



Public Notice

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

Number: 200675509
Date: March 2, 2007
Comments Due: April 1, 2007

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the River Landing project, which would result in impacts to approximately 2.39 acres of waters of the United States, including wetlands, in or adjacent to the Uncompahgre River. 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: Mr. Matt Miles
Leadership Circle, LLC
1521 Oxbow Drive, Suite 210
Montrose, Colorado 81401
(970) 243-3398

LOCATION: The project site is located at the City of Montrose within Section 4, Township 48 North, Range 9 West, Montrose County, Colorado, and can be seen on the MONTROSE EAST. COLO. USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a Retail Subdivision with associated commercial development infrastructure to include access roads, utilities, stormwater outfall structures, parking, and a recreational trail and associated retaining wall. Based on the available information, the overall project purpose is to construct a Retail Center. The applicant believes there is a need to discharge dredged and fill material in waters of the United States to make the proposed project practicable. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting: The proposed 57-acre project site is located within the City of Montrose along the right bank of the Uncompahgre River at elevations between 5,868 and 5,890 msl. The riparian corridor is dominated by an overstory of narrowleaf cottonwood and Russian olive, and approximately 10.28 acres of forested and riverine wetland occupies the site. Much of the upland portion was previously utilized as pasture, and hay production.

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. The applicant has applied minimization and avoidance measures by reducing design widths of their proposed recreational trails and roadways. The applicant has further proposed both onsite and offsite mitigation for wetland impacts. The applicant has proposed to mitigate with 1.52 onsite acres of created wetlands and .30-acre of buffer habitat. Additional offsite mitigation at the Waterfall Canyon mitigation site would provide 1.90 acres of created wetland and .42 acre of buffer habitat.

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 Division is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: Based on the available information (including applicant's report entitled River Landing Cultural Resources Survey/CO6.028.018), indicate that cultural resources are not within the project's area of potential effect.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

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 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 200675509, must be submitted to the office listed below on or before April 1, 2007:

Ken Jacobson, 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: 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 the Corps' project manager Ken Jacobson, (970) 243-1199, extension 11, Ken.Jacobson@usace.army.mil.

Attachments: 10 drawings