



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 200175166

Date: June 14, 2001

Comments Due: July 14, 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 place fill into waters of the United States, as shown in the attached drawings.

**APPLICANT:** Durango Mountain Resort  
Mr. Gary Derck  
1 Skier Place  
Durango, CO 81301-

**LOCATION:** In the immediate vicinity of Purgatory Ski Area, on both the north and south side of Highway 550, within Sections 13, 24, and 25 of Township 39 North, Range 9 West, in both La Plata and San Juan Counties, Colorado (Figure 1). The adjacent parcels are shown on figures 2A and 2B.

**PURPOSE:** The project purpose, described by the applicant, is to expand existing recreational, residential, and commercial amenities, through the creation of an alpine resort community in the traditional character of small resort towns spread throughout Colorado.

**PROJECT DESCRIPTION:** The resort community includes six residential villages which will include roads, trails, water supply, and sewage treatment facilities. Additional features will include hotels, an ice rink, commercial space, restaurants, and office facilities. Recreational amenities will include mountain biking, sightseeing, a wetland park, a regional scale community park with ball fields, a playground, equestrian center, amphitheater, and picnic pavilions. The total project density will be 2.8 dwelling units per acre. The dwelling units will consist of standard homesites (40 acres, 160 units), executive homesites (110 acres, 220 units), estate homesites (140 acres, 140 units), townhomes (40 acres, 520 units), and hotels, condominiums, commercial buildings, lodges (28 acres, 684 units). Figures 3A, and 3B illustrate the conceptual master plan. The Durango Mountain Resort property which is scheduled for development contains 59.6 acres of wetland. The construction of the applicant's preferred plan would fill 3.94 acres of wetland, and the applicant would mitigate this loss with creation of 9 acres of wetland in addition to avoiding filling of 55.64 acres of wetland. Figures 4A and 4B illustrate the location of the wetlands relative to the development plan. Figures 5A and 5B illustrate typical cross-sections of wetland disturbance.

**ALTERNATIVES:** The applicant provided four alternatives for consideration. Alternative A is No Build, Alternative B is the Original Conceptual Plan, Alternative C is the Modified Conceptual Plan, and Alternative D is the Applicant's Preferred Plan. It should be noted that the Preferred Plan evolved from the continual refinement of the original conceptual plan based on continual input of field and other information, including wetland mapping. Figure 6 tabulates the summary of the alternatives considered.

Alternative A consists of retaining the current facilities at the site, with development of 1500 units on 100 acres immediately adjoining the base area based on previous entitlement. This alternative would not result in wetland impacts, however losses would include tourism, employment, county taxes, and economic loss would be suffered by the developer.

Alternative B consists of about a 2,000 unit development, with about 26.42 acres of wetland fill. Resort level densities would be created near Highway 550, with massive alteration of wetland hydrology which would force mitigation to off-site areas. This plan maximizes the developer's financial return, and maximizes both direct and indirect wetland impacts.

Alternative C consists of a 1735 unit development with 16.36 acres of wetland fill. Although avoidance and minimization of wetland impacts were considered, they were not maximized. There would be a reduced financial return to the developer. Indirect impacts to wetland areas would be substantial, and mitigation would largely be at off-site locations.

Alternative D calls for the development of 1735 units as in Alternative C, however the distribution of impacts and maximizing of avoidance dramatically reduces direct and indirect impacts. The impact reduction allows for mitigation to occur within project boundaries. Most of the wetland impacts are related to road and parking area construction. Indirect impacts are reduced by directing the impacts to the margins and narrowest sections of wetlands as much as practicable.

**AREA DESCRIPTION:** The Durango Mountain Resort parcel is contiguous with the Purgatory Ski Area at elevation 8600 above mean sea level near Durango, Colorado. The topography ranges from steep mountain sides to flat benches and hills. Ponds and wetlands on the property are fed by small streams, seeps and springs. The land in the vicinity of the resort and outside of the highway 550 corridor is largely covered with aspen and evergreen forest. The highway corridor is dotted with private housing on large acreage lots, public accommodations, and commercial recreation businesses. Human habitation of private lands and human use of public lands in the vicinity of the project is increasing. The highway, forest roads, and trails allow for such increasing use. The climate is typical of mountain areas with cool nights and moderate daytime temperatures in the summer. Snow covers the landscape in the winter. The cliffs of Graysill mountain provides the backdrop to the west side of the resort, and the Lime Creek Valley and the Needles Mountains provide the views to the east.

**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. 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 **July 16, 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. A preliminary inquiry indicated that the drainage is for use-protected waters, not reviewable, and no further anti-degradation review is required.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed. The Colorado Historical Society site listing indicated that 6 known cultural resources exist at the project site. The permit applicant has also retained a consultant to perform a cultural resources inventory on the Durango Mountain Resort property.

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 **July 16, 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 Ms. Lesley McWhirter, U.S. Army Corps of Engineers, Durango Regulatory Office, 278 Sawyer Drive #1, Durango, Colorado 81303. For further information, please contact Ms. McWhirter at telephone number (970) 375-9452, or email: [lesley.a.mcwhirter@usace.army.mil](mailto:lesley.a.mcwhirter@usace.army.mil).

Michael J. Walsh  
Colonel, Corps of Engineers  
District Engineer

Enclosures: Drawing(s)