



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200175159

Date: May 30, 2001

Comments Due: June 30, 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 dredged and fill material in the Eagle River, Traer Creek and Nottingham Gulch, and adjacent wetlands as shown in the attached drawings.

**APPLICANT:** Traer Creek, LLC  
Attn: Mr. William J. Post  
Post Office Box 640  
Vail, CO 81658-

**APPLICANT'S AGENT:** Mr. Grant E. Gurnee'  
Walsh Environmental Scientists and Engineers, LLC  
4888 Pearl East Circle, Suite 108  
Boulder, Colorado 80301-2475

**LOCATION:** Eagle River, Traer Creek and Nottingham Gulch, between Avon and Vail, Eagle County, Colorado, Sections 7, 8, 9 and 10, Township 5 South, Range 81 West.

**PURPOSE:** The discharges of dredged and fill material in waters of the U.S. are for a bridge across the Eagle River, a commercial site, relocation and piping the lower reach of Nottingham Gulch, storm sewer outfall, and the construction of various road fill/culverts, riprap apron and headwalls associated with road improvements and road crossings. The overall purpose is to create a mixed-use development for retail, office, lodging and residential uses on a 1,790-acre site near Avon, Colorado. The development is known as The Village (at Avon).

**PROJECT DESCRIPTION:** The applicant proposes to discharge approximately 2,000 cubic yards (cy) of concrete, structural backfill, bedding, and riprap in about 0.314 acre of wetlands and about 230 cy of the same type of fill in 0.088 acre of stream habitat. Permanent impacts to wetlands and stream habitat equal 0.298 acre and 0.016 acre, respectively. The remaining impacts are temporary during construction. Approximately 450 cy of material will be excavated. Approximately 1003 lineal feet of stream habitat will be permanently impacted by bridges, culverts, road fill, and riprap. See attached information for additional details.

The Village (at Avon) development will include multiple improvements to the existing U.S. Interstate Highway (I-70) and U.S. Highway 6 and 24 on the east side of Avon. The applicant is coordinating with, and seeking applicable approvals for the interchange from, the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA). Release of a CDOT/FHWA Environmental Assessment for public review and comment is anticipated for August 1, 2001, with a projected decision date by CDOT/FHWA by October 1, 2001. These improvements will be privately funded, are part of the initial development phase and include the following:

- \* Construction of the Interchange near the present overpass;
- \* Construction of on- and off-ramps connecting the Interchange and I-70;
- \* Construction of an access road (Nottingham Ranch Road) connecting the Interchange with Highway 6 and 24;
- \* Construction of a bridge over the Eagle River and re-alignment of the intersection of Nottingham Ranch Road and Highway 6 and 24;
- \* Construction of an extension of East Beaver Creek Boulevard in Avon through the former Stolport area to connect with the new Nottingham Road;
- \* Construction of an extension of Swift Gulch Road along the north side of I-70 to connect the existing Avon and new Nottingham interchanges; and
- \* Construction of a railroad underpass for Nottingham Ranch.

The second phase of the project includes the construction of the Village Center, parks and open space corridors, and close-in residential units. The final third phase would involve the development of market-rate residences and high-end lots. At completion, the project will consist of 650,000 square feet of commercial space and 2,400 dwelling units, of which 500 must be affordable housing. A 20-year build-out is proposed according to the following schedule:

- \* Phase 1: Initiate in 2001 and complete in 2004;
- \* Phase 2: Initiate in 2003 and complete in 2021; and
- \* Phase 3 - Initiate in 2004 and complete in 2021.

The applicant provided a conceptual mitigation plan for impacts to waters of the U.S. A written description is attached.

**ALTERNATIVES:** The no action or permit denial alternative is available. The applicant stipulates that every effort has been made to re-orient or re-design site plan configurations to avoid and minimize impacts to waters of the U.S. The applicant also provided the attached additional information concerning alternatives.

**ADDITIONAL INFORMATION:** 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 **June 30, 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. 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 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 will not affect any threatened or endangered species or their critical habitat except as noted below. Considered species included Harrington's penstemon, the four Colorado River fishes, boreal toad, bald eagle, and the Canada lynx. The project may affect the Colorado fishes due to water depletion on the Upper Colorado River system. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation. Historically, the applicant's water rights have been used to irrigate an average of approximately 183 acres. Approximately 252.4 acre-feet (AF) per year of historic consumptive use is attributed to the applicant's water rights. Future consumptive use requirements will be approximately 192.6 AF/year. A plan of augmentation will be developed to meet the future requirements with a combination of historic consumptive use credits and storage water. Historic consumptive use credits will exceed future consumptive use by an estimated 60 AF/year. Storage water may be acquired in the Eagle-Park Reservoir, a upstream storage project being developed by the Upper Eagle Regional Water Authority and others, or may be obtained from the existing Nottingham Reservoir and smaller reservoirs to be constructed on the Vail Valley Centre property. Storage water will be used to replace depletions due to indoor water during the winter and will allow for direct replacement to the Eagle River, thereby maintaining flows in the minimum streamflow reaches of the Eagle River. Approximately 27 AF of storage capacity will be needed. The use of storage will allow for augmentation of non-irrigation season depletions directly to the Eagle River.

Interested parties are invited to submit written comments on or before **June 30, 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, Colorado Northwest 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 (970) 243-1199, extension 11, or e-mail [gmcnure@spk.usace.army.mil](mailto:gmcnure@spk.usace.army.mil).

Michael J. Walsh  
Colonel, Corps of Engineers  
District Engineer

Enclosures: Written Descriptions and Drawings