



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200375250

Date: July 28, 2003

Comments Due: August 28, 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 impact an additional 0.23 acre of wetlands, as shown in the attached drawings. [NOTE: This project was permitted in 1994 and impacted 0.6 acres.]

**APPLICANT:** Brush Creek Airport LLC  
c/o Dr. Richard A. Landy  
9618 E. Maplewood Circle  
Englewood, CO 80111  
(303) 740-8142

**LOCATION:** The Buckhorn Ranch Filing 2B Subdivision is located approximately three miles southeast of the Town of Crested Butte within the NE 1/4 of Section 7 and the NW 1/4 of Section 8, Township 14 South, Range 85 West, Gunnison County, Colorado.

**PURPOSE:** To provide residential housing in the Crested Butte area.

**PROJECT DESCRIPTION:** The project involves the construction of a required access road, driveways to building envelopes, and utility line crossings to the Buckhorn Ranch Filing 2B Subdivision. This work will impact up to 0.23 acre of jurisdictional wetlands.

**ALTERNATIVES:** The applicant has taken steps to ensure that impacts to wetlands are avoided and minimized. The subject impacts are necessary to access portions of the property to the south of Buckhorn Lake. Building envelope configurations avoid wetland impacts. Roads, driveways, and utility line crossings are somewhat fixed based on grade constraints, but are designed to minimize impacts. Finally, stipulations are placed on lots through platted "Open Space" designations to further avoid and protect aquatic resources.

**AREA DESCRIPTION:** The Buckhorn Ranch is a 280-acre "fly in" subdivision which includes an airport runway and will support 247 residential lots. Aquatic resources on the property include wetlands, unnamed tributaries, and a portion of the East River.

**BACKGROUND:** Previously, the Corps issued a nationwide general permit number 26 for 0.6 acre of wetland impacts associated with the construction of Buckhorn Lake, assigned number 199475241. Onsite mitigation for impacts associated with this previous permit were unsuccessful; and therefore, this permit application includes additional mitigation to satisfy these past wetland impacts.

**MITIGATION:** The creation of wetlands onsite at two locations is proposed in the amount of 0.71 acre. This includes 0.11 acre of impacts associated with this project (note that of the 0.23 acre of impact proposed, 0.15 acre is temporary impact from utility line installations) and 0.6 acre of mitigation for previous wetland impacts unsuccessfully mitigated in 1995.

The proposed wetland mitigation area is located adjacent to existing wetlands and will involve the excavation of approximately two to three feet. The applicant commits to salvage the wetland topsoil from proposed access road crossings to use in these two mitigation areas. The primary means of revegetation will be transplanted wetland topsoil supplemented with a broadcast seed mixture of Spreading Bentgrass, Strawberry Clover, Red Fescue, and Tall Fescue which are native plants observed in the area. In addition, the wetland mitigation areas will be mulched with native hay mulch obtained from a local wetland meadow. Mitigation construction is targeted in fall 2003 or early spring 2004. Short term management will include silt fencing, straw wattles or other appropriate barriers prohibiting vehicular, animal or human traffic. Mitigation monitoring reports will be submitted to the Corps of Engineers to help ensure success and identify contingency plans if needed. Long term maintenance will be by "Open Space" designation and an education program which will reach homeowners through the property owners association.

**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. Andrew Ross, 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 **August 28, 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. They have preliminarily determined that this project will result in only temporary impacts to water quality. For further information regarding anti-degradation provision, please contact Mr. Ross at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3540.

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 **August 28, 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 Susan Bachini Nall, 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 Susan Bachini Nall, at telephone number 970-243-1199, extension 16, or email [Susan.Nall@usace.army.mil](mailto:Susan.Nall@usace.army.mil).

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

Enclosures: 4 Drawings