



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200675223
Date: June 14, 2006
Comments Due: July 14, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Paxton Lake Ranch project, which would result in impacts to approximately 1.5 acres of waters of the United States, including wetlands, in or adjacent to Paxton Reservoir. 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 United States.

APPLICANT: Pacific/Desert Partners, LLC
1401 Hawk Parkway
Suite 312
Montrose, Colorado 81401
(909) 650-7000

LOCATION: The project site is located approximately 21 miles south of the City of Montrose off Dave Wood Road within Sections 16, 21, 22 and 28, Township 46 North, Range 10 West, Montrose and Ouray counties, Colorado, and can be seen on the Horsefly, COLO, USGS Topographic Quadrangle Map.

PROJECT DESCRIPTION: The overall project purpose is to construct an outdoor oriented residential community with an 18-hole golf course, equestrian facilities and fishing amenities supported by limited commercial development and infrastructure. Based on the available information, the overall project purpose is to develop a second home recreational community. The proposed project would subdivide the Montrose County parcel into 259 single family residential lots on approximately 326 acres, 81 multi family units on approximately 49 acres, three commercial lots on approximately 11 acres, recreation and open space use on approximately 287 acres, with the remaining approximately 59 acres dedicated to rights-of-way.

The residential component would consist of single family minimum lot size of .75 acre with a minimum home size of 2,000 square feet. Multi family lots would be clustered within a single large development site which shares open space and common area. Minimum size residential units would be 1,750 square feet.

The three proposed commercial lots would be a minimum of 2 acres in size and would accommodate construction of a golf clubhouse and lodge facilities intended for the private use of property owners. Facilities would also include a restaurant, general store, maintenance facilities, health spa and exercise room. A water storage tank, firehouse and secondary sewage treatment facility would be located within a community service lot in Ouray County, which would be owned and maintained by a Metropolitan District. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The project site is characterized as relatively flat topography with the majority of the property having slopes of less than 5% with no slopes greater than 30%. A series of knolls surround Paxton Reservoir with much of the property draining to the reservoir. The reservoir collects runoff from three separate ditches which include the Paxton, North Fork Paxton and Upper Filler ditches. The existing reservoir is approximately 75.0 acres in surface area and fluctuates annually dependent upon available runoff and evaporation. The reservoir decreed water right is 717 acre-feet allocated for storage, irrigation, domestic and recreational use.

The predominant plant communities at the site include Aspen Woodland, Mixed Aspen/Scrub Oak Forest, Mixed Aspen/Sagebrush Scrub and Sagebrush Scrub. Portions of the property have been logged and dense aspen regeneration has occurred. The project site has been historically irrigated by Paxton Reservoir water, and has been heavily grazed with subsequent damage to wildlife habitat.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

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 has proposed to mitigate impacts to approximately 1.5 acre of wetland at a 3.5 to 1.0 ratio. Refer to the attached drawings.

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. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information, cultural resources are not within the project's area of potential effect. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The project contains work that occurs on Federal Lands administered by the U.S. Forest Service (FS). The Corps of Engineers defers consultation regarding any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act to the FS for consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of that Act, as appropriate.

The above determinations are based on information provided by the applicant and the Corps of Engineers' 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 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 200675223, must be submitted to the office listed below on or before July 14, 2006:

Ken Jacobson, Project Manager
U.S. Army Corps of Engineers, Sacramento District
Colorado/Gunnison Basin Regulatory Office
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: Ken.Jacobson@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. Jacobson at telephone number (970) 243-1199, extension 11, Ken.Jacobson@usace.army.mil.

Attachments: drawings