



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice Number: 200175008

Date: January 29, 2001

Comments Due: February 19, 2001

In reply, please refer to the Public Notice Number

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 discharge dredged and fill material in the East Fork San Juan River and adjacent wetlands, as shown in the attached drawings.

APPLICANT: Mr. Curt Fleming
The Ranch at East Fork, LLC.
DBA Piano Creek Ranch
Post Office Box 5500
Pagosa Springs, Colorado 81147

LOCATION: At the East Fork San Juan River approximately 17 miles northeast of the Town of Pagosa Springs within Sections 27, 28, 31, 32, 33, 34 and 37, Township 3 North, Range 4 East, Mineral County, Colorado.

PURPOSE: To develop a private club, member owned guest ranch, that meets the recreational, environmental and aesthetic goals of the member/owners. Integral development central to the applicants' preferred alternative include a lodge building, 45 cabins, several ponds, 30 founders homes, equestrian facility, golf course, downhill ski area and accompanying infrastructure comprised of roads, bridges, maintenance facilities, waste water treatment facility, utilities and river restoration.

PROJECT DESCRIPTION: Residential and commercial development: The applicant proposes to construct an 80,000 square foot (sf) lodge building with a footprint of 40,000 sf, that will contain 20 living units with dining and entertainment facilities. Forty five 2,000 sf cabins and several ponds would be constructed in proximity to the lodge. Approximately 30 founders homes would be constructed on a specific building envelope within the project area. The development of an equestrian facility including barns, riding arena and corrals, and a small ski area at which snow cats would be used to transport skiers to the top of the runs, would also be included as an amenity to residential development. The the applicant, there are not any impacts to waters of the United States associated with resiprosec development also includes maintenance facilities, waste water treatment facilities, utilities and roads.

According to the applicants, impacts to waters of the United States would consist of structural or concrete fill associated with the construction of bridge abutments, minor temporal wetland impacts associated with the burying of utility lines, .85 acre of wetland impact due to road fill and .38 acre of wetland grading associated with the cabin sites and maintenance facilities. Road and bridge construction would require the discharge of approximately 4,000 cubic yards (cy) of structural fill, 500 cy of road base, 500 cy of road surface material and 300 cy of concrete.

Golf Course Development: The proposed eighteen-hole golf course would be constructed within and adjacent the river corridor with a focus on avoidance and minimization of wetland impacts. Construction of the course would require the discharge of approximately 18,300 (cy) of structural fill and approximately 4,500 cy of topsoil in approximately 2.76 acres of wetlands. The location and acreage of impact associated with the various golf holes is further described as follows: hole 1 (.55 acre), hole 3 (.16 acre), hole 4 (.18 acre), hole 5 (.58 acre), hole 6 (.27 acre), hole 7 (.02 acre), hole 8 (.44 acre), hole 9 (.15 acre), hole 11 (.02 acre), hole 13 (.16 acre), hole 16 (.08 acre) and hole 17 (.15 acre). Five alternative golf course routing plans were considered during the design process, which varied from 6.8 to 14.9 acres of total wetland impacts. After avoidance and minimization efforts, approximately 2.76 acres of impacts were determined to be unavoidable because other alternatives would either increase wetland impacts or would not maintain continuity in the golf course routing plan.

East Fork San Juan River Restoration: The applicant proposes to discharge approximately 243,000 cy of dredged and fill material, 13,400 cy of large rock and 25,000 cy of topsoil to restore a 2.6-mile braided reach of the East Fork San Juan River to a single-thread meandering Rosgen type C. channel and floodplain. The discharge of dredged alluvial sands, gravels and cobble would be required to reconstruct the floodplain at an historic elevation. The large rock would be utilized to provide grade control within the channel and would be augmented with the placement of tree root wads and live plant materials for erosion and sediment control, bank stabilization and fisheries habitat. Ponds and channels would be constructed within the new flood plain to mimic oxbow lakes, create wetlands and provide fish spawning and rearing areas. Top soil would be used to create a growing medium for revegetation of wetlands and the disturbed riparian corridor upon completion of river project construction. River and floodplain restoration would impact approximately 11.74 acres of wetland.

ALTERNATIVES: Alternative A, No Action The project site would remain in its present state and river restoration would not occur.

Alternative B, Site Development of 35-acre parcels This alternative would consist of the development of approximately 75 35-acre parcels with individual potable water supplies and septic systems. Minimal road development would take place with a moderate level of impact to wetlands and the river. The alternative would not support the cost of river renovation.

Alternative C, Site Development of 5-acre parcels Approximately 250 to 300 5-acre lots would be developed under this alternative. Up to 300 individual potable water supplies and septic systems with leach fields, numerous lot access roads and utilities, a peak population of 1,200 to 1,500 people and provide potential for extensive water quality and wetland impacts due to valley floor development.

Alternative D, The Applicants' Preferred Alternative The applicants' proposal would limit development to 160 acres (105 acres of golf, 7 acres of buildings, and 48 acres of site work) while protecting approximately 2,620 acres of undeveloped land. This alternative would allow the construction of a state of the art water treatment facility to protect downstream water quality, would provide for mitigation of wetland impacts and allow river restoration to occur. The alternative as described in the project description of this public notice would have the lowest total net impact to waters of the United States, and would have the least impact in terms of roads, utilities and building disturbance.

Alternative E, Applicants' Preferred Alternative without golf This alternative would remove the key amenity identified by the majority of the committed membership of Piano Creek Ranch Development. Since golf was identified as the key element in their inclusion in the proposed project, the exclusion of golf would make the project economically infeasible due to loss of members. Without golf, the ability to replace wetlands and renovate the river and floodplain as proposed by the applicants, would be severely reduced or made economically infeasible.

AREA DESCRIPTION: The Piano Creek Ranch and proposed project site is located in a broad mountain valley accented by the braided river channel of the East Fork San Juan River. Topography ranges from nearly flat along the margins of the existing river channel to adjacent and fairly steep mountain slopes. Vegetation along the valley floor consists primarily of wet meadow and pockets of palustrine sedge meadow with intermittent riparian willow/alder scrub-shrub and sporadic bands of narrowleaf cottonwood/blue spruce forest. The valley slopes are characterized as mountain meadow and mixed conifer/aspen forest interrupted by rock outcrops, debris flow sites and small drainages.

ADDITIONAL INFORMATION: The applicant has proposed an extensive mitigation plan to replace impacted wetlands at a ratio of approximately 3.74 to 1.0, or the mitigation of approximately 19.14 acres of impacted wetland through the creation of approximately 71.59 acres of wetland within the valley floor and river margins. The mitigation plan is function and value based and includes site locations, goals, methodology, performance standards and monitoring requirements.

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. Phil Hegeman, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, telephone number (303) 692-3518 on or before **February 19, 2001**.

Known cultural resources sites are located in the permit area, and it appears the sites will not be impacted by the proposed work. The Corps of Engineers will consult with the Colorado Historical Society, State Historic Preservation Officer prior to the issuance of a Department of the Army permit, to insure cultural resource compliance.

The Corps of Engineers has determined that the proposed project may affect the Colorado pikeminnow (*Ptychocheilus lucius*) and razorback sucker (*Xyrauchen texanus*). 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 **February 19, 2001**. 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, Chief, Southwestern Colorado 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 15, or email kjacobson@spk.usace.army.mil.

Michael J. Walsh
Colonel, Corps of Engineers
District Engineer

Enclosures: Drawing(s)