



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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April 9, 2021

Ref: 8ORA-N

Kara Chadwick, Forest Supervisor
San Juan National Forest
c/o Noel Ludwig, Mountain Resort Team Hydrologist
P.O. Box 439
Bayfield, Colorado 81122

Dear Supervisor Chadwick:

The U.S. Environmental Protection Agency Region 8 has reviewed the San Juan National Forest's March 2021 Draft Environmental Assessment (EA) for the Purgatory Resort Ice Creek Project. We offer the enclosed comments consistent with our authority under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA).

The proposed project includes the installation of the Ice Creek lift and permanent access roads to the lift terminals; the construction of four ski trails to create the Ice Creek ski terrain; and the reroute of the existing snowmobile bypass trail. Following the scoping comment period that occurred in June 2020, the Forest Service modified the proposed action in response to resource concerns. One modification includes altering the Ice Creek lift alignment to avoid sensitive cultural and watershed resources. In addition to the positive changes that have been made to the proposed action to further protect resources, adjustments to the existing snowmobile bypass will increase grading and tree clearing by approximately 6 acres. The proposed action would result in approximately 36 acres of disturbance in total.

The Draft EA has identified impacts related to vegetation removal and ground disturbance. Specifically, the Draft EA identifies project impacts to streamflow, erosion, channel stability and stream health. We recognize the Forest Service's commitments to avoid and minimize potential resource impacts through best management practices, project-specific design criteria and monitoring activities when implementing the proposed action. The enclosure provides remaining questions and recommendations regarding water resources that should be useful as you move forward with the Clean Water Act Section 404 permitting process and develop a mitigation plan.

We appreciate the opportunity to provide comments on the Draft EA. We hope that you find our comments and recommendations helpful in facilitating the decision-making process; thank you for

considering our input. If we may provide further explanation of our comments, please contact me at (303) 312-6704, or Melanie Wasco of my staff at (303) 312-6540 or wasco.melanie@epa.gov.

Sincerely,



Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure

cc: Susan Bachini Nall
Chief, Colorado West Section
US Army Corps of Engineers

Enclosure to EPA's Purgatory Resort Ice Creek Project Draft EA Letter

Water Resources

Clean Water Act Section 404

The Draft EA estimates 0.79 acres of impacts to wetlands and anticipates indirect impacts to streams. Given these potential impacts, a Clean Water Act (CWA) Section 404 permit may be required. On page 24, the Draft EA states, "...the proposed grading, tree removal, and construction activities within and in close proximity to the WIZ of project area streams located within the Ice Creek watershed have the potential to negatively affect stream health metrics such as large woody debris, bank stability, and fine sediments." Impacts to sediment load, bank stability, and streamflow alterations can have substantial impacts to downstream aquatic resource functions. Because impacts to streams are anticipated from the proposed action, we recommend quantifying the spatial and functional extent of these impacts to determine appropriate mitigation. Under the CWA Section 404 regulations, streams are considered difficult to replace resources [40 CFR § 230.93]. The U.S. Army Corps of Engineers Colorado Mitigation Procedures Version 2.0 states:

"Functional feet (FF) is the primary unit of measurement that is used for calculating the amount of compensation that is required for stream impacts (debits) in Colorado. The Albuquerque, Omaha, and Sacramento districts calculate FF as the product of: (1) the estimated change in functions resulting from the permitted activity; and (2) the quantity (linear feet) of resources impacted. When stream mitigation is required to offset stream impacts, applicants should use the CSQT Debit Calculation Guide or other case-by-case Corps-approved FCAM, where appropriate for the site, to calculate the amount of stream loss that would result from the permitted activity."¹

To quantify the anticipated stream impacts in functional feet, the EPA recommends that the Forest Service conducts a baseline assessment of stream conditions in the project area prior to CWA Section 404 permitting using the Colorado Stream Quantification Tool (CSQT) to produce a proposed condition score based on anticipated impacts. Combined with a jurisdictional determination, the output of the CSQT analysis will be essential for determining permitting requirements under the CWA Section 404.

¹ See Section 5.1 Stream Debits, page 8 at:
<https://www.spa.usace.army.mil/Portals/16/docs/civilworks/regulatory/Mitigation/2020.06.23.COMP.v2.pdf?ver=2020-06-25-122321-737>.