



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200275458

Date: October 16, 2002

Comments Due: November 4, 2002

In reply, please refer to the Public Notice Number

**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 in wetlands for the purpose of a single-family residential home in the Capitol Woods Subdivision (Lot 4), as shown in the attached drawings.

**APPLICANT:** Ms. Nancy McKenney  
Post Office Box 715  
Snowmass, Colorado 81654

**AGENT:** Wright Water Engineers, Incorporated  
Attention: Mr. Dave B. Mehan  
2490 West 26th Avenue, Suite 100A  
Denver, Colorado 80211

**LOCATION:** The project site is located near the Town of Snowmass, Colorado, approximately 2 miles from the intersection of Colorado State Highway 82 and Old Snowmass Creek Road (reference Vicinity Map, sheet 1 of 5). The neighboring address for this property is 0199 Capitol Creek Road (Lot 6) which shares a common driveway for the Lot 4 property, 1/8 mile west from the T-intersection of Capitol Creek Road and Old Snowmass Creek Road. Lot 4 consists of 1.2 acres located adjacent to Capitol Creek.

**PURPOSE:** To develop a building envelope and construct a single-family residence on Lot 4 consistent with Pitkin County, Colorado regulations.

**PROJECT DESCRIPTION:** The project proponent proposes to fill wetlands to construct a two-level single-family residence with an attached garage and entrance parking/turn-around area in Lot 4 of the Capitol Woods Subdivision. For Lot 4, the servicing septic system will not be placed in "waters of the United States." Figure 2A is the proposed two-level house plan for this activity. Figure 2B is a typical section through the proposed fill area of 0.205 acres of wetlands.

**ALTERNATIVES:** The agent for the applicant has developed an alternatives analysis as part of the application. Other than the no action alternative, other alternatives considered, but discounted are summarized as follows: 1) easement constraints limiting lot development to two smaller (less than 1000 square-feet each) non-contiguous areas bounded by Capitol Creek's floodplain and steep slopes greater than 30 percent (depicted in Figure 3), 2) a one-level house plan with similar square-footage as a two-level plan, but with increased impact to wetlands (0.287 acre compared to 0.205 acre for the preferred two-level plan), and 3) purchase of adjacent property for a re-located residential development is

not practicable as none is available for purchase, is already developed or may not reduce the amount of impacts, if ever available for purchase.

**AREA DESCRIPTION:** Lot 4 of the Capitol Woods Subdivision is situated within two distinct wetland types; forested and scrub-shrub wetlands. Generally, wetlands encompass the center portion of the lot, with a steep slope on the east side of the lot, recorded easements for a water line and leach field, an existing driveway, and mature trees on the southern end of the lot. The result is approximately 2,000 square-feet outside of these constraints in two areas that is available for development.

The forested wetland, which occurs toward the southern end of the lot, is dominated by thin-leaf alder (*Alnus tenuifolia*), honey suckle (*Lonicera involucrata*) and yellow willow (*Salix lutea*), with beaked sedge (*Carex utriculata*), arctic rush (*Juncus arcticus*) and wintergreen (*Pyrola rotundifolia*) in the understory. The scrub-shrub wetland, which is somewhat drier, occurs around the west and northeast sides of the forested wetland and is dominated by coyote willow (*Salix exigua*), Drummond willow (*Salix drummondiana*), Nebraska sedge (*Carex nebrascensis*), beaked sedge and arctic rush.

Both wetland types are sustained by shallow groundwater and possibly over-bank flooding from Capitol Creek, and provide function for flood storage, groundwater discharge/recharge and wildlife. Additionally, the area of mature trees on the southern portion of the lot exist within the wetlands and represent the highest quality wetlands on Lot 4.

#### **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 **November 4, 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.

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. 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 **November 4, 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. Mark Gilfillan, Colorado/Gunnison Basin Regulatory Office, U.S. Army Corps of Engineers, Sacramento District, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Mr. Gilfillan at telephone number (970) 243-1199, extension 15, or email [Mark.A.Gilfillan@usace.army.mil](mailto:Mark.A.Gilfillan@usace.army.mil).

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

Enclosures: 5 Drawings