



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200175166
Date: March 7, 2006
Comments Due: April 6, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to modify the Durango Mountain Resort Development permit number 200175166. A Department of the Army permit was issued on June 17, 2003 to impact 2.82 acres of waters of the US for residential and commercial development at Durango Mountain Resort. Since the issuance of the original permit, this office has authorized several minor modifications that has increased the total impact to waters of the US to 3.05. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Durango Mountain Resort
Mr. Gary Derck
1 Skier Place
Durango, Colorado 81301
970-375-2176

LOCATION: The project site is located north of Durango in Section 13, 24, 25, Township 39 North, Range 9 West, La Plata County, Colorado.

PROJECT DESCRIPTION: The applicant is proposing a permit modification of their existing Individual 404 Permit (#200175166) to the Durango Regulatory Office of the U.S. Army Corps of Engineers (USACOE) for the final phase of the Alpenglow Townhomes development. Alpenglow Townhomes, Phase IV, is located within DMR in northern La Plata County on La Plata County parcel #508924302004 (Figure 1).

Based on the available information, the overall project purpose is to construct residential units at DMR. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting.

The Individual 404 Permit (#200175166) for DMR was issued in 2002 and covers the entire resort property including other private property owners within the resort property boundaries, such as Alpenglow Townhomes. The permit with minor modification allow for the permanent impact to 3.05 acres of wetland. K.W. Geary purchased the property from DMR in 2003. Thus, the impacts of the project will be generated by K.W. Geary for construction of the final phase in the Alpenglow Townhomes development. Since the project is part of the entire build-out under Durango Mountain Resort's master plan and permit, DMR is still ultimately responsible for impacts under the individual 404 permit. Construction of Phase I, II, and III of the Alpenglow Townhome development have already commenced.

All impacts to jurisdictional areas associated with the previous phases have already been approved through minor modification of the permit. These impacts already occurred.

The impacts result from fill provide adequate building pads for two proposed townhomes. Therefore, the proposed Alpenglow Phase IV project will create an additional 0.018 acre of permanent impacts, including 109 linear feet of stream.

Temporary impacts to 0.005 acre of jurisdictional wetlands and 0.019 acre of WOUS (including 175 linear feet) will result from the re-grading of the creek banks, replacement of drop structures, and the placement of a cofferdam to divert water around the excavation. Additionally, permanent impact to 0.121 acre of vegetated buffer will result from the proposed project. The locations of temporary impacts and vegetated buffer impacts are depicted on attached figures.

Alpenglow development will connect into existing road and utility infrastructure previously constructed during the development of Phases I, II, and III of the Alpenglow Townhomes development. The construction of Phase IV will complete the Alpenglow resort community.

The applicant reviewed historic aerial photographs and topographical information to analyze Purgatory Creek and determine how its alignment has changed over the last 45 years. According to the available information, portions of Purgatory Creek may have been re-aligned for development at least three times in the last 45 years; originally for the placement of U.S. Highway 550, again with the original development of Purgatory Resort, and more recently with the development of the Columbine area. The proposed project will realign the reach of Purgatory Creek between Sheol Street and the main entrance to DMR to an alignment closer to its historic configuration.

Activities associated with the proposed project are anticipated to commence in the summer of 2006. Work within jurisdictional areas should be completed by late fall of 2006.

Existing Conditions

Purgatory Creek is a second order stream fed from 825 acres of watershed around DMR. The portion of the creek existing along Purgatory Drive, along contain some erosional features, however its banks overall are relatively well vegetated and stable. For most years the creek is perennial, however flow is greatly reduces during potions of year due to "payback" diversions to the Tacoma Hydroelectric Project. The upper reach of the stream is culverted under the central portion of the ski resort, and it daylight just above the project area. The primary function for the creek is water quality. The primary concern in headwater streams like Purgatory Creek is high sediment loads. Because of its naturally steep grade and high energy, the creek will carry high sediment loads during high flow events. However, due to development of the surrounding landscape. Purgatory Creek has transitioned towards an urbanized creek. Purgatory Village stormwater runoff discharges into Purgatory Creek at several locations throughout the Village. This stormwater runoff may increase suspended sediment, transport pollutants into the waterway, and increase peak flows, thereby significantly contributing to the urbanized character of the creek. As part of this project the applicant has proposed to isntall grade control structures throughout the creek to minimize this affect.

Alternatives. The applicant has provided information concerning project alternatives. Three alternatives were evaluated. Alternative A is the no action alternative. Under this alternative the Alpenglow Townhome Phase IV development will not be constructed and Purgatory Creek will not be realigned to allow for the construction of the final phase of the Alpenglow Townhomes community. The applicant has determined that the project is not economically feasible because it was designed to provide an acceptable rate of return with the construction of eight building pad with four townhome units each, for a total of thirty-two (32) townhome units in the Alpenglow resort community once complete.

Alternative B is the applicant's preferred alternative as described above under project description.

Alternative C is a development plan that consists of only four building pads, instead of eight. According to the applicant the project is not economically feasible because it was designed to provide an acceptable rate of return with the construction of eight building pads four townhome units each.

Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to restore portions of Purgatory Creek. The restoration plan involves the relocation of the 109 linear feet of Purgatory Creek (impacted by the Alpenglow Phase IV development). The relocation involves shifting the stream approximately 30 feet north of its current location and enhance 1,031-feet (including the relocated segment of stream) via the installation of grass lined swales to treat and convey stormwater, the replacement of existing pool/drop structures, the creation of adjacent wetland areas (0.081 acre) to improve infiltration rates and enhance ecological habitat, and the removal of invasive plant species and the planting of native vegetation important for wildlife habitat.

Of the 0.081 acre of created wetlands proposed adjacent to Purgatory Creek, 0.014 acre is intended to mitigate for impacts to 0.009 acre of palustrine emergent wetlands resulting from the proposed project (0.009 acre of impact x 1.5 mitigation ratio = 0.014 acre). The remaining 0.067 acre of created wetlands are intended to provide compensation for permanent impacts to 0.121 acre of vegetated buffer area. The current existing permit for DMR, establishes a preserve area around wetland and other waters of the US areas within the project site. According to the permit conditions, all impacts to preserve areas must be compensated at a 1:1 ratio. Due to the lack of suitable mitigation areas for buffer impacts on-site and within the project area, the Applicant proposes to compensate by creating additional wetlands. Temporary impacts to the vegetated buffer area will be restored and re-vegetated with native plant species upon completion of the proposed project.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Colorado is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: A cultural resource survey was conducted during the initial review process for Individual Permit #200175166. Based on the report there is one known cultural resource area located on the Alpenglow property. This historic property was evaluated by Forest Service personnel in 1982 and was found to possess no historic qualities that would make it eligible for nomination to the National Register of Historic Places.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200175166, must be submitted to the office listed below on or before April 6, 2006:

Kara Hellige, Project Manager
US Army Corps of Engineers, Sacramento District
Durango Regulatory Office
278 Sawyer Drive, Suite #1
Durango, Colorado 81303
Email: kara.a.hellige@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kara Hellige, 970-375-9452, kara.a.hellige@usace.army.mil.

Attachments: 6 drawings