



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 200475419

Date: October 18, 2004

Comments Due: November 16, 2004

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Base Village Planned Unit Development (PUD) and the Fanny Hill Cabins (Wood Run Unit 5, Parcel 7) projects. These development projects would result in the permanent impact to approximately 0.367 acre of jurisdictional waters of the United States (U.S.), including wetlands, adjacent to Brush Creek in Snowmass Village, Colorado. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.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 U.S.

**APPLICANT:** Intrawest/Brush Creek Development Company, LLC  
Mr. Michael O'Connor, VP Development  
5131 Owl Creek Road  
Post Office Box 6565  
Snowmass Village, Colorado 81615  
(970) 922-0556

**Agents:** Aspen Skiing Company  
Mr. Gerardus H. Van Moorsel, Construction Manager  
Post Office Box 1248  
Aspen, Colorado 81612  
(970) 923-8757

Earth Resource Investigations, Incorporated  
Mr. William J. Johnson  
1700 County Road 103  
Carbondale, Colorado 81623  
(970) 263-1356

**LOCATION:** The project site is located in the Town of Snowmass Village within Section 1, Township 10 South, Range 86 West, Pitkin County, Colorado, and can be seen on the Highland Peak, USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing overlot grading activities to redevelop the existing 19.1 acre-Snowmass Ski Area base area. This redevelopment is proposed as a high density town core area containing a large pedestrian plaza servicing two ski lifts, an aquatic center, 349 residential condominium units, 261 hotel operated condominium units, related skier services and commercial space. An estimated 275,000 cubic yards (yds<sup>3</sup>) of material will be cut for overlot grading, 125,000 yds<sup>3</sup> of clean fill material will be filled across the project site, permanently impacting 0.235 acre of jurisdictional waters of the U.S., including wetlands. Impact areas 1, 2, 3 and 4 are identified on Figures 3, 4, 5, 6, 7, 8, 9, 10 and 11, respectively. Construction is intended to begin in the spring of 2005 and extend through five phases over a 7-year period.

The applicant is proposing additional grading activities to develop the 1.92 acre-Wood Run Unit 5, Parcel 7 PUD adjacent to the Fanny Hill ski trail, as a 10 unit Townhouse project. The applicant is proposing a 27-space underground parking structure to accompany this project. Access road impacts associated with this development project will permanently impact 0.132 acre of jurisdictional waters of the U.S., including wetlands along a roadside drainage channel. Impact area 5 is identified on Figures 3, 12 and 13. Construction is intended to begin by spring 2005 with anticipated completion by 2010.

The applicant states that much of the existing 19.1 acre-Base Village site has been historically disturbed during original ski area resort development. This site currently is used for day skier parking and road access to lifts and contains a ski area administration building, vehicle maintenance facility and a small medical clinic. The Wood Run site is currently used as a beginner ski run area with several servicing Poma lifts and is adjacent to the Burlingame and Fanny Hill lifts.

Based on the available information, the overall project purpose is to develop a Town of Snowmass Village core area, provide additional skier services, residential and commercial development, roads, buildings, infrastructure and community amenities. The applicant believes, in part, there is a need for this development based upon meeting the goals of the Town of Snowmass Village Comprehensive Plan for a high density, pedestrian friendly Town core area. The attached drawings provide additional project details.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** The Base Village project area is characterized by fragmented palustrine emergent and scrub-shrub drainage swales hydrologically connected by buried pipe and palustrine emergent scrub-shrub slope seeps. The Brush Creek corridor flows west to east parallel to the northern property boundary.

Existing elevations range from approximately 8470 feet above mean sea level (msl) near the upslope limits of the project site to 8348 msl downslope towards the Brush Creek corridor. The Wood Run project parcel faces northeast with an average slope of approximately eight degrees (14%) and is situated at approximately 8558 msl upslope from the Base Village project.

**Alternatives.** The applicant has provided information concerning alternatives for the Base Village and Fanny Hill projects. This includes the no action alternative, which was dismissed by the applicant as rendering the site undevelopable in a manner that would achieve the goals of the community.

The applicant states that initial site planning under Alternative Site Plan 1, through the Town of Snowmass Village approval process, attempted total wetland avoidance through alternative orientation or configuration of proposed site program requirements and amenities. It is further stated that to comply with the Town of Snowmass Village Comprehensive Plan, a wide range of activities and amenities needed to be programmed on the site, including residential accommodations, shops, bars and restaurants, social meeting places, public art and entertainment spaces, plazas, walkways, parking facilities, nature trails and ski area support services. The applicant states that given the limited availability to developable land, and the steep slope of the site, complete avoidance was not reasonably practical.

Modification of Alternative Site Plan 1 eliminated 0.17 acre of wetland impacts associated with a ski-back trail and a re-aligned Wood Road access entrance, to become the applicant's preferred alternative.

Additional information concerning project alternatives may be available from the applicant or their agents.

**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. Based upon on-site mitigation limitations, the applicant has proposed to purchase credits from the Rocky Mountain Institute Wetlands Bank for 0.734 acre, a 2:1 ratio of protection verses impact.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the CDPHE, is required for this project. The applicant has not indicated they have applied for certification.

**HISTORIC PROPERTIES:** Based on the available information (including applicant's request for review and inventory of cultural resources), cultural resources are not within the project's area of potential effect.

**ENDANGERED SPECIES:** The applicant states the project will not affect any Federally-listed threatened or endangered species or their critical habitat protected by the Endangered Species Act. However, it is the Corps determination that the proposed activity and subsequent, approximately 350 acre feet/year, potable water depletions may affect Federally-listed endangered or threatened species or their critical habitat. This determination is based upon applicant information and other public documentation supplied to the Corps regarding consumptive water uses from the Upper Colorado River basin servicing this project. Therefore, the Corps will initiate consultation with the U.S. Fish and Wildlife Service, as required by Section 7 of the Endangered Species Act (ESA).

The above determinations are based on information provided by the applicant, public use information and our preliminary review. The applicant must provide their estimated annual potable water depletion, and associated uses to the Corps for the ESA consultation. The water source supply has not been identified.

**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 Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

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 200475419, must be submitted to the office listed below on or before November 16, 2004:

Mark Gilfillan, Project Manager  
US Army Corps of Engineers, Sacramento District  
Colorado/Gunnison Basin Regulatory Office  
400 Rood Avenue, Room 142  
Grand Junction, Colorado 81501-2563  
Email: [Mark.A.Gilfillan@usace.army.mil](mailto:Mark.A.Gilfillan@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 the Corps' project manager Mr. Mark Gilfillan, 970-243-1199, extension 15, [Mark.A.Gilfillan@usace.army.mil](mailto:Mark.A.Gilfillan@usace.army.mil).

Attachments: 14 drawings