



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200275197

Date: May 29, 2002

Comments Due: June 25, 2002

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 fill into wetlands and stream segments in conjunction with upgrading of the Powderhorn Ski Area, as shown in the attached drawings.

APPLICANT: Mr. Steven Bailey
Powderhorn Resort
Post Office Box 370
Mesa, CO 81643-

LOCATION: In west central Colorado, on the northern escarpment of Grand Mesa mountain, along Highway 65, approximately 20 miles south of the intersection of Highway 65 with Interstate 70. More specifically, the project lies within Sections 20, 29, and 30 in Township 11 South, Range 96 West, in Mesa County, Colorado. Please see Figure I-1, for location relative to Grand Junction, and nearby highways.

PURPOSE: To satisfy the U.S. Forest Service's Master Development Plan requirements for the Powderhorn Resort. Specifically, as related to Department of the Army permitting, the project purposes include bringing existing infrastructure into balance with current use levels, improve recreation opportunities within the permit (Forest Service special use permit) boundary, and provide facilities to accommodate anticipated increases in visitation. The upgrading of facilities include lift relocation and increased capacity, ski run area increased capacity, access road improvements, and increased snowmaking.

PROJECT DESCRIPTION: The Powderhorn Resort Upgrade at this time will consist of changes to the following elements: Resource Management and Protection, Lifts, Terrain, Snowmaking, Infrastructure and Guest Services, and Actions Proposed for Private Lands Necessary for Implementation of the Proposed Phase I On-Mountain Facilities. For the purposes of this document, the descriptions will be limited to a brief summary. More detailed descriptions can be obtained from the Powderhorn Resort Master Development Plan Phase I Environmental Assessment prepared by the USDA Forest Service, Grand Valley Ranger District, dated July 2001. Figures II-1 through II-8 provide a graphical representation of the existing and proposed features, as well as location of impacts to waters of the U.S. referenced by number to Tables 1 through 5.

Phase II of the Development Plan, which may be considered at a later date, would consist of an additional ski lift within the existing boundary, with associated trails and snow making. Phase II is completely independent of Phase I, and is not a part of this permit application.

The applicant proposes to utilize best management practices to minimize surface drainage velocities and sediment loading to nearby streams during construction of upgrade features as part of the Resource Management and Protection element.

Lift modifications will include construction of a winter tubing lift, the Boardwalk Lift (fixed-grip quad), the First-time Beginner Lift, upgrading and realigning of the West End Lift, upgrading of the Take Four Lift, and removal of the Lions Surface Lift. Lift modifications will not adversely impact waters of the United States.

Terrain improvements would include: construction of winter tubing terrain facilities, 12 new trail segments, modification of eight existing trails, construction of a terrain park and halfpipe, a groomer access trail, and grading of selected segments of trails. Additionally, a cross mountain maintenance road would also be constructed, which would require 110 culverted stream crossings, along with 7 bridges.

Snowmaking upgrades include expansion of snowmaking facilities to cover 184 acres of trails instead of the current 21 acres. Water for the snowmaking operation would be available from Somerville Reservoir according to stipulated water right decrees.

Infrastructure and guest services include construction or replacement of 3 Ski Patrol duty stations, and installation and replacement of utility services.

Impacts to waters of the U.S. due to the project are as follows:

- o Conversion of 1.7 acres of forested wetland to palustrine emergent wetland due to tree clearing for ski trails.
- o Temporary impacts to 1.3 acres of wetland due to utility line construction.
- o Permanent fill of 0.1 acre of wetland associated with a maintenance road.
- o Ski-over of 0.1 acre of wetland, with possible vegetative disturbance.
- o Permanent impact to 0.32 acre of riverine habitat resulting from culvert installation.
- o Temporary impact to 0.63 acre of riverine habitat resulting from snowmaking pipe installation.

Impact locations are shown on Figures II-1 through II-8, and the impact types are listed in Tables 1 through 5. Figures IV-1 through IV-5 show details of typical impacts.

Development of the applicant's selected alternative involved avoidance of impacts to waters of the U.S. by iterated planning efforts, and the use of bridge crossings of streams as much as practicable. Where avoidance was not possible, the effort focussed on minimizing permanent impacts. One-tenth acre of permanent wetland fill is proposed within a newly disturbed area of 22.5 acres of clearing, 26,521 feet of utility lines, and approximately 9,500 linear feet of access road.

In addition to avoidance and minimization of impacts to waters of the U.S. the applicant proposes to replace permanent wetland impacts at a 2:1 ratio, and mitigate temporary wetland impacts at a 0.5 to 1 ratio. A net total of 0.68 acres of constructed wetlands and 0.2 acres of restored wetlands are offered. Replacement wetland monitoring is proposed for 5 years following construction of the wetlands, with remediation as needed until at least a 70% aerial wetland vegetative cover is established. Converted wetland in the amount of 1.7 acres is not proposed to be mitigated. Aerial photographs of the Powderhorn vicinity were reviewed by the Forest Service, and 253 acres of forested wetland were estimated to exist. Wetland mitigation (creation and restoration) details are shown in Figure III-1 and III-2. The locations are on Figures II-6 (for wetland #31), and II-7 (for wetland #45).

ALTERNATIVES: Four alternatives, A, B, C, and D including the No Action Alternative, were developed by a Forest Service interdisciplinary team in response to public and agency input through the scoping process for the Phase I Environmental Assessment. The action alternatives which were considered included varying

balances of wetland impacts against other environmental issues. The permanent wetland impacts were identical for all of the action alternatives, the temporary impacts varied, and the vegetation clearing areas varied. The No Action alternative was considered, then dismissed due to 1) continued inconsistency with the Visual Quality Objective, and 2) Powderhorn's position in the marketplace and its viability as a business would likely deteriorate in the coming years due to undersized and antiquated facilities.

The plan selected and documented in the Forest Service's Decision Notice and Finding of No Significant Impact was Alternative D, which minimized the acreage of full clearing and soil disturbance, yet was comparable to the other alternatives with regard to wetland impacts. A full discussion of alternatives is included in the Phase I Environmental Assessment.

AREA DESCRIPTION:

Powderhorn Resort on the northern edge of Grand Mesa mountain, consists of 1600 acres of National Forest land and 540 acres of private land. The Resort contains the Ski area located on National Forest land, ranging in elevation from about 8,000 feet above mean sea level to about 10,000 feet. The average annual precipitation of 26 inches per year nourishes a dominance of aspen trees at the base of the ski area, and a mixture of aspen, Engelmann spruce, and subalpine fir near the top of the ski area. The precipitation and microclimate vary substantially, affecting opening and closing dates of the ski area. The mountain dominates the landscape of the semi-arid valleys surrounding it to the north, west, and south. The mountain extends several miles toward the east. Scenic Highway 65, running in a north-south general direction, is the primary access to the mountain, and the resort. The natural forest setting of the mountain, including its many lakes, streams, and trails, as well as its cooler summer temperatures is a primary recreation destination for the inhabitants of the surrounding semi-arid communities.

ADDITIONAL INFORMATION:

The U.S. Forest Service has conducted an Environmental Assessment for the proposed activity. The assessment included a public involvement process, a scoping process, and evaluation of existing and future environmental conditions, and consideration of public and agency comments. The Decision Notice and Finding of No Significant Impact document concludes with the decision to approve the Selected Alternative described in this Notice.

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 25, 2002**.

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 cultural resources survey performed in conjunction with the U.S. Forest Service's Environmental Assessment revealed one identified prehistoric site (5ME5223) on private ground within the project area. This site would not be impacted by any facilities contained in Phase I of the development plan.

In response to the U.S. Forest Service's Section 7 Endangered Species Act Consultation, the U.S. Fish and Wildlife Service has determined that the project "may affect, but is not likely to adversely affect" the Canada lynx, provided that conventional clearing is used for ski run 24A. Also, the net depletion of water from the Colorado River Basin associated with snow making will be less than 100 acre-feet per year. Therefore the fees for the Recovery Program for endangered fish in the Upper Colorado River Basin has been waived by the U.S. Fish and Wildlife Service.

Interested parties are invited to submit written comments on or before **June 25, 2002**. 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. Nick Mezei, 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. Mezei at telephone number (970) 243-1199, extension 13, or email Nick.Mezei@usace.army.mil.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Enclosures: 20 sheets, Tables and Drawing(s)