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U.S. Forest Service, Region 2
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Re: Purgatory Resort Ice Creek Pod Draft Environmental Assessment (EA) - 57877

San Juan National Forest and USFS Region 2 Staff,

San Juan Citizens Alliance (SJCA) has been engaged on national forest issues and deeply involved in National Environmental Policy Act processes for thirty five years on the San Juan National Forest including numerous issues involving the Hermosa Creek watershed and Purgatory Resort. Since the EA was publicly released in March, we have reviewed the documents relevant to this NEPA process and our comments detail issues that we have observed to be substantial in nature that have been minimized, insufficiently addressed and/or ignored in the EA.

Scoping Comment Review and Reply

From our perspective it's obvious from the text of the EA that the U.S. Forest Service/San Juan National Forest (USFS/SJNF) had a pre-determined approach to which issues of substance would be reviewed in the EA, and which would not. In our scoping comments (attached as an Appendix) we detailed reasons as to why climate change related issues should be examined within the EA which included citations from 2013 SJNF Land and Resource Management Plan (LRMP). As the LRMP is the foundational and framing document for all planning and projects, the SJNF the document's direction must be considered in this NEPA process. We note that the issue of climate change is entirely dismissed in this process and the EA includes **no mention of the subject** despite the reality that is the most significant over-arching issue for any NEPA process, management policy and project implementation on the SJNF. That's correct, to reiterate – a project

proposal predicated on a Purpose and Need statement indicating that climate change is one of two central reasons for a proposed ski area expansion, and is a project that certainly has climate change connected issues including both its siting and effects, is a topic entirely ignored.

While we did not undergo a complete review of every scoping letter submitted, we did review enough to know that our scoping comments were not the only ones that were ignored in the creation of the EA. The Colorado Parks and Wildlife scoping comments have very specific requests of the SJNF per stream-related studies that they indicate clearly in their comments are very important to understand the overall health and related species aquatic viability in the East Hermosa Creek/Ice Creek watershed, yet from our review of the EA and accompanying document we can find no fulfillment of their request. To our eyes, the example of a request from CPW (which should have been included as a Cooperating Agency though we see no mention thereof) for research/study results is denied it seems quite clear that the agency is fully operating within a set of predefined sideboards of what they choose to analyze and assess, and what not.

Frankly we find the agency's request for scoping comment to be disingenuous when scoping comments are offered and then ignored. This failure can be rectified by the issuance of a new draft EA that addresses all of the significant points brought forward by the public and public agencies. We fully understand that the agency has the need to assess scoping comments provided for their relative relationship to the project being analyzed, however, it is very clear that SJCA's and CPW's scoping comments as identified here fit entirely within the scope of comments necessitating full analysis by the agency because they are relevant to the project and a potential determination of "Finding of No Significant Impact."

We have attached our scoping comments along with CPW's as an Appendices with the hope that their easy availability might prompt someone on the NEPA team to read them, match them to the draft EA and recognize the inadequacy of the EA relative to addressing scoping comments. We emphasize here that there are numerous Desired Conditions detailed in the LRMP's Appendix G that relate to the possible approval and design of this project yet none of the specific topical specifics we suggested appear to have been included in the EA. While the EA notes that the LRMP "influences" the project planning we can find no details in the EA that specifically relate to the management direction specifics of the forest plan, which we view with incredulity.

Canada Lynx Issues

As discussed in our scoping comments we reiterate that the EA, Biological Analysis, Biological Evaluation and other associated documents implication that the area of effect for Canada lynx amounts to a few dozen acres is false and not supported by the information presented by the agency. The proposed incursion into lynx habitat and apparent travel corridors is certainly not limited to the acreage that will be destroyed or disturbed specifically by the project, rather the area of disturbance constitutes minimally all of the acreage within the perimeter of the project proposal whether that be roads, lift facilities, widened snowmobile trails, etc. The agency's disturbance area determination is entirely non-sensical and non-scientifically based – it's akin to suggesting that effects of a surgical

procedure on a human are only as significant as the incisions (road, ski lift, ski runs, etc.) and nothing more. As previously noted in our scoping comments, serious concerns remain regarding the project's possible harm to Canada lynx during either their use of the area for habitat or as a travel corridor through the approximate 10,000 acres of proposed project disturbance.

We find the agency (and associated) entities reliance on the 2017 lynx study related to the Gelande lift proposal to be inappropriate and to a large extent not relevant to the Ice Creek pod lift proposal. While it might be faster, easier and cheaper to attempt to apply the 2017 lynx study to a different project locale we cannot find any firm scientific merit in doing so due to the difference of the two project proposal areas.

The proposed Gelande lift is almost entirely situated on a very steep, east-facing aspect forested with a mix of Englemann spruce and aspen. The Ice Creek lift proposed area is a south and west facing gently sloping watershed with meadowed openings in a predominantly spruce forest. The edges of the forests and the meadowed areas include willow carrs which are a favored forage of hare which in turn are the favored prey species for Canada lynx. As well the bottom terminus of the Gelande lift is adjacent to a parking lot bordered by the year around highly-traveled Highway 550 while the Ice Creek pod is bordered by a gravel road that is only open during the summer. Whatever "the pluses and minuses" of either of these locales for habitat and travel corridors for Canada lynx might be, they are significantly dissimilar to necessitate separate studies as related to lynx.

We recommend that a study relative to Canada lynx be undertaken specifically to the proposed Ice Creek Pod lift development area. As we noted in our scoping comments, the 2008 Durango Mountain Resort EIS indicate numerous areas of concern related to ski area development and its possible deleterious effects on Canada lynx and we look forward to learning the results of such a study. Basing a development proposal on a biological evaluation that was "offsite" is inappropriate at best.

Climate Change Issues

Despite the agency's apparent disinterest, or in support of Purgatory's disinterest, in examining climate change issues that are tightly connected to the Ice Creek Pod Lift proposal there is no doubt the greenhouse gas (GHG) emission issues are a very significant issue that should be examined in this NEPA process – a reminder to all that it's 2021, not 1965 when the ski area was established.

As we have noted earlier in this process, the resort is hoping to move their learn-to-ski area upslope significantly to compensate for the overall warming of the climate which results in both much less precipitation at the resort and a greater occurrence of fall-winter precipitation coming in the form of rain rather than snow. Despite this reality, Purgatory is taking no responsibility, at least as evidenced in the EA, nor is the Forest Service and its parent agency the US Department of Agriculture taking any initiative to require, ask or even imply that the ski area take any actions related to any type of direct emissions reduction or any type of carbon offset program relative to the increase in GHG related to installing a new lift.

While the exact amount of energy consumed by the lift itself (not accounting for related ground operations, transport, removal of carbon sequestering forested areas, etc.) has certainly not be detailed in the EA, this type of information is entirely possible to determine. Such a determination, which should be an element of this EA, would make it possible for Purgatory (perhaps with the guidance, nudge or shove of the USDA) to choose between avenues to reduce or negate the increase in GHG emissions for the proposed project.

This type of information gathering has been undertaken and translated into connected actions of GHG reductions at other ski areas. In some locales the amount of emissions has been determined and a “green power” approach has been utilized to insure the lift(s) are powered with renewables rather than fossil fuels. Wolf Creek Ski Area is a prime example of a USFS-permitted ski area that determined its GHG emissions and then invested in the 25 acre Penitente Solar Array in the San Luis Valley. Their vision, now successfully implemented is to run their operation entirely from renewable energy including support from this 3MW facility. This model could be replicated by Purgatory with the GHG emissions for the new proposed lift (or better yet for the entire ski area).

In contrast to what was stated in the initial NOPA project document on page 4 that “emissions are anticipated to be small and insignificant with regard to any impacts to climate change as a result of the proposed action.” - any substantial addition of an electrically powered facility creates a negative (and measurable) climate change impact. Purgatory’s entire winter business model is predicated on snowfall and snowpack – now is the time to address the issue rather dismissing it as “insignificant” as no-snow and not-enough-snow are certainly significant in the ski industry. The USDA/USFS needs to “step up” and follow the vision and implementation plans being championed by the Biden/Harris administration including Secretary of Agriculture Vilsack.

Water Quality Issues

The water quality concerns of the East Hermosa Creek watershed were noted by several individuals and entities who submitted scoping comments and it is evident from the 2020 Current Stream Health Ratings for the Project Area Streams. That assessment within Reaches 2 and 7 of the indicates watershed that most of the metrics used were found to be either “diminished” (5), “at-risk/diminished” (1) or “at-risk” (1) with only one being “robust.” (LRE Water, Purgatory Resort Ice Creek Project Hydrology Report, 2021) Somehow the reality that there were 7 “red or yellow flags” related to water quality and stream condition in this report does not seem to have generated a significant amount of scrutiny to cause the agency to give serious attention to the issue. What would it take to trigger a more heightened level of concern, 8 of 8 factors being at risk or worse??? We would suggest that with almost all factors stream quality factors being negative in their demeanor would indicate that building a ski lift, roads and lift stations along with removing dozens of acres of forested lands being built in the headwaters of the East Fork of Hermosa Creek would simply be unacceptable. We applaud the inclusion of an “honest report” per water quality in the watershed, but wonder – are decision makers paying attention?

And as we read in the EA that the agency and developer are proposing a scheme to supposedly mitigate the impacts of the removal of trees and various building projects that

will certainly increase sediment loads, petrochemical pollution and other impairments to the watershed we note that the definition of mitigation is “cause to become less harsh, severe or hostile.” The proposed mitigation which consist of design adjustment are likely insufficient action to improve the current degradation of the stream as detailed in the Hydrology Report. Rather, what is needed is an approach that will **prevent further degradation** to Hermosa Creek, not actions that may reduce or slow the impacts of the ever increasing human use of this watershed and the climate change induced perpetual warming and drying that threaten the future well-being of Hermosa Creek. Streams that are degraded and are in a downward trajectory as East Hermosa Creek is currently can be very difficult to restore making the agency’s proposal to move forward with the lift development a decision that could turn out to be irreversible – the question lingers, does the SJNF care enough and have the courage to follow its LRMP with its Desired Conditions to not take the path of continued stream degradation?

Conclusion

As we detailed in our scoping comments and note within these EA comments, there are many problematic aspects associated with the development of the Ice Creek Pod lift. Yet despite these shortcomings at this stage in the process the agency (with what appears to be a strong shove from the USFS Region 2 office) has laid out a plan to support the development with a design that is very similar to that of the original design of the project proponent. Unfortunately, the agency has ignored examining ANY alternatives to the proposed lift location which sparks us to remind everyone that this is public land, national forest lands belonging to the American citizenry on which a commercial entity has a permit to operate under protocols and designs of the US Forest Service – not a development on private land under some time of local permit jurisdiction. The agency, to date, has failed in its responsibility to address the shortcomings of the proposed lift expansion through the structure of the forest plan. The LRMP is clear that special use permits are to be reviewed and approved for their adequacy by the agency – we look forward to the San Juan “measuring up” to this responsibility of theirs.

We highly recommend that the SJNF withdraw this draft EA and move forward with a process that truly examines alternatives for ski area development that could very well provide an opportunity for Purgatory to improve its learn-to-ski terrain without what will in all likelihood will be a degradation of the Hermosa Creek watershed – a watershed that the U.S. Congress saw fit to provide **added protections** in 2014.

We direct this message to the USFS/SJNF - bring to the public a choice of possible projects within the Purgatory permit area that are not strife with environmental problems. And to Purgatory resort we direct this message – it is time to reorient your business priorities and choices to reflect the realities of climate change whose effects unquestionable surround us. We remind both entities that in a meeting with Purgatory in October 2017 regarding the Gelande lift we were supportive of their proposal including modifying the permit boundary to facilitate that proposal.

To be clear, SJCA does not oppose every and all development project whether they be those of ski areas or other, rather we support those that have a firm “non-degradational” standing regarding environmental impacts and for those that are problematic either we

often (as we do here) point to issues needing further study and/or to alternative solutions. We are supportive of further communication related to the lawful and sound stewardship of our publicly owned national forests – pursuing solutions that meet the match of the USFS three-legged stool (social, economic, ecological) is the best interest of all involved parties, particularly the public land owners.

Thank you for your consideration of our suggestions and recommendations. Please contact me if you have questions regarding our comments and/or specific feedback or rebuttal to any of our assertions per details of this proposal.

Sincerely,



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ATTACHMENTS

Appendix A SJCA Scoping Comments 7.6.2020

Appendix B CPW Scoping Comments July, 2020