

**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: NWO-2011-2687-DEN
Project: Leyden Rock – Filing 3
Applicant: Leyden Rock Development, LLC
Waterway: Barbara Gulch
Issue Date: January 17, 2013
Expiration Date: February 15, 2013

REPLY TO:

Denver Regulatory Office
9307 South Wadsworth Blvd
Littleton, CO 80123-6901
FAX (303) 979-0602

30 DAY NOTICE

**PUBLIC NOTICE
FOR SECTION 404 PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS**

The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a Department of the Army permit application from **Leyden Rock Development, LLC, 9468 West 58th Ave., Arvada, Colorado 80002**. Permits are issued under Section 404 of the Clean Water Act (Section 404) which regulates the placement of dredged or fill material in the nation's waters.

Summary

For the Leyden Rock Development, the Applicant received authorization under Nationwide Permit (NWP) 29 to fill 0.413 acre of wetlands in Barbara Gulch for sewer lines, stormwater outfalls, and other work associated with the construction of Filing 1. After the authorization was received, the Applicant determined that further crossings and impacts on Barbara Gulch were needed to build a road and associated structures for Filing 3. At the time of the application for Filing 1 (ERC 2011), the crossing of Barbara Gulch was not planned. Because the road and associated structures would increase the amount of wetland impacts to 0.66 acre, which is above the 0.5-acre threshold for NWP 29, the Applicant is applying for a Section 404 Individual Permit.

Location

The project area is along Barbara Gulch, north of 82nd Avenue and west of County Road 5 in Arvada. The proposed project area is in Sections 23 and 26, T2S, R70W in Jefferson County, Colorado. North of Barbara Gulch, the project area consists of rolling hills dominated by native grasses. A railroad and the Rocky Flats Industrial Park are north of the project area. Barbara Gulch, which is southwest of Filing 3, has been deeded to the City of Arvada (City) as open space. In the project area, Barbara Gulch

is a generally dry, intermittent creek with occasional, short reaches of defined bed and bank that flows southwest across west 82nd Avenue to Leyden Gulch.

Description of work

The proposed project consists of constructing a road across Barbara Gulch to provide access to Filing 3 following the zoning requirements of the City. The road crossing was designed to include a regional trail crossing and consists of a box culvert with associated drop structure. This road crossing is one of two access points into Filing 3 – the second access road crosses private property and enters along the eastern property boundary. In addition to the road crossing, six check structures would be placed within the channel to control flows and prevent erosion during large storm events. Temporary impacts on Barbara Gulch wetlands would occur from the construction of two 12-inch water lines. A mountain bike trail consisting of a low-flow crossing also would be constructed.

Purpose

For purposes of definition under Section 404, the basic project purpose is residential housing. The overall project purpose is to provide redundant access to the development, as well as provide stream stabilization measures in anticipation of increased future flows.

Impacts and Mitigation

Unavoidable impacts would occur to approximately 0.42 acre of waters of the US as a result of the proposed project activities. Of the proposed 0.42 acre of impact, 0.17 acre would be temporary and restored in place. Proposed compensatory mitigation for permanent wetland and stream channel impacts would be at a 1:1 ratio, on-site, and in-kind.

The Colorado Department of Public Health and Environment, WQCD-GWPS-B2, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. For further information, please contact the Colorado Water Quality Control Division, (303) 692-3500.

In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not adversely affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, and amendments and the procedures set forth in 33 CFR 325, Appendix C. We will evaluate input by the State Historic Preservation Office, Tribes, and the public in response to this public notice, and we may conduct or require a survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative

effects thereof; among those are conservation, economics, aesthetics, wetlands, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

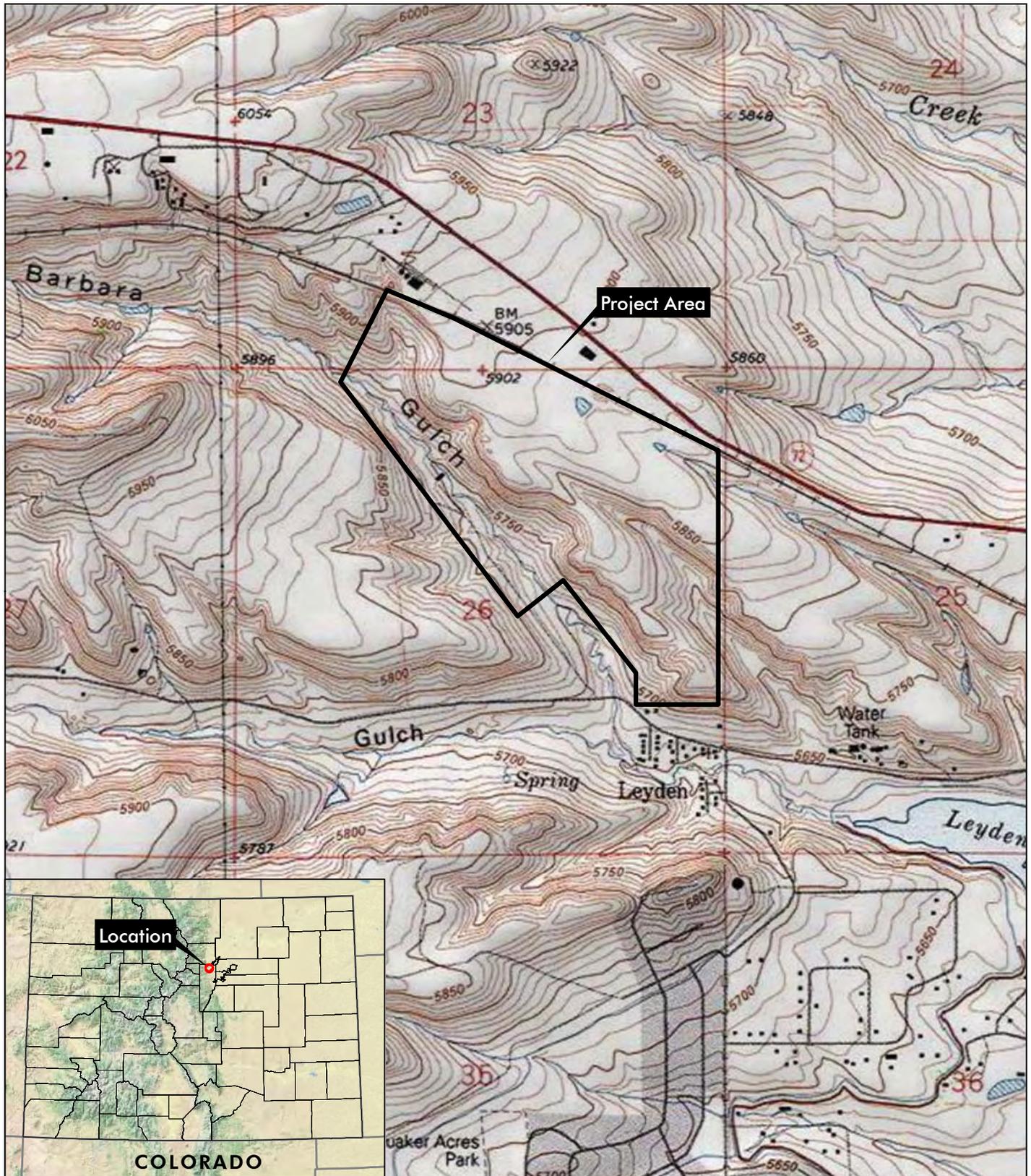
The Corps of Engineers is soliciting written comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers 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.

Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. Any agency or individual having an objection to the work should identify it as an objection with clear and specific reasons. All replies to the public notice should be sent to the **U. S. Army Corps of Engineers, Denver Regulatory Office, 9307 South Wadsworth Blvd, Littleton, Colorado 80123-6901**. For additional information please contact **Mr. Matt Montgomery at (303) 979-4120 or visit the Denver Regulatory Office web site at:**

<http://www.nwo.usace.army.mil/html/od-tl/pn/tlpublicnotices.html>

The District Engineer will consider requests for holding a public hearing, for the purpose of gathering additional information. Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held. Requests for a public hearing should state specifically the reasons for holding a public hearing, and what additional information would be obtained. Should the District Engineer decide that additional information is required and a public hearing should be held, interested parties will be notified of the date, time and location.

Comments received after the close of business on the expiration date of this public notice will not be considered.



Leyden Rock IP and Wetland Treatment

Sections 23 and 26, T2S, R70W; 6th PM
 UTM NAD 83: Zone 13N; 483687mE, 4411394mN
 Latitude, Longitude: 39.852416°N, 105.190694°W
 USGS Golden, CO Quadrangle
 Jefferson County, Colorado

**Figure 1
 Vicinity Map**



Prepared for: RRCA, LLC
 File: 5211 figure 1.mxd [WH]
 December 2012





Leyden Rock IP and Wetland Treatment

 Wetland

Base Data Provided by: Jehn Engineering

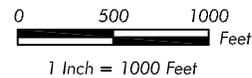
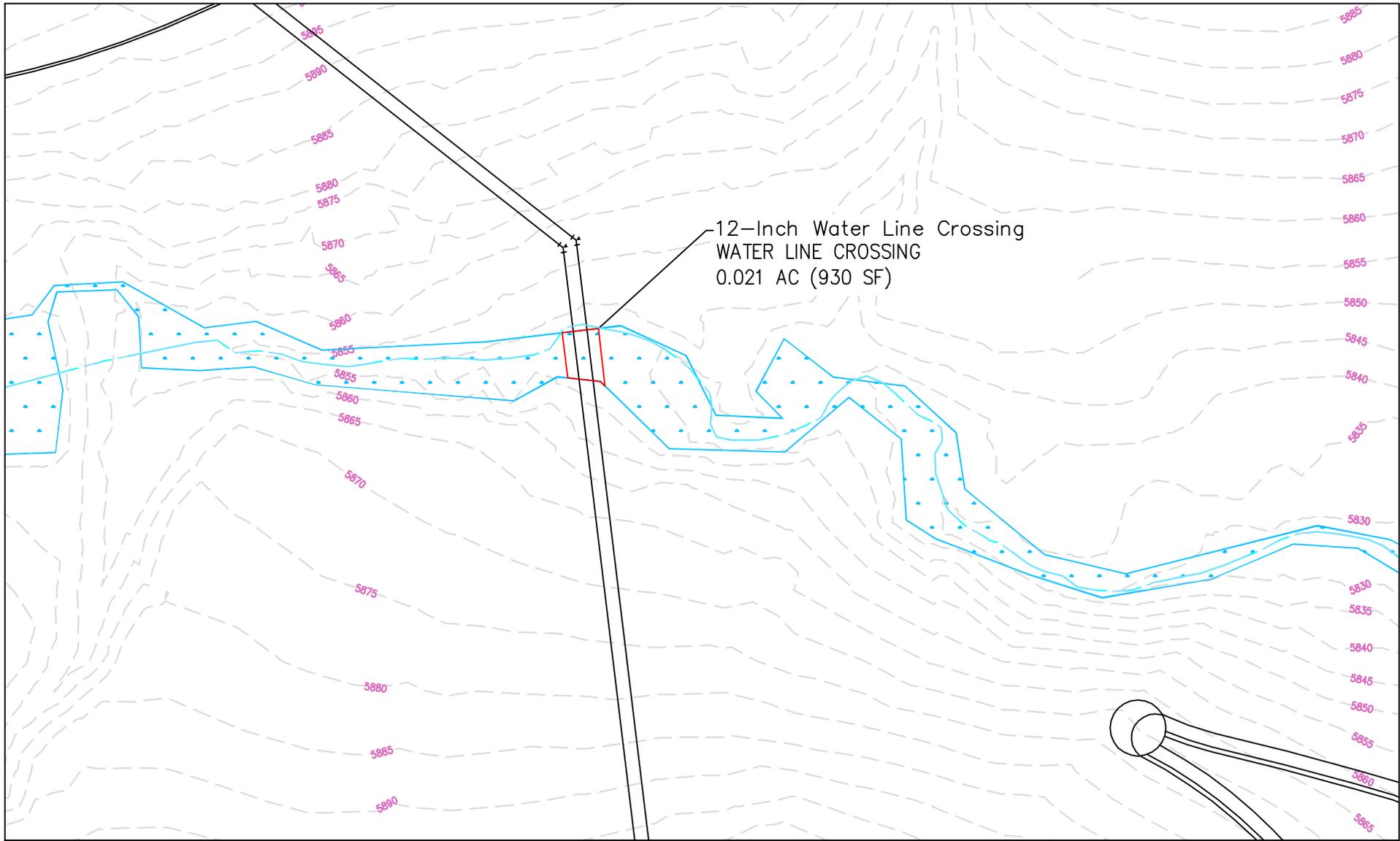


Figure 2
Map Index

Produced for: RRECA, LLC
File: 5211 combo file filing 3.dwg (WH)
December 2012

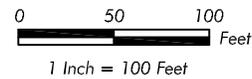




Leyden Rock IP and Wetland Treatment

 Wetland

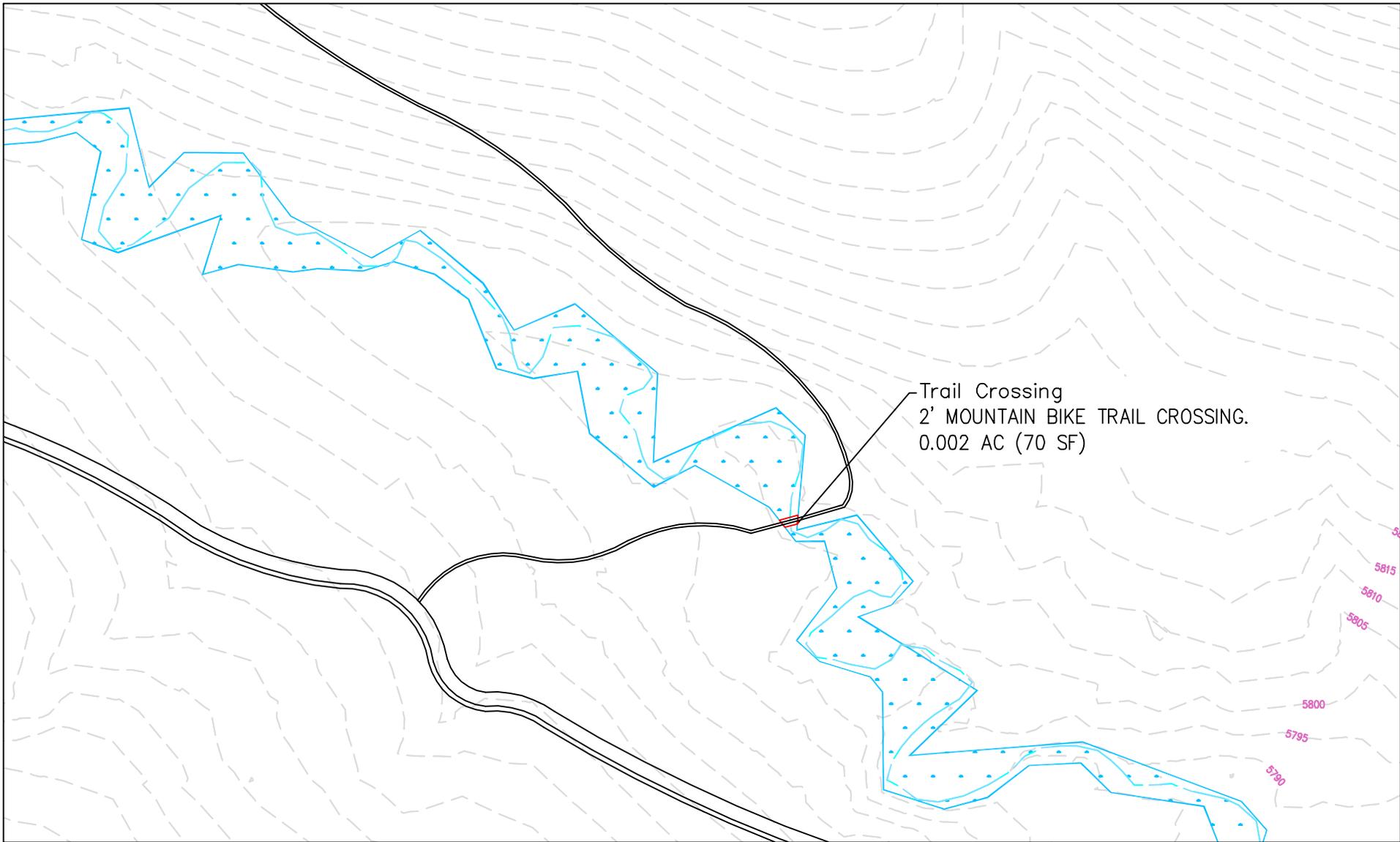
Base Data Provided by: Jehn Engineering



**Figure 2a
Wetlands**

Produced for: RRECA, LLC
 File: 5211 combo file filing 3.dwg (WH)
 December 2012





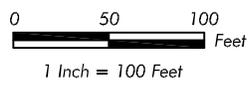
Trail Crossing
2' MOUNTAIN BIKE TRAIL CROSSING.
0.002 AC (70 SF)

Leyden Rock IP and Wetland Treatment

 Wetland

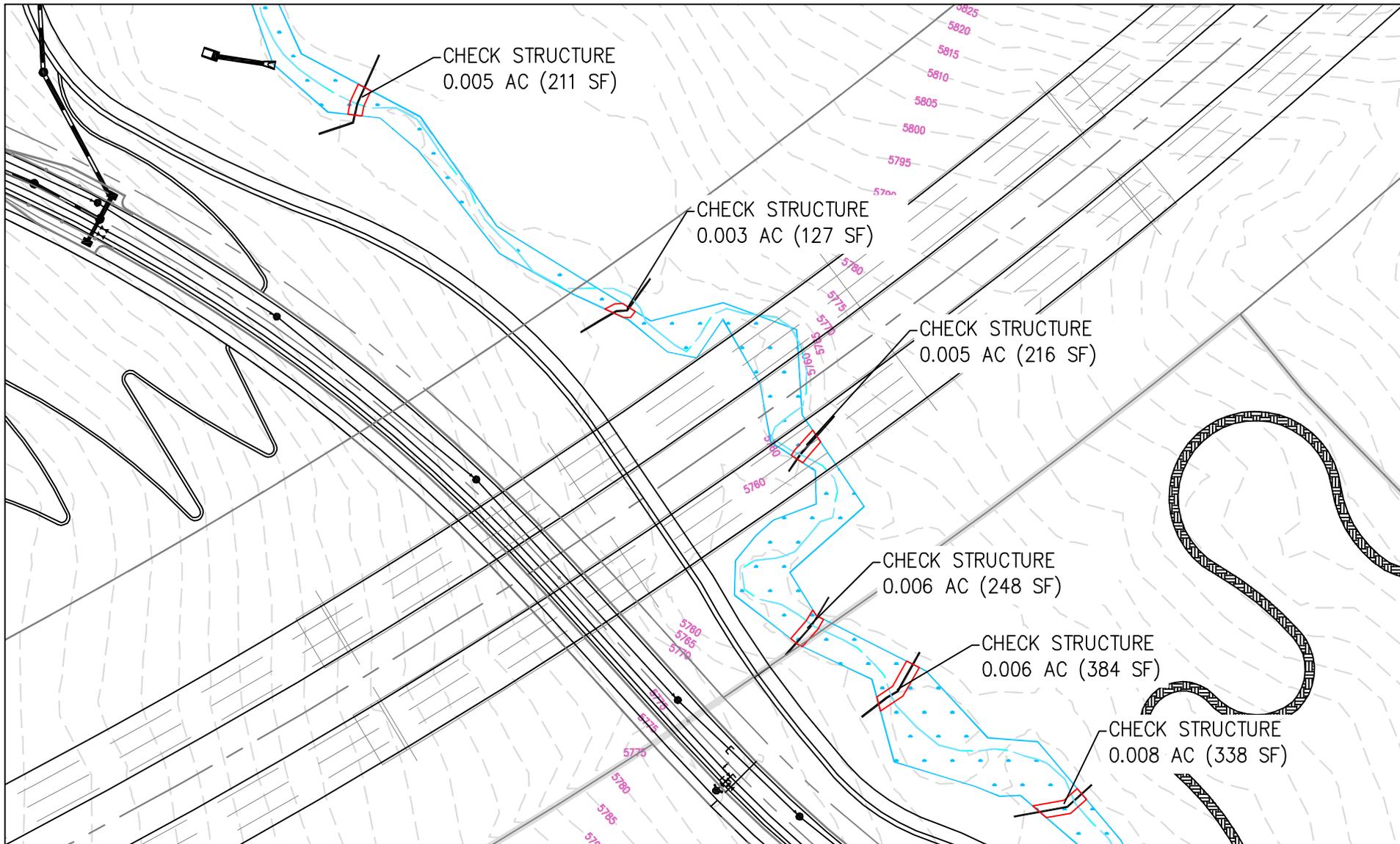
Base Data Provided by: Jehn Engineering

Figure 2b Wetlands



Produced for: RRECA, LLC
File: 5211 combo file filing 3.dwg (WH)
December 2012



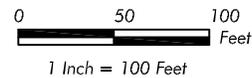


Leyden Rock IP and Wetland Treatment

 Wetland

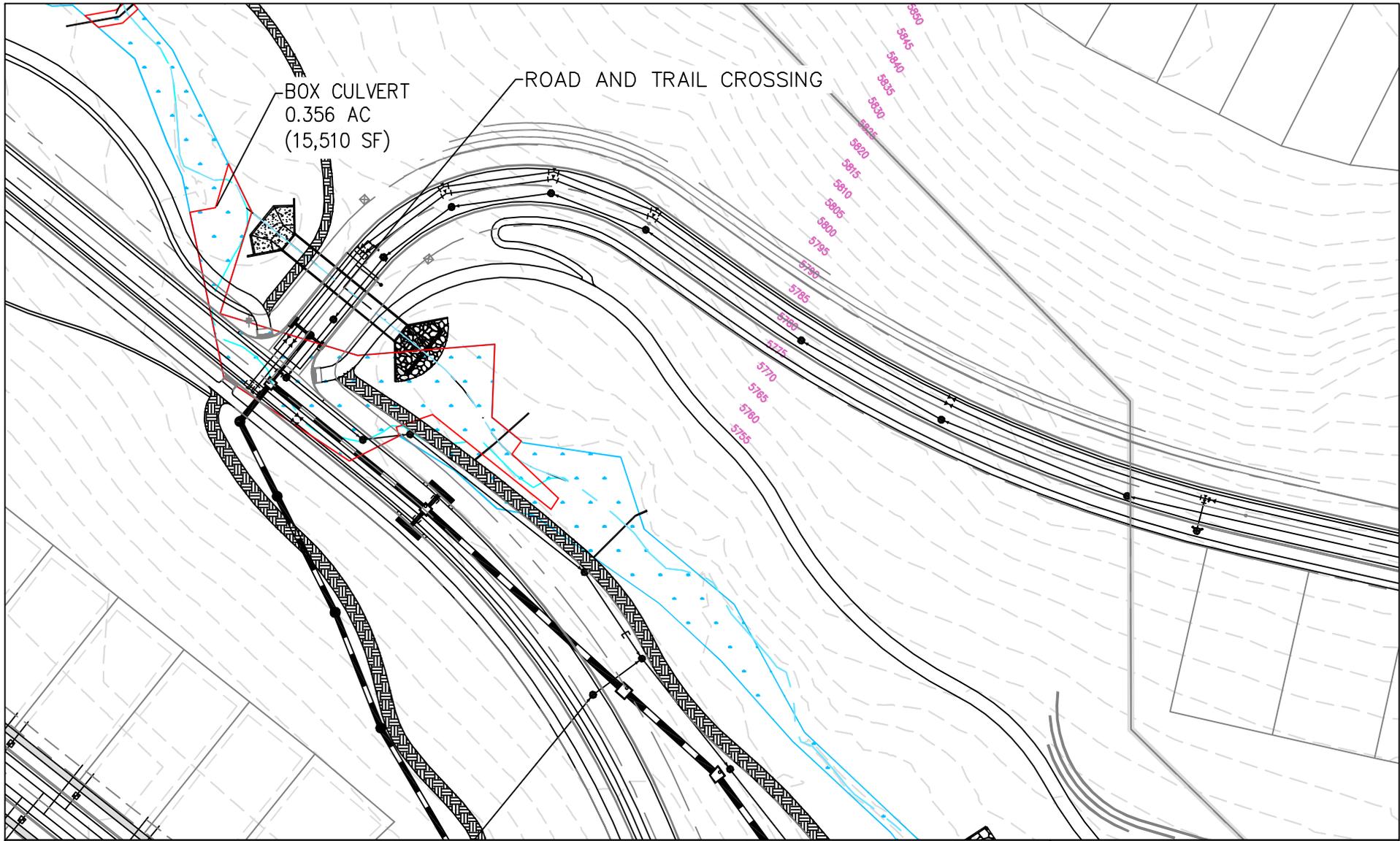
Base Data Provided by: Jehn Engineering

Figure 2c
Wetlands



Produced for: RRECA, LLC
File: 5211 combo file filing 3.dwg (WH)
December 2012





Leyden Rock IP and Wetland Treatment

 Wetland

Base Data Provided by: Jehn Engineering

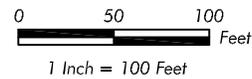


Figure 2d
Wetlands

Produced for: RRECA, LLC
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