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jdaus@evlt.org

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jfoulis@evlt.org

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bergen@evlt.org

Anne Kerrigan
Administrative Coordinator
akerrigan@evlt.org

Mailing Address
Post Office Box 3016
Edwards, CO 81632

Physical Address
(Wells Fargo Building, Edwards)
34215 Hwy. 6, Suite 205
Edwards, CO 81632

970.748.7654

www.evlt.org



May 29, 2018

Scott Fitzwilliams
c/o Max Forgensi
Mountain Sports/Special Uses
White River National Forest
PO Box 0190
Minturn, CO 81645

Dear Scott,

The Eagle Valley Land Trust (EVLT) appreciates the opportunity to comment on the McCoy Park expansion. EVLT conserves forever the lands we love, building a permanent legacy for future generations.

We respect the rights of Vail Resorts regarding its current Special Use Permit and recognize the established Management Area 8.25 – Ski Areas (Existing and Potential).

EVLT's primary concern is the short- and long-term impacts to the Game Management Unit (GMU) 45 elk herd as this is an "extremely critical calving area" (according to Bill Andree, District Wildlife Manager, Colorado Parks and Wildlife) and migration corridor. McCoy Park is located directly in the route between mapped elk summer concentration areas and elk severe winter range. Please see the attached map.

We appreciate the USFS's attention to this detail in its Project Design Criteria (PDC) and use of Best Management Practices (BMPs). This decline in the elk herd has occurred since the establishment of the most recent Forest Plan (2002) and renewal of the Special Use Permit. This decline could potentially be considered as new information for guidance relating to the GMU 45 elk herd were the Forest Plan and Special Use Permit able to be revisited today. Therefore, we request that our requested mitigations below and those proposed by others receive additional attention.

Eagle County has experienced growth fueled largely by the presence of the world-class ski resorts of Vail and Beaver Creek. Of potential socioeconomic significance, great efforts have been made by the community and its partners to protect scenic vistas and wildlife habitat (both significant environmental drivers of our local economy) including the investment in habitat conservation worth over \$17 million within the Lake Creek Valley, including the Casteel Creek, Homestead, Scudder, and Webster conservation easements. While the impacts of this proposal may not be significant, and there is no real way to tell until after the project is completed, this project will result in the impacts noted in the NOPA and potentially other impacts that cannot be foreseen. Impacts to the elk herd are cumulative. The proposed expansion could undermine the conservation investment by the larger community.

Additionally, EVLT and its partners are currently working on a project to conserve the high priority 1,353-acre East Lake Creek Ranch Property (see attached map). The project's importance to the conservation community is similar to the Hardscrabble Ranch in the Brush Creek Valley, conserved last year in collaboration between Great Outdoors Colorado, Eagle County Open Space, EVLT, and other partners at a cost of approximately \$15.5 million. This project is located along the mapped migration route and shares a small portion of the mapped elk production area that McCoy Park occupies.

Vail Resorts has done much to promote sustainability and invest in environmental protection in our communities such as its National Forest Foundation program and Zero Footprint initiative. We support the USFS and Vail Resorts working together to create a substantial fund to help conserve land near Beaver Creek, particularly the East Lake Creek Ranch, that will help to mitigate the impacts of this project. This will be an expensive project with many financial partners. The creation of this fund would be recognized as critical funding without which the conservation of this critical elk habitat could occur. The conservation of the East Lake Creek Ranch would be a high-profile win for the elk herd.

We support the NOPA recommendation that no summer activities will be proposed. We request that efforts to discourage summer use be specified.

Noise and the presence of people during grading of Skiways B and D, installation of snow making lines in Skiway B, construction of toilets, buildings, and lift stations, and other similar activities may have impacts on the elk herd if they are in the area. We appreciate and support that the USFS is proposing to maintain the Supervisor's closure from May 6th to June 30th. However, as an alternative for the construction phase, we request coordination with a wildlife biologist on a start date for summer construction to affirmatively determine when most elk have actually vacated the area. This may be more beneficial and flexible for all than setting a specific window of time in which the activities can occur.

Beyond any voluntary closure of the area outside these dates, we ask the USFS to consider as an alternative extending the supervisor closure to protect the elk herd during the summer and fall migration. This will also enable enforcement of the closure by CPW.

We support the USFS proposal contained in the NOPA that all tree removal/overstory clearing and other similar activities should occur during winter months. We also request as an alternative coordination with a wildlife biologist to confirm these activities occur after elk have been confirmed to have vacated the area.

Because the NOPA specifically anticipates additional impact to summer and fall transition ranges, EVLT suggests as an alternative that consideration be made to increase the workforce and equipment on the project to shorten the construction period.

The NOPA states, with respect to the elk herd, that "Once construction is completed, disturbance would continue at the level where it currently exists." However, this assertion appears to be missing substantiating analysis and seems to contradict other statements within the NOPA. Graded roads, toilets, and chairlifts could be potential attractions to people recreating in the area outside of the ski season, regardless of posted closures. Recreational users who gain a new familiarity with the area due to its increased winter accessibility as a result of this project may be more likely to seek to enter the McCoy Park area outside of the ski season when elk may be present in the area. With these potential issues as well as the "necessary maintenance" (NOPA page 3), it would seem possible that disturbance to the elk

herd in critical migratory or production times might be more likely. EVLT requests this assertion being clearly explained or modified.

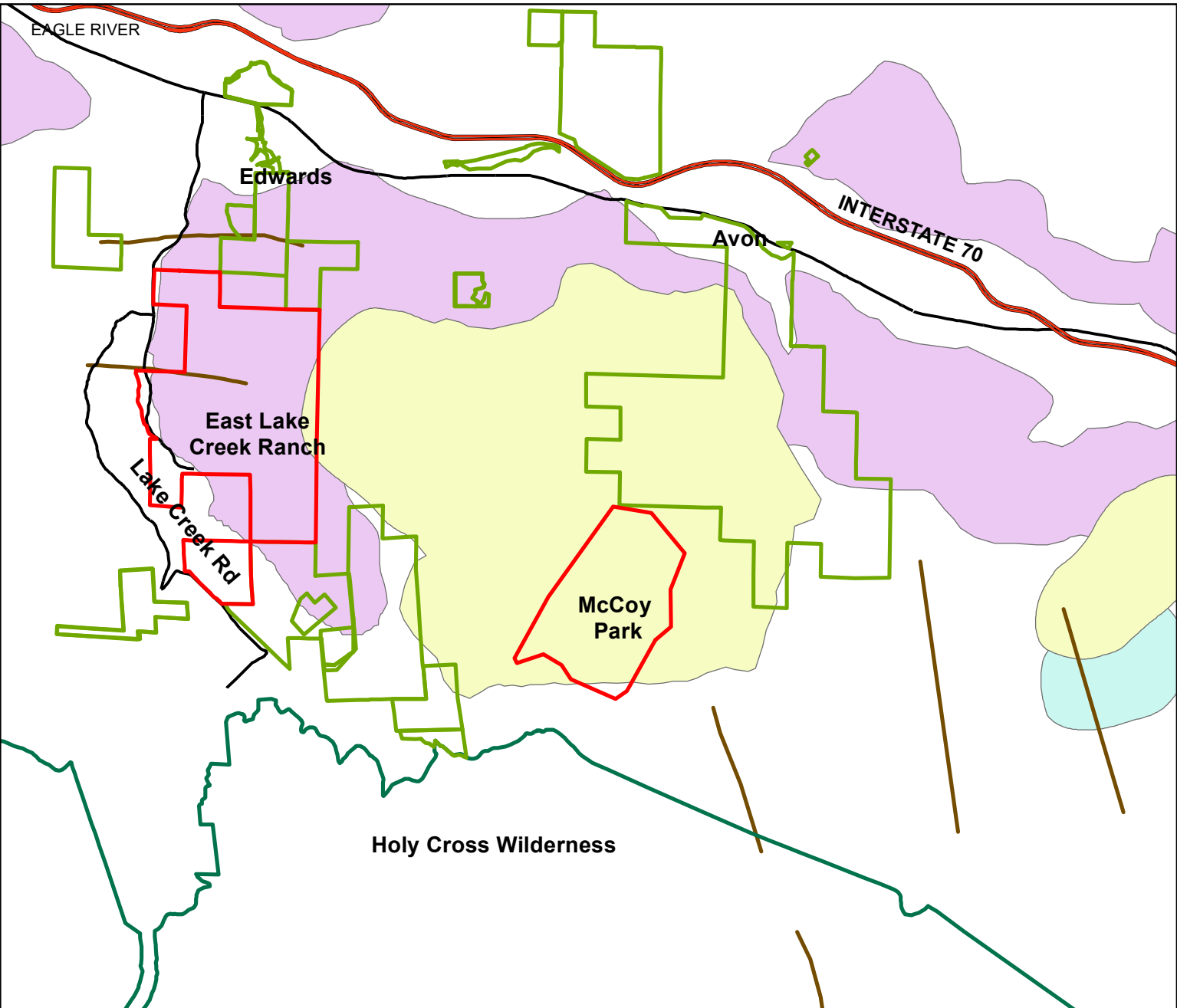
Should the expansion be approved, EVLT supports full compliance with all mitigation measures recommended by Colorado Parks and Wildlife and PDCs contained in the NOPA. Consequences for failure to comply should be specified and strongly enforced. Further, EVLT supports that any compliance issues on other projects be resolved (or plan in place and funding committed to resolve them) prior to proceeding with construction of the McCoy Park expansion.

Once again, thank you for providing the opportunity to comment. Please contact EVLT should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Daus", with a stylized flourish at the end.

Jim Daus
Executive Director



-  Conserved Land
 -  Elk Production Area
 -  Elk Severe Winter Range
 -  Elk Summer Concentration
 -  Elk Migration Patterns
 -  Wilderness Boundary
- Source: Colorado Parks and Wildlife

