



Public Notice

Public Notice Number: 200175092

Date: March 28, 2001

Comments Due: April 27, 2001

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

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 for road crossings and lot grading in unnamed tributaries of the Yampa River (0.0883 acre) and wetlands (0.6545 acre) for Copper Ridge Business Park, Phase 4, as shown in the attached drawings.

APPLICANT: Mr. David H. Lindow
Copper Ridge Business Park, LLC
c/o Ms. Medora Fralick
The Commercial Property Group
Post Office Box 770007
Steamboat Springs, CO 80477-0007

APPLICANT'S AGENT: Mr. Kent A. Crofts
IME
Post Office Box 270
Yampa, Colorado 80483

LOCATION: Unnamed tributaries of the Yampa River and wetlands, near the junction of U.S. Highway 40 and Routt County 129, Steamboat Springs, Routt County, Colorado, Section 6, Township 6 North, Range 84 West.

PURPOSE: To facilitate the development and selling of additional commercial/industrial building lots in the Steamboat Springs area. The demand for such lots in the Steamboat Springs area is considered high. The applicant would add 25 commercial/industrial lots in Phase 4.

PROJECT DESCRIPTION: The applicant proposes to discharge pit-run gravel in, and regrade, waters of the U.S. at nine locations for road crossings (access road) and lots in phase 4 of the business park. The total area of impact to waters of the U.S. is 0.7428 acre. Of this total, 0.0883 acre is on two drainage channels and 0.6545 acre is wetlands dominated by herbaceous species largely, sedge and spreading bentgrass. Approximately 4,909 cubic yards of material will be placed in waters of the U.S. Multiple culverts would be placed in the road to ensure that widths of existing adjacent wetlands are not constricted to a single culvert. As compensatory mitigation for impacts to wetlands from this project, the applicant requests acceptance of 1.0217

acres of excess compensatory mitigation (wetlands) created for an adjacent project [previous phases of the business park (See additional discussion below)]. Acceptance of the existing compensatory mitigation equates to an overall ratio 1.5:1 (mitigation to impacts) for this project's impacts and the previously authorized project's impacts. The applicant also expects additional wetlands will naturally occur in the new drainage and diversion ditches for this project.

ALTERNATIVES: The no action, or permit denial, alternative is available. The applicant provided an alternatives analysis with the permit application as summarized below:

In 1995, the applicant proposed 1.4106 acres of impact to waters of the U.S. for all four phases of the development. However, this figure did not include wetlands impacts on Lots 14 and 18 since, at that time, the applicant postulated that these wetlands were caused by irrigation practices and were not jurisdictional. Hydrologic monitoring over the past 5 years indicates that the wetlands on Lots 14 and 18 are not solely supported by irrigation water. Therefore, the applicant's original proposal for all phases, corrected for Lots 14 & 18, would have impacted 2.0658 acres and 1.0659 acres of this total were in Phase 4. The applicant rejected this alternative due to the level of impacts to waters of the U.S.

The applicant also considered the alternative of filling all waters of the U.S. in Lots 2, 3, 14 and 18 but rejected this alternative due to the level of impacts to waters of the U.S. The applicant considered another alternative of filling wetlands on Lot 18 and avoiding wetlands and the drainage channel on Lots 2, 3 and 18 resulting in a total loss of 0.9211 acre in Phase 4. This alternative would result in the effective loss of 5 lots for development. Lot 14 would be lost as a result of wetlands preservation, lot 19 would be lost since the City of Steamboat Springs excluded this lot as a condition of its approval, and lots 1 through 3 would effectively be lost due to the small and irregular sizes. The applicant rejected this alternative because it was not economically viable i.e., development costs would be higher than anticipated sales revenues.

AREA DESCRIPTION: The total tract of business park land is 105.81 acres in western Steamboat Springs near the local airport along Elk River Road and is zoned for industrial land use. Steep ridges and terraces with intermittent streams feature the area. Local vegetation is predominately tall meadow grass, sedges, and forbs along gentle, lower slopes an open sagebrush-service berry scrub on steeper ridges. Predominate soils are poorly consolidated shale loams.

ADDITIONAL INFORMATION: On September 14, 1995, the applicant received verification for the authorization under nationwide general permit (NWP) number 26 for the filling of 0.9999 acre of waters of the U.S. which included 0.2917 acre of wetlands. In October of 2000, the applicant requested a subdivision exemption and verification of additional fill in waters of the U.S under the terms of NWP number 39 for Phase 4. The Sacramento District rejected the use of NWP number 39 as proposed. Hence, the applicant has applied for an individual Department of the Army permit.

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, on or before **April 27, 2001**.

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. Hegeman at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3518.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are not any places either listed or recommended as eligible which would be affected. Presently unknown cultural resources may be located in the permit area.

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 27, 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. Grady L. McNure, Chief, Northwestern Colorado Utah Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. McNure, at telephone number (970) 243-1199, extension 11, or email gmcnure@spk.usace.army.mil.

Michael J. Walsh
Colonel, Corps of Engineers
District Engineer

Enclosures: Drawings