



PUBLIC NOTICE

**US Army Corps
of Engineers®
Albuquerque District**

Application Number: SPK-2018-01012

Date: February 15, 2023

Comments Due: March 17, 2023

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) is evaluating a permit application from the Fraser River Development Company to construct Phase 2 and Phase 3 of the Roam Meadow Glades Development project which would result in permanent impacts to 0.97 acre of wetlands and 2.89 acres of non-wetland pond habitat. This notice is to inform interested parties of the proposed activity and to solicit comments.

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 (U.S.)

APPLICANT: Fraser River Development Company, LLC
Attn: Robert Fanch
1500 Wynkoop Street
Denver, Colorado 80202

AGENT: SWCA Environmental Consultants
Attn: John Huele
295 Interlocken Boulevard, Suite 300
Broomfield, Colorado 80021

LOCATION: The project site is located between the Fraser River and the intersection of United States Highway 40 and Roam Way, south of the Winter Park town center, at approximately latitude 39.911189, longitude -105.780927, Grand County, Colorado.

PROJECT DESCRIPTION: The applicant proposes to construct Phase 2 and Phase 3 of a residential and commercial development to address local short-term and long-term housing demand. Verification of Nationwide Permit 29 for Residential Developments was provided by the Corps for Phase 1 of the larger development that resulted in impact to 0.49 acre of wetlands. Phase 2 and Phase 3 would involve the construction of single-family homes, multi-family housing units, hotels, open space, trails, and

associated infrastructure (e.g., roads, parking, utilities).

Based on the available information, the overall project purpose is to construct short-term and long-term housing in the upper Fraser River valley, Grand County, Colorado. The applicant believes there is a need for the project to address local housing issues that include increased demand for both owner and renter housing driven by the COVID-19 pandemic, decreased available housing, increased short-term home rental to visitors, construction supply chain issues slowing the building of new housing, and steep increase in housing prices. The attached drawings provide additional project details.

PROPOSED MITIGATION: Mitigation is an important part of the U.S. Army Corps of Engineers permitting process. Mitigation is sequential and includes avoidance, minimization, and compensation for unavoidable adverse impacts to aquatic resources. A detailed mitigation plan is not required for issuance of a public notice, but all three aspects of mitigation must be adequately addressed prior to any Corps permit decision. Currently, the applicant is proposing to avoid impacts to aquatic resources by not permanently impacting the Fraser River and certain high-quality wetlands adjacent to the Fraser River. Aquatic resource impacts will be minimized by maintaining existing flows through the site associated with two un-named flow paths. The Corps has not received a compensatory mitigation plan for the project, but the applicant has indicated plans to utilize off-site permittee responsible compensatory mitigation within the upper Fraser River watershed, at a site adjacent to Crooked Creek and south of the Town of Tabernash, Colorado.

OTHER AUTHORIZATIONS:

State or Tribe Water Quality Certification: Under Section 401 of the Clean Water Act (CWA), the Corps cannot issue a permit to conduct any activity that may result in a discharge into waters of the United States unless a Section 401 water quality certification (WQC) is granted, verifying compliance with water quality requirements, or WQC is waived. The Colorado Department of Public Health and Environment is the certifying authority responsible for making WQC decisions.

ADDITIONAL INFORMATION:

Environmental Setting: There are approximately 12.35 acres of wetlands, 3.44 acre of man-made ponds, and 0.27 acre of the Fraser River within the proposed project area. The southern portion of the site is characterized by palustrine scrub-shrub wetlands associated with a high water table and the northern portion is characterized by palustrine emergent wetlands that are now surrounded by the construction of Phase 1 of the larger project. Two man-made ponds also exist within the project area. The Fraser River runs parallel to the

project site and has been previously manipulated by the placement of bank stabilization features and fish habitat enhancement efforts. The site is located at approximately 8,840 feet in elevation where snow is the dominate precipitation type.

Alternatives: Alternatives to the proposed project are analyzed to identify the least environmentally damaging practicable alternative that meets the applicant's project purpose and need. Practicability is based on cost, logistics, and technology. All project alternatives, including those which may be less damaging to the aquatic environment, will be considered. Alternatives currently being considered by the applicant include:

1. On-site Proposed Development: This alternative would involve the construction of the proposed design and proposed number of short-term and long-term housing units that would result in impacts to 0.97 acre of wetlands and 2.89 acres of non-wetland pond habitat. In total, this alternative would allow for 43 single-family homes, 48 multi-family units, 30 affordable housing units, and a commercial hotel with 10 cabins. This alternative also involves open space, trails, and all necessary infrastructure, including roads, parking lots, and utilities.
2. On-site Alternative Development Plan: This alternative would involve the construction a similar development as is being proposed but would result in additional impacts to aquatic resources, totaling 1.26 acre of wetlands and 2.84 acre of pond. Additional impacts would generally be associated additional homes and cabins within the southern portion (Phase 3) of the project area and near the Fraser River.
3. On-site with No Impact to Aquatic Resources: This alternative would involve the construction of the proposed development, with the exception (or removal) of 22 homesites and the hotel to completely avoid permanent impacts to aquatic resources. This alternative was described by the applicant as not being an economically viable option and would not offer sufficient short-term housing to address existing need.
4. Off-site Adjacent Development: This alternative would involve the construction of a similar development adjacent to the preferred design, on the east side of the Fraser River. This alternative would require a bridge be built across the Fraser River and would not allow for the construction of a hotel as part of the project due to local access requirements. This alternative would involve less impacts to aquatic resources but has been described as not meeting the project purpose of offering short-term housing (i.e., hotel) and not practicable due to associated costs.
5. Off-site in the Fraser Valley: This alternative would involve the construction of a similar development on available and developable land

greater than 25 acres in size in the upper Fraser River Valley (i.e., Fraser River watershed upstream of Tabernash). A single property was identified as available but described as not practicable due to associated costs.

Other alternatives may develop during the review process for this permit application. Additional information concerning project alternatives may be available from the applicant or their agent.

HISTORIC PROPERTIES: The Corps consulted district files and records, the latest version of the National Register of Historic Places (NRHP), and state records of NRHP-eligible and potentially eligible historic properties to determine if there are any historic properties that may be affected by the proposed undertaking. The project area has been recently surveyed for historic properties. Based on the currently available information, eligible historic properties are not known to exist in the proposed project permit area.

ENDANGERED SPECIES: The Corps has reviewed the U.S. Fish and Wildlife Service's latest published version of federally listed endangered and threatened species located in Grand County, Colorado to determine if any listed species or their critical habitat may occur in the proposed project area. The Corps has made a preliminary determination that the proposed project will not affect any federally listed endangered or threatened species or their critical habitat that are protected by the Endangered Species Act.

FLOODPLAIN MANAGEMENT: The Corps is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed developments to determine if a floodplain development permit is required and maintain records of such 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.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **March 17, 2023**, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. 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. Comments and requests for additional information should be submitted to:

US Army Corps of Engineers, Albuquerque District
Attn: Benjamin Wilson, Senior Project Manager
400 Rood Avenue, Room 224
Grand Junction, CO 81501-2520
(970) 243-1199 X 1012
E-mail: Benjamin.R.Wilson@usace.army.mil

Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available through the Freedom of Information Act.

DISTRICT ENGINEER
ALBUQUERQUE DISTRICT
CORPS OF ENGINEERS

Enclosure