



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200275596

Date: February 28, 2003

Comments Due: March 21, 2003

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 dredge and line 1.24 acres of wetland habitat adjacent to Silver Creek to construct a fire pond, as shown in the attached drawings.

APPLICANT: Mr. Robert A. Bielenberg, Winter Park Highlands Association, P.O. Box 275, Tabernash, Colorado 80478.

LOCATION: The proposed project is located in the Winter Park Highlands Subdivision on Silver Creek Drive. The subdivision is accessed off U.S. Highway 40 on Grand County Road 858, between Granby and Tabernash, Colorado. The proposed project is located in Section 34 of Township 1 North and Range 76 West.

PURPOSE: The purpose of the project is to create a fire fighting pond to provide water storage for fire suppression. Presently, fire fighting water must be trucked in.

PROJECT DESCRIPTION: The applicant is proposing to dredge approximately 12,250 cubic yards of soil material and placement of a liner to create a 1.24 acre pond. The entire area of impact is a mix of herbaceous and willow wetlands, receiving seasonal hydrology from Silver Creek. The applicant is proposing to utilize an existing earthen dam, which is 120 long and 7 feet high. To increase capacity, the area will be dredged, and lined to prevent absorption. A culvert and gate will be placed to allow draining, and the existing dam will be modified to add a spillway.

As stated above, the applicant is proposing to line the pond. The applicant is researching one of three materials for both cost and effectiveness. The materials include a polymer lining, ESS-13 chemical or Bentonite.

The polymer lining is approximately 63,795 square feet and weighing over 12,000 pounds. To protect the lining, 1 foot of fill would be place over the lining.

Environmental Soil Sealant, ESS-13, is a liquid polymer emulsion. If this material is used, the substance would be mixed with the native soil and compressed to provide a sealant against seepage.

Bentonite is an absorptive and colloidal clay. The applicant proposes to use up to 130 tons. of Bentonite to seal the proposed pond.

The applicant is proposing a desired depth of 8 feet, maintaining a water level two feet below the existing dam height, for a total of 9.75 acre feet of water. A dry hydrant will be installed to allow firetruck access.

ALTERNATIVES: The applicant provided two alternatives to the proposed 1.24-acre pond. The first was the No-Build alternative. This alternative would not meet the community needs of successful fire fighting. Without fire suppression water, the pumper trucks must drive considerable distance to resupply. The time lost in fighting a residential fire, would most likely result in full loss of property. This alternative was considered impracticable.

The second alternative was to reduce the overall size of the pond to one-half acre. The small pond would require construction of additional earthen dam to the west. This alternative was considered impracticable because of the pumper truck's limitation of pumping water only to a height of 10 feet. This alternative required the pumping water 14.8 feet in height.

AREA DESCRIPTION: The proposed project is located in the Winter Park Highlands Subdivision, and adjacent to Silver Creek. The elevation of the project site is 8,714 feet. The project site is composed of herbaceous and willow wetlands, and upland sage communities. Silver Creek is an ephemeral tributary of Crooked Creek, which is a tributary to the Fraser River. There is an existing earthen dam across the project site. The dam provided irrigation water in mid to late season. The dam no longer ponds water beyond spring flow because of a high absorption rate. The proposed project is bound by Elk Park Trail to the north, and residential development to the south. To the east is a steep hill dominated by sage. The west boundary is Silver Creek Road.

ADDITIONAL INFORMATION: The applicant is proposing to mitigate the wetland impacts on site. The applicant is proposing to transplant the willow community to a site just below the dam spill way and along the western most boundary. The applicant will further restore the riparian community along Silver Creek just above and below the project site.

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 **March 21, 2003**.

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.

No further cultural resources review is warranted because the type of work in the permit area is of such limited nature and scope that there is little likelihood of impinging upon a cultural resources site.

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 **March 21, 2003**. 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. Anthony Curtis, Kremmling Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, P.O. Box 369, Kremmling, Colorado 80459. For further information, please contact Mr. Anthony Curtis, at telephone number (970) 724-9036, or email Anthony.C.Curtis@usace.army.mil.

Michael J. Conrad, Jr.
Colonel, US Army
District Engineer

Enclosures: Drawing(s)