

Keystone Wants Huge Increase In Water For Snowmaking — But Doesn't Want Public Review

by Trout Unlimited Staff (https://www.tu.org/author/super_admin/)

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7/15/1999 — — Colorado conservationists today criticized Vail Resorts-owned Keystone Corporation's attempt to avoid public oversight of its proposal to more than double the amount of water it guzzles for snowmaking from the Snake River — a tributary to the Dillon Reservoir.

Manage consent

In an April 19 letter, Keystone Chief Operating Officer John Rutter called the plan to increase the company's water diversion by more than 245% a "minor modification" to a 1985 Army Corps of Engineers' wetlands permit. Rutter argued that "public review is not required" because an obscure notice published nearly a decade and a half ago mentioned in passing the amount Keystone might someday want to divert from the Snake. The Corps permit OKed only a 550-acre foot diversion per year, which Keystone is seeking to increase to 1,350 acre feet.

"It seems Keystone wants this whole issue swept under the rug — perhaps because it's a major change that could have significant impacts on the Snake River system," said Ted Zukoski, attorney for the Land and Water Fund. "People might actually have an opinion on a proposal to drain even more water from the Snake — and that's apparently the last thing Keystone wants to deal with."

Melinda Kassen, an attorney with Trout Unlimited, agreed. "Increases in snowmaking in Colorado pose a significant threat to some of the state's most precious fisheries. The notion that the Corps would proceed to change Keystone's permit so as to allow that ski area to more than double its diversion from the Snake River without public comment is truly distressing. Keystone is claiming it will work out some protection for the fishery in a side deal with a state agency, but the side deal may itself not be subject to public review." Added Kassen: "The only way for us to determine the real impacts on the Snake River ecosystem from the additional diversions is for us to be able to review and comment on all of the documentation and all of the proposed deals."

The U.S. Environmental Protection Agency criticized the proposal to cut the public out of the loop in a 2-page letter to the Corps earlier this month. Dr. James Luey, of EPA's Ecosystem Protection Program, noted that the Corps needs to consider "new information" concerning "both water quality and quantity in the Snake River" related to the river being put on the State's list of polluted waters. The letter goes on to state that under Keystone's approach, "the State of Colorado will not have the opportunity to officially review ? water quality impacts for the additional water diversion nor will the public have an opportunity to comment." EPA further noted that the "State of Colorado Could be faced with potential increased degradation of water quality" because of a Corps decision to modify the permit.

Keystone's request to increase its Snake River water diversion comes as another ski area — A-Basin — is also seeking a substantial increase in water for snowmaking. The projects may have cumulative or interactive effects that could worsen pollution in the Snake River, which already violates state water quality standards.

In addition, the Keystone snowmaking proposal would move water from the polluted Snake to the largely unpolluted Jones Gulch watershed. "Moving polluted water into an unpolluted watershed raises all sorts of questions that the Corps never analyzed 14 years ago when they first approved the permit," said Zukoski.

The Corps could still deny Keystone's request to have the permit change declared a "minor modification." Under the federal Clean Water Act, anything other than a minor modification would require an opportunity for public comment and a certification from the State of Colorado.

Copies of Keystone April 19 letter, and EPA's July 2 letter, are available from Ted Zukoski at 303-444-1188 x213.

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