



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

*snowmass/
SWSD 404
Permit*

February 3, 1995

Regulatory Branch (6516)

Mr. Richard Wall
Snowmass Water and Sanitation District
Post Office Box 5700
Snowmass Village, Colorado 81615

Dear Mr. Wall:

On February 19, 1993, we wrote to you concerning Department of the Army permit number 6516 issued to the Snowmass Water and Sanitation District (SWSD). We issued this permit on September 22, 1978. This permit must be modified to allow the diversion of water for snowmaking. The Aspen Skiing Company (ASC) proposes to use water from your diversion for this purpose.

You should submit a written request for modification of the permit within 15 days of the date of this letter. If we do not receive your request within this time period, we will proceed with the modification process found at 33 CFR 325.7(b).

For many months now, we have been discussing the impacts of the snowmaking diversion on the aquatic resources of Snowmass Creek with you and the ASC. If issued, we plan to condition ASC's permit to include a mitigation measure that will reduce adverse impacts to the aquatic resources below the significant impact threshold identified in the Forest Service's Final Environmental Impact Statement on the expansion of Snowmass Ski Area.

Since you will be providing the water to the ASC, you will have an important role in our compliance enforcement with the ASC's potential permit. The ASC will be expected to cease withdrawal of water for snowmaking during the one in ten-year low flow event, if that withdrawal of water will cause the stream flow at your diversion to drop below the following:

- a. 9 cubic feet per second (cfs) in Week 10 (December 15 through 21;
- b. 8.5 cfs in Week 11 (December 22 through 28); and
- c. 8 cfs in Week 12 (December 29 through 31).

Your permit will be conditioned to cease water deliveries from your diversion to ASC for the snowmaking purpose when the above deccribed events occur.

I would also like to advise you that your permit is subject to further modification in the future in consideration of the public interest. We will monitor population growth in the Town of Snowmass Village as it relates to flows in Snowmass Creek in making this determination. We will also consider any additional efforts that you pursue to minimize future adverse impacts to the stream. We believe that SWSD is committed to avoiding significant adverse impacts to the aquatic resources of Snowmass Creek. Working together, I am confident that we can achieve this goal.

Please refer to file number 6516 in future submittals to this office concerning this project. If you have any further questions, please contact Mr. Michael Claffey at (303) 243-1199.

Sincerely,

Art Champ
Chief, Regulatory Branch

Copies Furnished:

Mr. David Neslin, Arnold and Porter, 1700 Lincoln Street, Suite 4000, Denver, Colorado 80203-4540
Mr. Steven Conner, Steven R. Connor, P.C., 600 East Hopkins Avenue, Suite 301, Aspen, Colorado 81611
Mr. Veto J. Lasalle, Forest Supervisor, White River National Forest, Post Office Box 934, Glenwood Springs, Colorado 81602
Mr. Joseph Cope, Frasca, Joiner and Goddman, P.C., 4750 Table Mesa Drive, Boulder, Colorado 80303-5575
Mr. Timothy Beaton, Collins and Cockrel, P.C., 390 Union Boulevard, Suite 400, Denver, Colorado 80228-1556