Public Notice

Public Notice Number: 200375009
Date: September 4, 2003
Comments Due: October 5, 2003

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

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 permanently impact 0.669 acre and temporarily impact 0.24 acre of jurisdictional waters associated with the planned and mixed unit development of 20 acres of land for the new Base Village Expansion Project. This project includes development of 184,150 square feet of nonresidential space and 675 units of residential housing with 1,199 beds to be completed over a five phase, ten year period.

CO-APPLICANTS:

Intrawest/Brush Creek Development Company, LLC
5131 Owl Creek Road
Snowmass Village, Colorado 81615
Attn: Mr. Paul Shepherd, V.P. Development

Town of Snowmass Village
Post Office Box 5010
Snowmass Village, Colorado 81615
Attn: Mr. Mike Segrest, Resort Town Manager

AGENT FOR CO-APPLICANTS:

Ecological Resource Consultants, Incorporated
4920 Tesla Court
Boulder, Colorado 80301
Attn: Mr. Dave Blauch

LOCATION: The Base Village Expansion Project is a project with four distinct, yet connected project locations. The Base Village (and Sinclair Meadows), Fanny Hill Cabins, Brush Creek restoration area and the Town of Snowmass-Brush Creek road improvement project areas are located within the Town of Snowmass Village. Please reference the attached vicinity maps (Figures 1 and 2) to locate these project areas relative to the Town of Snowmass Village.

PURPOSE: To develop a destination ski resort community within the Town of Snowmass Village, Colorado (the Town). The development project consists of four connected projects essential to fulfill the overall project scope. The Base Village Expansion (BVE) project consists of 635 residential units, 29 restricted housing units, 94,074 square feet of commercial space, 42,393 square feet of skier services space and 34,545 square feet of community facilities space. The BVE project will include large scale overlot grading, re-aligning portions of Wood and Snowmelt Roads, infrastructure improvements, construction of 13 buildings as well as numerous site amenities. The Fanny Hill Cabins project is a residential development of 5 townhomes providing 10 residential units and one caretaker suite with a total residential area of 23,875 square feet.

The Brush Creek restoration project is a proposed mitigation and restoration activity to restore and enhance the functional quality of Brush Creek and adjacent wetland/riparian habitat. The mitigation/restoration plan includes restoring approximately 1,300 linear feet of channel, creation/enhancement of up to 0.67 acre of wetland and restoration/enhancement of 0.3 acre of the riparian corridor.

The Town of Snowmass-Brush Creek road improvement project is an independent project being undertaken by the Town. This project includes the removal of the existing Wood Road culverted crossing of Brush Creek with a bridge span replacement. The project also includes the development of a roundabout interchange for Upper Brush Creek Road, Lower Brush Creek Road, Kearns and Wood Roads. This interchange would be located on the north side of Brush Creek with the new span to re-connect Wood Road with the new roundabout interchange.

PROJECT DESCRIPTION: These four interconnected project sites are located within the Town limits of Snowmass Village with the BVE project designated as a "town core" enhancement and attraction centerpiece. The BVE site has been graded over the last 30 years creating benches in the steep slope providing level parking areas. Existing elevations range from approximately 8470 feet above mean sea level (msl) near the upslope limits of this site to 8348 feet above msl at the downslope towards the Brush Creek riparian corridor. To accommodate the roads, buildings, infrastructure and amenities associated with the Base Village, extensive overlot grading will be required. An estimated 275,000 cubic yards (cy) of material will be cut and 125,000 cy of material filled across the site. Approximately 150,000 cy will be exported to the site for finished grade purposes. The BVE project site will result in the permanent disturbance of 0.235 acre of jurisdictional wetlands. Impact Areas 1, 2, and 3 (reference Figure 3) will result from overlot grading associated under the applicants preferred alternative. Impact Areas 1, 2, and 3 are a man-induced wetland habitat resulting from the daylighting of the existing site drainage infrastructure (refer to **Figures*** 4 & 5, 6 & 7 and 8 & 9, respectively, **depicted within the complete Public Notice**). Impact Area 4 will result from overlot grading associated with the re-alignment of Wood Road and is a natural slope wetland originating from a seep at the historically created toe of slope located along the Brush Creek Corridor (refer to **Figures*** 10 & 11).

The reader should understand that there is a related residential development project to the BVE project known as the Sinclair Meadows project. This project area is also located within the Town near the East Fork of Brush Creek however, this project will not have any permanent or temporary impacts to jurisdictional wetlands. Access to this project development will be by a free-span over identified wetlands and a drainage channel on this parcel.

The Fanny Hill project site is located upslope from the BVE project and will provide necessary residential development to fulfill the expansion project. The access point for this development will be from Wood Road and will require a culverted crossing with construction backfill of the existing roadside swale. This crossing will permanently impact 0.024 acre of jurisdictional wetlands. Impact Area 5 will result from the placement of a culvert and backfill within the existing roadside swale (refer to **Figures*** 12 & 13).

The Brush Creek Restoration Project is located at Brush Creek near the toe of slope to the Base Village Expansion Project. This restoration project would begin approximately 450 feet upstream of the existing Wood Road culvert crossing of Brush Creek. This project area then continues downstream approximately 1,300 feet to the Brush Creek Road culvert crossing of Brush Creek which channels the creek to the north side of Brush Creek Road. This section of Brush Creek has been significantly impacted by historical development. The restoration plan has identified specific problems including low sinuosity, bank erosion, water quality concerns, limited vegetation, and poor aquatic habitat. Restoration efforts will focus on creating and enhancing wetland vegetation and habitat, restoring the natural ecosystem equilibrium, improve aquatic habitat for trout and macroinvertibrates, increasing riparian buffer zones, improving runoff water quality entering the creek, increasing vegetation species richness and structural complexity for wildlife.

The Brush Creek impacts will result from the creation of a re-aligned Brush Creek channel and from the conversion of existing channel to wetland created habitat. The creation of the new channel will permanently impact 0.09 acre of jurisdictional wetland and temporarily impact 0.09 acre of the existing channel (refer to **Figure*** 14). The abandonment of the old channel and creation of wetland habitat will result in the conversion of 0.24 acre of unvegetated waters of the United States to vegetated wetland habitat. In total, the restoration plan will

create 0.15 acre of new wetland habitat, convert 0.24 acre of unvegetated channel to wetland habitat, create 0.38 acre of higher functioning/stable channel and enhance 0.28 acre of wetland habitat. The net increase proposed will be the creation of 0.30 acre of wetland habitat, enhancement of 0.15 acre of wetland habitat, creation of 0.20 acre of new channel and enhancement of 0.18 acre of existing channel.

The Town of Snowmass-Brush Creek Road Improvement Project is located at the intersection of Brush Creek and Wood Roads within the Town limits. This project will provide an improvement to the existing four-way intersection for the roads discussed above. This project and associated road re-alignment is necessary to address safety and level of service capability for the associated BVE project.
The placement of the new free-span bridge and abutments connecting to the south side of the roundabout and over Brush Creek will permanently impact 0.08 acre of jurisdictional wetlands. Impact Area 5 (specific to this project site only and not related to the Area 5 of the Fanny Hill Project site) results from the roundabout and road re-alignment (refer to **Figures*** 15 & 16).

The total permanent impact to waters of the United States is 0.669 acre while the total temporary impact to waters is 0.24 acre for all four projects of the BVE project. Total mitigation proposed for this project represents a combination of creation and enhancement at 0.93 acre or a 1.4:1 ratio of mitigation for impacts.

ALTERNATIVES: The no action alternative must be considered in any permit process. The no action alternative assumes that a Department of the Army permit would not be issued and the co-applicants would not construct the portions of the total BVE project where impacts to waters of the United States would occur. Under the not action alternative, we would assume that either full buildout would not occur or substantially limited scope buildout would be possible without impacts to waters. However, the co-applicants state that without full buildout, the Town and the public benefits identified would suffer the future success of the Town. Without construction of the BVE project the existing landscape would remain in its current state or more likely undergo master planning under another applicant in the future.

The agent for the co-applicant has provided information on other alternatives which describe efforts regarding site selection, wetland avoidance and minimization to reduce the overall impacts with the BVE project. These alternatives can be summarized as evaluating available parcels and real estate that would provide necessary development densities within the existing ski base area. Throughout the master planning and development process, the co-applicants state that based upon site analysis for development evaluated against environmentally sensitive features, including riparian and wetland habitat, wildlife habitat, species of concern, vegetation communities, forest and geological hazards on six potential development parcels throughout the Snowmass Valley, the four development parcels identified above were the only ones which could potentially meet the overall project goals.

The co-applicants state that initial development strategies attempted total wetland avoidance through alternative orientation or configuration of proposed site amenities but, given the limited availability of developable land, complete avoidance was not reasonably practical. Therefore, site selection of development locations was based upon areas primarily disturbed by historic grading and areas which did not contain environmentally sensitive features of higher quality. Avoidance and minimization to jurisdictional areas was completed through functional evaluation of each site prior to site plan development. Areas containing wetlands of high quality (i.e. connected to other waters, unique habitat types, relatively pristine or undisturbed) were avoided to the greatest extent practicable.

In the event avoidance was not a practical alternative, wetlands of lower quality (i.e., isolated, man-made or highly disturbed) were considered more favorable areas for disturbance over higher quality wetlands (i.e., diverse plant communities, natural water sources and creeks). The alternatives for the BVE and Brush Creek Road Improvements projects are depicted in **Figures*** 17 and 20, respectively.

The current proposal, for full buildout of the BVE project, was developed with U.S. Army Corps of Engineer (Corps) staff input, modified the impacts of the original proposal to reduce impacts associated with access, grading impacts, infrastructure and residential and commercial development.

AREA DESCRIPTION: The four project sites are located within the Town limits of Snowmass Village. The 20-acre BVE project lies on a north-facing slope with Brush Creek paralleling the northern property boundary. The Wood Ski Lift is located approximately in the center of the property which currently consists of dirt/gravel parking lots with paved access roads and open meadows along the existing ski runs. Much of this area has been historically disturbed from site grading associated with original ski resort development. Jurisdictional areas on site consist of fragmented, man-made palustrine emergent and scrub-shrub slope seeps and drainage swales hydrologically connected by buried pipes and seeps. The Corps verified jurisdictional areas on this parcel with correspondence dated November 15, 2001, under identification number 200175489.

The Fanny Hill Project parcel has an average elevation of 8,550 feet above msl and is situated on a northeast facing slope. A majority of this 5-acre parcel is currently used as a beginner ski slope run with lifts. Residential development surrounds this parcel on all sides with an open meadow and a narrow aspen stand along the east property line. Jurisdictional areas on site consist of a single fragmented drainage located along the eastern property boundary.The Corps verified jurisdictional areas on this parcel with correspondence dated January 22, 2003, under identification number 200375009.

Brush Creek is a small perennial stream approximately 8-12 feet wide confined at the Base Village Project area by steep slopes and Brush Creek Road. The creek channel is well defined with a predominately cobble substrate. A dense palustrine scrub-shrub habitat persists dominated by willow and alder intermixed with aspen trees.

ADDITIONAL INFORMATION:

The reader should note that the Corps has requested from the co-applicants, water supply source and conveyance information, snowmaking quantities and all other activities which the co-applicants plan to undertake which are reasonably related to the same project, and for which a Department of the Army permit would be required. The Corps has deemed this information necessary to assist interested parties in evaluating the likely impact of the proposed activity.

Agents for the co-applicants have supplied information to the Corps regarding estimates for water usage for the Snowmass Village project at 175,525 gallons per day for 702.1 total equivalent residential units, in addition to assurance that there are no other future co-applicant plans reasonably related to the same project. Snowmaking quantities have not been supplied and are not being considered a proposed project activity.

The co-applicants have 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. John Hranac, Assessment Unit, Water Quality Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado, 80246-1530, on or before **October 5, 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. Hranac at the Assessment Unit, Water Quality Control Division, at telephone (303) 692-3586.

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. However, presently unknown cultural resources may be located in the permit area.

This activity may affect 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. Formal consultation will be initiated with the U.S. Fish and Wildlife Service for water use depletions regarding endangered fish species in the upper Colorado River basin.

Interested parties are invited to submit written comments on or before **October 5, 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.

You may request the complete public notice, which includes 17 additional drawings depicting impact locations, buildout design, restoration locations, road configuration and mitigation locations by contacting the co-applicants' agent: Ecological Resource Consultants, Incorporated, 4920 Tesla Court, Boulder, Colorado 80301, telephone (720) 564-0788, Attn: Mr. Dave Blauch.

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 Engineer District, Sacramento, 400 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.

Mark W. Connelly
Lieutenant Colonel
Corps of Engineers
Acting District Engineer

Enclosures: Drawings (3)