation with the U.S. Fish and Wildlife Service and other interested agencies and individuals.

Our initial review indicates that - in compliance with the National Historic Preservation Act of 1966, as amended, - it appears that the described project has no potential to cause effects on historic properties (36 CFR 800.3(a)(1)).

The decision whether to issue a permit will be based on an evaluation of the probable impacts, 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 benefits which reasonably may be expected to accrue from the proposal must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, wetlands, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

The Corps of Engineers is soliciting written 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 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.

Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. Any agency or individual having an objection to the work should identify it as an objection with clear and specific reasons. All replies to the public notice should be sent to the **U. S. Army Corps of Engineers, Denver Regulatory Office, 9307 South Wadsworth Boulevard, Littleton, Colorado, 80128-6901**. For additional information please contact **Ms. Margaret Langworthy at (303) 979-4120, extension 107, or e-mail at margaret.k.langworthy@usace.army.mil** or visit the Denver Regulatory Office web site at:

<https://www.nwo.usace.army.mil/html/od-tl/tri-lakes.html>

The District Engineer will consider requests for holding a public hearing, for the purpose of gathering additional information. Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held. Requests for a public hearing should state specifically the reasons for holding a public hearing, and what additional information would be obtained. Should the District Engineer decide that additional information is required and a public hearing should be held, interested parties will be notified of the date, time and location.

Comments received after the close of business on the expiration date of this public notice will not be considered.