



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200075450

Date: March 15, 2002

Comments Due: April 15, 2002

In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to retain 5,670 cubic yards (cy) of inert fill dirt into waters of the United States, including wetlands, as shown in the attached drawings.

**APPLICANT:** Trapper's Crossing, LLC  
Ronald Spence, 222 Warren Avenue  
Plymouth, Massachusetts 02360

A list of nine co-applicants is included in Table 1A by lot number

**LOCATION:** Trapper's Crossing at Wildcat is located approximately 1/2 mile southwest of the Town of Crested Butte within Sections 3, 4, 9, 10, 11 and 15, Township 14 South, Range 86 West, Gunnison County, Colorado (Figure 1).

**PURPOSE:** To retain fill in waters of the United States, including wetland for a portion of the road system (Wildcat Trail, Providence Ridge and Marmot Way), utilities, driveways and home sites for nine individual lot owners (Table 3, Private Lots) within Trapper's Crossing.

**PROJECT DESCRIPTION:** Trapper's Crossing consists of 1,862 acres with 35 acre or greater single-family residential lots. The project includes a main road system that serves 48 individual lots (Figure 2A-D). The project was planned, platted and approved for construction in three phases. "The main road system (and several driveways; Providence Ridge and Whispering Pines Road) were constructed by the developer, Trapper's Crossing LLC, who also provided utilities (electrical, phone, and cable) to each lot. The road system through the project was constructed as follows; Wildcat Trail, was started in 1993 and completed to Lot 26 (Phase 1) in 1995. Wildcat Trail was extended from Lot 26 to serve lots in Phase 3 in 1998. Approximately 2,800 linear feet of Wildcat Trail was constructed on an existing dirt road (Figure 2A). Saddle Ridge road was started in 1993 and completed in 1995. Marmot Way was constructed in 1998. Portions of the road system were built on fill and portions were built on cut. Runoff is typically collected along the roads and culverts are located at drainages to convey flows. Cut slopes and disturbed areas

were revegetated by hydroseeding and mulching and rock and other measures were used to stabilize areas". A typical road cross section is shown in Figure 3. Impacts to wetlands and other waters from the road system constructed by the developer occurred at 31 sites for a total of .937 acres. A break down description of road system impacts is shown on Table 3. A drawing of each road impact that corresponds to the labels of impacts shown on Figure 2A-D and in Table 3 may be obtained upon request by contacting the applicant's consultant Mr. David Mehan of Wright Water Engineers at (303) 480-1700.

The remainder of the development on the lots, including planning and design of all houses, was completed by individual lot owners. An assessment of the impacts to wetland and other waters from individual lot owners was completed. The locations of the impacts from individual lot owners is shown on Figure 2A-D. Table 2 summarizes the impacts and Table 3 provides a further description of each impact. Table 4 details impacts on each individual lot. A drawing of each impact that correspond to the labels of impacts shown on Figure 2A-D and in Tables 3 and 4 may be obtained upon request by contacting Mr. Mehan at (303) 480-1700. Impacts to wetlands and other waters on the nine individual lots from building sites, driveways, utilities, and ponds is approximately 0.695 acre.

"As shown on Table 2, impacts to wetlands and other waters have occurred at 46 locations. The total area of impact is 1.632 acres, with 1.599 acres of impacts to wetlands. Impacts occurred from road construction from the placement of fill and/or culverts in wetland and channels. Direct impacts occurred on lots from construction of driveways, building pads, and from landscaping. In addition, impacts have occurred from an infiltration gallery (Lot 2-Phase 1), stilling basin (Lot 6-Phase 3), from access to a well (Lot 34), and due to construction of a pond (Lot 33)."

Additional impacts are proposed from a pond construction on Lot 3, Phase 3. The pond would be constructed with a combination of excavation and berms in both wetland and upland (Figure 4A). Ground water would be the principal source of water for the pond. Impacts from construction of the pond would be 0.180 acre. However if the pond is constructed it would be in an area of existing fill that equals 0.034 acre (Figures 4A and C5C). The net impact to wetlands would be 0.146 acre.

Also, it is proposed to impact 300 square feet of wetland and channel from construction of a spring collection system on Lot 1 (Phase 3). Impacts would occur from a small collection well and a pipeline (Figure 4B). A portion of the impact may be temporary as topsoil will be salvaged and reapplied in the wetland so that the wetland will be naturally restored. No granular bedding will be used for the pipeline so that it will not drain the wetland. Approximately one cy of gravel fill will be placed for the collection well. The system will provide water to the existing house.

A total of 1.785 acres of impact are included in this permit application. This includes 1.632 acres of existing impacts, plus 0.146 acre of new impact from the pond construction on Lot 3, Phase 3 and 0.007 acre of new impacts from a spring collection system on Lot 1, Phase 3.

**ALTERNATIVES:** The road system was planned and designed to provide access to individual lots consistent with Gunnison County Engineering Standards. Important design standards included; 1) maintaining the road grade to county standards which is 12 percent, 2) aligning the road to provide driveway access for each lot, 3) minimum driving width of 24 feet (main Wildcat Trail) to 16 feet (side roads with less traffic), 4) design for emergency vehicles. Complete

avoidance of wetlands and channels was not possible with the main road system since creeks and wetlands flow in a south to north direction and must be crossed in an east to west direction to access the property. Any road system would have to cross creeks and wetlands to access the site.

"A road in a east west direction is needed to access the site. Impacts to wetlands and channels from an east to west road were minimized by constructing the portion of the Wildcat Trail on an existing dirt road where the highest concentration of wetlands occurs. The location of the dirt road is shown in Figure 2. Use of this road for this segment of Wildcat Trail reduced potential impacts to wetlands by an estimated 0.083 acre".

"One alternative to access the site, which could potentially avoid crossing Coal Creek, is to improve an existing jeep road southwest of Crested Butte. The location of this jeep road at the time that the road system was being planned is shown on Figure 5. This alternative was investigated by the applicant but was determined not to be practicable, even though it would have been less expensive than the route used for Wildcat Trail, due to the need for a series of switchbacks to flatten the grade and the resulting scars on the hill that would be visible from Town. The reach of jeep road that climbs the hill outside of town is at a 20 percent grade, with a reach of up to 25 percent. These grades compare to the maximum grade allowed by the County of 12 percent. It should also be noted that use of the jeep road from town would have only avoided impacts near the beginning of Wildcat Trail at sites D1 and D11 (Figure 2) for a total of 0.133 acre of impact".

No other locations for access roads are possible off Kebler Pass Road that would result in less impact to wetlands along Coal Creek. Coal Creek is in a steep canyon along the northern boundary of the property. The constructed crossing (D11) is a free-span at a location where the valley bottom is relatively narrow. A continuous band of wetlands exists along Coal Creek. Use of another location would not result in less impact to the creek and associated wetlands since larger cuts and fills would be needed at another location.

**AREA DESCRIPTION:** Trappers Crossing at Wildcat ranges in elevation from approximately 9,200 feet to about 10,500 feet. "The current delineation found that there is not a high concentration of wetlands on Trappers Crossing due to the prevalence of well drained soils and relatively steep slopes". Far Creek and Wildcat Creek, which are the main features of the site, and several springs and seeps, exist in this area. There are two general types of wetlands on Trappers Crossing: 1) riparian wetlands associated with the Creeks and their tributaries, and 2) wetlands at seeps and springs. The characteristics of these wetland types are described in Table 1". Englemann spruce (*Picea engelmannii*), subalpine fir (*Abies lasiocarpa*) and lodgepole pine (*Pinus contorta*) dominate the overstory vegetation across the site. There are few natural ponds, lakes and springs. The highest concentration of wetlands occurs on the central portion of the site, which may be an old landslide deposit. Grass and rush species like bluejoint reedgrass (*Calamagrostis canadensis*), Drummood's rush (*Juncus drummondii*) and woodrush (*Luzula parviflora*) are most common in the understory of the wetlands. Common forbes identified in the wetland understory include Rocky Mountain willowherb (*Epilobium saximontanum*), arrowleaf groundsel (*Senecio triangularis*), marsh merigold (*Caltha leptosepala*), water sedge (*Carex aquatilis*) and elephant head (*Pedicularis groenlandica*).

**ADDITIONAL INFORMATION:** As of the date of this application 46 of 48 lots have been sold and 12 homes constructed. A wetland delineation was completed for that portion of

Trappers Crossing subjected to development (existing roads, driveways, building sites, septic systems and utilities). This delineation was done for only existing infrastructure with the agreement between the developer and the Corps that prior to any further lot development (driveways, building sites, septic systems and utilities) a wetland delineation would be completed for each of the remaining undeveloped lots.

Mitigation is proposed for both existing and proposed impacts to compensate for impacts to wetlands and channels at Trappers Crossing. The following mitigation activities are proposed to provide 1.785 acres of wetlands: 1) fill removal and wetland restoration at seven locations Figures 6A-6E (0.365 acre), 2) implementation of measures at two locations to prevent further degradation of wetlands, 3) Creation of wetlands at six locations on site Figures 6B-6I (1.420 acres), 4) implementation of additional best management practices along the road system. A summary of the proposed mitigation is found at Table 5. Fill removal on site D2 (fen) at the cul-de-sac has already taken place. The fill at this site was removed in the fall of 2001.

The applicant has requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Andrew Ross, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **April 15, 2002**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Ross at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3540.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected.

This activity would not affect any threatened or endangered species or their critical habitat. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **April 15, 2002**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefit which reasonably may be expected to accrue from the proposal must be balanced against its 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, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain 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.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers 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 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 the 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.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Mr. Ken Jacobson, Colorado/Gunnison Basin Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. Jacobson at telephone number (970) 243-1199, extension 11, or email [Ken.Jacobson@usace.army.mil](mailto:Ken.Jacobson@usace.army.mil)

Michael J. Conrad, Jr.  
Colonel, Corps of Engineers  
District Engineer

Enclosures: 24 Drawings