



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200475197

Date: June 10, 2004

Comments Due: July 9, 2004

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Fraser Valley Parkway project which would result in impacts to approximately 5.2 acres of waters of the United States, including wetlands, in or adjacent to St. Louis, Pole, and Crooked Creeks. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may be viewed at the Corps website, <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Grand County
Attn: Clark Branstetter
467 East Topaz
P.O. Box 9
Granby, Colorado 80446
970-725-3224

LOCATION: The linear project site is located between Tabernash and Fraser in Sections 1, 2, 7, 12, 18, and 19; Township 1 South; Range 76 West, Grand County, Colorado, and can be seen on the Fraser USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a 26,000 feet linear two lane with trail roadway in a north-south direction from immediately west of the Town of Tabernash to County Road 72, south of the Town of Fraser. The applicant's stated project purpose is to ensure provision of emergency services (health, fire, police) to the western portion of the Town of Fraser and reduce traffic congestion and increase traffic safety in relation to U.S. 40. The applicant believes there is a need to construct this road to provide access to those neighborhoods and developments west of the at-grade railroad crossings, and to reduce traffic congestion on U.S. 40 through the Town of Fraser. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 47.7 acres of wetlands within the project area. The site is characterized by land which has been historically used for agriculture, including grazing and hay production. Waters of the United States proposed to be impacted include St. Louis and Crooked Creeks and various types of wetlands, including persistent emergent and scrub/shrub palustrine wetlands. The vegetation includes species within the Salix, Carex and Juncus families. The applicant has addressed concerns of future cumulative effects resulting from adjacent development through the use of conservation easements to further protect the Fraser Valley.

Alternatives. The applicant has provided information concerning project alternatives. Since project inception, the applicant has worked to identify a project alignment which is less environmentally damaging. The following alternatives were provided. Additional information concerning project alternatives is available from the applicant or their agent.

No action alternative: Under this alternative, this section of the Fraser Valley Parkway would not be built. Traffic patterns would continue as they exist at this time with an assumed increase in traffic as the population of the valley expands and businesses develop. The railroad right-of-way would continue to serve as a "bottleneck" and no alternative routes for emergency vehicles would be available. No impacts to project area wetlands would occur.

Crooked Creek Bridge Alternatives: The applicant considered two alternatives with respect to crossing Crooked Creek. The High Crossing Profile Alternative would raise the existing road elevations in order to minimize the excavation required on the adjacent steep hillside. This alternative would be the most expedient and least expensive to construct but would impact approximately 0.21 acres of wetland. The applicant's preferred alternative is a the Low Crossing Profile Alternative. This would decrease the height of the bridge, in turn decreasing the length of fill slopes. This alternative would impact 0.15 acres of wetland.

West Fraser Alternatives: The applicant has studied eight alternatives through the St. Louis Creek wetland system. The first alternative is the West-Central Alignment, which is the applicant's preferred alternative. This alternative would impact 1.73 acres of wetlands (0.99 acre of moderate/0.74 acre low quality wetlands) and would allow greater road safety in terms of curve grades and intersections. The second alternative is the Middle Alignment Alternative. Although this alternative would impact slightly less wetland, 1.70 acres (1.02 acres moderate/0.68 acre low quality wetlands), the road would be straighter and would lead to higher than desired road speeds. The trail safety would be less than the West-Central Alignment Alternative. The third alternative is the Berm Alignment Alternative. This alternative would be considerably longer (400 feet) resulting in higher construction costs and 1.9 acres of wetland impact (1.24 acres moderate/0.65 acre low quality). Alternative 4 is the East Alignment Alternative. This alternative was developed in response to the Corps of Engineers concerns to protect high quality wetlands. This alignment is located close to the Library and would impact 2.04 acres of wetlands (1.39 acre moderate/0.65 acre low quality). The remaining four alternatives were ruled out because they did not meet the purpose and need or impacted greater amounts of waters of the United States.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant

is proposing four options, all or in part, to mitigate for the impacts of moderate and low quality vegetated wetlands. These options include: (1) Creating in-kind, in-place wetlands along an abandoned portion of the Fraser Valley Parkway between County Roads 72 and 73; (2) Converting uplands to wetlands within the wetland complex west of the Town of Fraser; (3) Creating and restoring wetlands at the existing Grand County Maintenance Facility, and; (4) Utilization of an existing conservation easement. The applicant has stated that they are committed to entering into any combination of the above options to satisfy the Corps of Engineers impact compensatory requirements and achieve the mitigation goals of the project.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Colorado Department of Public Health and Environment, Water Quality Control Division is required for this project. Written comments on water quality certification should be submitted to Mr. John Hranac, 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 **July 9, 2004**.

HISTORIC PROPERTIES: Based on the available information, no cultural resources are within the project's area of potential effect. If cultural resources are identified or if there potential for existence, the Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: Based on the applicant's information, the project will not knowingly affect any federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described 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 described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain 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. The activity's impact on the public interest will include application of the 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230), or of their criteria.

The Corps 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 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 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.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200475197, must be submitted to the office listed below on or before **July 9, 2004**:

Anthony C. Curtis, Project Manager
US Army Corps of Engineers, Sacramento District
Frisco Regulatory Office
Post Office Box 607
Frisco, Colorado 80443-0607
Email: Anthony.C.Curtis@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or Mr. Anthony C. Curtis, 970-668-9676, or email Anthony.C.Curtis@usace.army.mil.

Attachments: 10 drawings