

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the placement of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME: Michael Murley Elk Mountain Ranch Operations, Inc	8. AUTHORIZED AGENT'S NAME AND TITLE <i>(an agent is not required)</i> J. Peter Gallagher - President FIN-UP Habitat Consultants, Inc.
6. APPLICANT'S ADDRESS PO Box 36 Elk Mountain, WY 82324	7. AGENT'S ADDRESS 220 Illinois Ave Manitou Springs, CO 80829
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business (307) 348-7140	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence (719) 685-9768 b. Business (719) 332-2550

11. STATEMENT OF AUTHORIZATION

I hereby authorize FIN-UP Habitat Consultants, Inc. to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE <i>(see instructions)</i> Lake Shoreline Stabilization and Enhancement Project	
13. NAME OF WATERBODY, IF KNOWN <i>(if applicable)</i> Arapaho, Eagle, Trophy, Tatanka, and Waken Tanka Lakes. Headwaters of Halleck Creek - Tributary of the Medicine Bow River	14. PROJECT STREET ADDRESS <i>(if applicable)</i>
15. LOCATION OF PROJECT <u> CARBON WYOMING </u> COUNTY STATE	

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN *(see instructions)*
Range/Township/Section: R.81 W., T.20 N., Sec. 9, 15, 16, 17, & 18

17. DIRECTIONS TO THE SITE
From Laramie, WY - Drive West on Interstate 80, fifty-three miles to Exit 255 - The project area is immediately south of the interstate on the Elk Mountain Ranch. See vicinity map in the attached planning document.

18. Nature of Activity (Description of project, include all features)

Shoreline stabilization re-vegetation at five lakes on the Elk Mountain Ranch that have been eroded by wind/wave action. See accompanying Project Planning Document

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Protection of high value cold water lake habitats. Reduction of sediment from actively eroding shorelines and disturbed banks throughout the project area.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE PLACED IN WATERS OF THE US, INCLUDING WETLANDS

20. Reason(s) for Placement of Dredged and/or Fill Material

Stabilize the toe slope of eroding shorelines. Creation of full pool riparian benches to stabilize eroding banks and establish willow and sedge riparian buffers. See the accompanying Project Plan Document

21. Type(s) of Material Being Placed and the Amount of Each Type in Cubic Yards

Large wood will and root-wad revetment will be used to stabilize the toe slope of the effected shorelines. The trees will typically be approximately 12" - 18" DBH, and approximately 30 feet long. These structures will provide an armored foundation on which to transplant sedge mats and willow to revegetated the eroding shorelines. Large wood/rock toe slope stabilization structures are typically less than 0.2 cubic yard per foot of stream bank. See attached design drawings

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

None

23. Is Any Portion of the Work Already Complete? Yes _____ No X IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

A WY Dept of Fish and Game Wildlife Area (Elk Mountain Reservoir) is located on Halleck Creek downstream of the project area.

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



FIN-UP Habitat Consultants, Inc.

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pete@fin-up.com
July 8, 2007

Michael A Burgan
U.S. Army Corps of Engineers
Wyoming Regulatory Office
2232 Dell Range Blvd., Suite 210
Cheyenne, WY 82009

Dear Mr. Burgan,

Attached you will find a planning document detailing the proposed lake shoreline stabilization work, inlet and outlet improvements, and dredging plans for the seven fishing lakes on the Elk Mountain Ranch in Carbon County, Wyoming. As per our discussions during the site visit in April 2007, you will also find two permit applications (ENG Form 4345); one for the lake shoreline stabilization project, and one for the new "E" Channel connecting Arapaho Lake and the "Swim" Pond.

We are requesting that the shoreline stabilization portion of the project be authorized under Nationwide Permit #13 - Bank Stabilization. Projected outcomes for this portion of the project will be stabilizing and re-vegetating 7,140 linear feet of actively eroding shorelines on five large lakes on the Ranch. The treatments areas represent approximately 30% of the total shoreline perimeter of the lakes.

During our discussions in April, there was some question whether the Arapaho Lake/Swim Pond Outlet and Channel Improvements portion of the project was a connected water, and therefore jurisdictional under Section 404 of the Clean Water Act of 1972, as amended. I have prepared an application for this work anyway, and request that it be considered under the regional 80-202 authorization for smaller habitat enhancement projects. The projected outcome of this project will be improved capability to regulate flows throughout the year out of Arapaho Lake and into the Swim Pond, resulting in improved water quality for trout in the Swim Pond, particularly in the late summer and fall. If you determine that aNWP #27 is the most appropriate authorization for this work, please contact me at the e-mail address above so that I may prepare an application for a State of Wyoming Section 401 Certification.

As discussed in April, we will conduct the lake excavation work in a manner that will be non-jurisdictional under Sec. 404. I have included the dredging plans for your review to ensure that they meet the Corps expectations for non-jurisdictional dredging. Also, I assume that the Trophy Lake diversion structure maintenance described in the project documents will fall under the irrigation/water rights exclusion. If this is not the case, I can prepare a separate application for this work.

We hope to start this project in October 2007, but recognize that this schedule is dependant on the disposition of the permit applications. Please let me know if you feel this timeline is not realistic. You may call me at any time if you wish to further discuss the details of this project. If you like, I can also arrange a site visit if necessary. I am scheduled to conduct assessments on the Elk Mountain Ranch during the weeks of July 9 and July 16. I look forward to working with you on this effort.

Sincerely,

Pete Gallagher
President, FIN-UP Habitat Consultants, Inc.

cc: Michael Murley - Elk Mountain Ranch Operations, Inc.