



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200175146

Date: May 21, 2001

Comments Due: June 18, 2001

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 discharge 1,420 cubic yards of fill material into **0.35** acre of wetlands adjacent to Beaver Creek for the relocation of the Beaver Creek Ski Area's maintenance facility and warehouse, as shown in the attached drawings. The applicant has also requested an additional 0.21 acre of temporary construction impacts that will be restored upon project completion.

**APPLICANT:** Mr. Tom Allender, Vail Associates, Incorporated, Post Office Box 7  
Vail, Colorado 81658

**LOCATION:** The project is located along Beaver Creek on private land at the Beaver Creek Ski Area in Section 24, Township 5 North, Range 82 West, Eagle County, Colorado.

**PURPOSE:** The project purpose is to relocate the maintenance facility (vehicle maintenance and repair) and warehouse (food storage and mountain employee transfer location) to the site and to redevelop the existing site to a land use more suitable to adjacent land uses. The existing maintenance site is located in a residential neighborhood and according to the applicant, the activities at the facility create conflicts with the adjacent property owners. The applicant would redevelop the existing site into multi-family residential units with ski-in/ski-out access.

**PROJECT DESCRIPTION:** The irregular shaped property is located next to the water tank and the 2,850 foot long property (N-S) is bordered by Beaver Creek on the west and the Dally Skiway on the east. The property ranges from 220 feet to 600 feet on the east-west axis. The new site is located approximately 2,100 feet south of the existing facility.

The project involves the construction of two buildings with a common wall. The north building (75' by 108') includes a warehouse on the ground floor and office space on a second floor. The south building would house the repair shop for snowcats (ski-trail grooming machines). The project also includes a snowcat parking area (20 spaces), entrance road, catwalks for the snowcats to enter and exit the site, a bridge spanning Beaver Creek and an employee parking lot (48 spaces) on the west side of the creek. The project also includes sufficient space for delivery trucks to access and turn around for deliveries, and a storm water detention pond.

The warehouse will be used to store food for the on-mountain restaurants at Beaver Creek as well as a meeting location for restaurant employees who must access the restaurants by snowmobile. Vehicle access (delivery trucks and cars) to the site will use the bridge over Beaver Creek at the current location, drive up the Dally Skiway (paved) and enter the site via the new access road. Employees will continue through the facility cross Beaver Creek on the proposed bridge and park in the proposed parking lot on the west side of the creek. The snowcats will enter and exit the mountain via the two proposed cat walks that lead to the Dally skiway.

The facility also includes underground diesel fuel storage tanks located along the east cat walk and east of the proposed building. The two tanks (10,000 and 4,000 gallon capacity) would be triple walled, include a leak detection alarm system and have special bedding requirements. The tanks would meet state and Federal standards for underground fuel storage.

**ALTERNATIVES:** The no action alternative would leave the existing facility at the current location. According to the applicant, this is not a practicable alternative as it does not accomplish the project purpose. The existing facility creates a good deal of noise on a 24 hour basis during the winter which conflicts with the residential neighborhood across Beaver Creek. Snowcats must enter and exit the site, and repairs and maintenance occur throughout the night. Some of the houses are located on a slope that overlooks the maintenance facility making the construction of berms to screen the site difficult. The applicant also states that the proposed site is private property and would eventually be proposed for some type of development which could also create wetland impacts.

The applicant explored several alternatives after submitting an application in November of 2000.

At that time the applicant was requesting nationwide permit authorization with wetland impacts of approximately 0.43 acre with 0.19 acre of temporary construction impacts. We informed the applicant that based on the cumulative impacts that have occurred at Beaver Creek, including the loss of wetlands along Beaver Creek from the development of the village, that an individual Department of the Army permit would be required. Through the development of an application, the applicant was able to avoid and minimize further by moving the parking lot to the west side of Beaver Creek. The applicant included several design options of the site but none of them reduced wetland impacts below the proposed design. Impact avoidance for this site is severely limited by a steep slope on the southeastern portion of the site that precludes locating facilities without major cuts and earth disturbance.

In the original submittal, we questioned the applicant on eliminating the parking lot and transport employees to the site as skiers are bused in regularly from the large parking lots down at Route 6 in Avon. The applicant included an analysis of this alternative demonstrating there would actually be more bus trips than employee vehicle trips due to the constant arrival and departure of the 91 employees throughout the day and night. Furthermore, the employees would need to park at either the west or east lot during the night which would prevent snow removal from these lots.

**AREA DESCRIPTION:** The project area is in a narrow mountain valley at an elevation of approximately 8,500 feet above msl. Beaver Creek flows through the site which is primarily an aspen forest with some spruce/fir forest. The wetlands on the site include a riverine willow and alder dominated wetland adjacent to Beaver Creek, and both willow and alder dominated and aspen forested slope wetlands on the terraces above the creek. A large water tank and access road borders the western edge of the site and the Dally skiway borders the east. A recreational obstacle course of wooden structures and small storage sheds and trails are located on the site.

The wetlands on the project site that will be impacted include a forested wetland with a mature aspen (**Populus tremuloides**) overstory, a red osier dogwood (**Cornus sericea**) and mountain maple (**Acer glabrum**) shrub layer and a dense herbaceous understory including cow parsnip (**Heracleum maximum**) and monkshood (**Aconitum columbianum**) with a variety of other species.

**ADDITIONAL INFORMATION:** The applicant has requested the temporary construction impacts as a safeguard for inadvertent discharges of fill material into wetlands during construction. This includes a 10 foot perimeter around all permanent wetland impacts. They do not intend to impact these wetlands. In some locations temporary construction impacts are needed but in others they are a safeguard and the applicant will place silt fence and highly visible construction fence two feet off the line of permanent impacts.

The applicant has proposed a storm water control plan for the site that includes a system that routes runoff through a sand separator and then through a sand/oil separator before the water reaches the detention pond. The separators are concrete vaults buried in the ground that are pumped out periodically to remove trapped material.

The applicant has proposed to mitigate the 0.35 acre of wetland impact by creating 0.35 acre of wetlands at the project site. The site was disturbed historically by either mining or agriculture as there are several small areas that appear to have been graded and filled some time ago. The applicant's consultant has developed a preliminary plan to excavate these areas, replace wetland topsoil from the impact sites and seed and plant wetland vegetation. The hydrology will be primarily from groundwater although flow from the detention pond may be used to supplement some of the sites. During a May 8, 2001 site visit with the U.S. Environmental Protection Agency, we observed two large fills along Beaver Creek on the west side of the channel near the water tank that could be removed to restore wetlands as additional mitigation.

The east cat walk requires a cut into the steep hillside mentioned above. There is some concern that this cut could interrupt groundwater that may connect between the wetland that lies upslope of the cut and the wetland that is down-gradient. The applicant plans a ditch along the up-gradient side of the catwalk which will collect runoff as any water seeping from the cut and deliver that water to the down-gradient wetland via a culvert. We may require that the applicant delivers this water below grade to the receiving wetland to better replicate existing conditions.

The existing maintenance facility is a several acre site adjacent to Beaver Creek. The site was graded and filled when the ski area was first developed. The site has the appearance of a light industrial facility.

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 **June 18, 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 no places either listed or recommended as eligible which would be affected. The State Historic Preservation Officer reported a listed site but that site is more than 1000 feet from the project site and the site is not within the permit area. This site will not be impacted by the project. Presently unknown cultural resources may be located in the permit area. We have determined that this project may affect but is unlikely to adversely affect the lynx (**Lynx canadensis**). The project site does not contain any denning or foraging habitat nor is it located near an important travel corridor, hence the not likely to adversely affect determination. However, according to the applicant's biologist the project may create an obstacle to the unlikely low elevation movement by a lynx. The project would not affect the ability of a lynx to set up a home range on the adjacent national forest lands as the site does not contain optimal habitat for a lynx and it is located on the edge of a major ski resort and village. 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 **June 18, 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. Michael Claffey, Western 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. Michael Claffey, at telephone number (970) 243-1199, extension 13, or email [mclaffey@spk.usace.army.mil](mailto:mclaffey@spk.usace.army.mil).

Michael J. Walsh  
Colonel, Corps of Engineers  
District Engineer

Enclosures: Drawing(s)