



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

PUBLIC NOTICE

Application Number: SPK-1994-75186

Date: August 1, 2023

Comments Due: August 31, 2023

SUBJECT: The U.S. Army Corps of Engineers, Albuquerque District, (Corps) is evaluating a permit application from Parker Harrell to construct the Twilight Meadows Lot 13R project, located within the larger Cascade Village Twilight Meadow Subdivision, which would result in impacts to approximately 0.06 acres of waters of the United States (WOTUS). 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 WOTUS.

APPLICANT: Parker Harrell
145 Cedar Ridge Way
Durango, Colorado 81301

AGENT: SME Environmental, Inc.
679 East 2nd Avenue, E2
Durango, Colorado 81301

LOCATION: The project site is located at approximately latitude 37.649165°, longitude -107.808721°, San Juan County, Colorado.

PROJECT DESCRIPTION: The Applicant proposes to develop the currently vacant Twilight Meadows Lot 13R property within the existing Twilight Meadows Subdivision. The Applicant proposes to impact 0.06 acre of WOTUS to cover the proposed utilities lines (gravity fed sewer line and water line) to a sufficient depth to protect their integrity and to level the front yard area on the lot uniformly to allow for standard yard improvements and landscaping. The attached drawings provide additional project details (Enclosure 1).

The Applicant submitted a pre-construction notification (PCN) with request for verification by Nationwide Permit (NWP) 29 – Residential Developments. However, the proposed development is part of the larger,

previously authorized Twilight Meadows Subdivision that resulted in the loss of 0.88 acres of WOTUS. Therefore, the Corps determined that an individual permit is required for this residential development since the cumulative impacts to waters of the United States would exceed the ½-acre limit of NWP 29

Based on the available information, the overall project purpose is to construct a single-family home and associated attendant features on the subject property.

PROPOSED MITIGATION: Mitigation is an important part of the Corps' 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 has not proposed mitigation to compensate for unavoidable adverse impacts to wetlands.

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 WOTUS 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.

San Juan County: The project proponent has requested a building permit from San Juan County; issuance is contingent upon procurement of a CWA Section 404 permit.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 0.06 acres of palustrine emergent wetlands that are WOTUS within the proposed project area. The site is characterized as a vacant 0.42-acre lot located in a rural mountainous area. The subject property is located within an open meadow in a valley setting and is adjacent to two existing homes in a small subdivision adjacent to a condominium complex.

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. The applicant has provided information concerning project alternatives (Enclosure 2).

Alternatives considered by the Applicant include both off-site alternative locations and three on-site alternatives (A, B and C). Six vacant lots within the Cascade Village area were identified by the project proponent, including the lot owned by the Applicant within the Twilight Meadows Subdivision. Of these vacant lots, only one is currently listed for sale and was deemed by the Applicant to not be a practicable alternative due to the anticipated costs associated with the construction of a suitable foundation on the steep slope that exists on that lot. The remaining vacant lots were not considered because they are not currently listed for sale. On-site Alternative A results in permanent impacts to 0.06 acre of WOTUS and allows the construction of the single-family home, utilities direct to tie-ins and a useable yard area. On-site Alternative B would entail 0.01 acre of permanent impact to WOTUS to allow sufficient fill through the WOTUS area to allow the sewer line to gravity feed to the sewer main located in the street. On-site Alternative C would entail the complete avoidance of WOTUS by locating the utilities south of WOTUS but would require the installation of a lift station/pump. Therefore, after taking into consideration cost, existing technology and logistics, the project proponent considers the proposed project site and proposed design to be the most appropriate and identified on-site Alternative A as their preferred alternative. Other alternatives may develop during the review process for this permit application.

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 not been recently surveyed for historic properties. Based on initial information, the Corps has made a preliminary determination that the proposed project will not likely affect any historic properties that meet the criteria for inclusion in the NRHP.

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 San Juan 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 development 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 **August 31, 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:

U.S. Army Corps of Engineers, Albuquerque District
Attn: Kerrienne Zdimal, Project Manager
1970 East 3rd Avenue, Suite 109

Durango, Colorado 81301-5025
Phone: (970) 259-1764 X 1
E-mail: Kerrienne.L.Zdimal-Quarles@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

Enclosures