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Organization:

Title:

Comments: Objections to El Jebel Administrative Site, Upper Parcel Conveyance Project

Lead objector: Jennifer Mueller

Co-objector: Mark Fortunato

Proposed project: El Jebel Administrative Site, Upper Parcel Conveyance Project

Responsible Official: Scott G. Fitzwilliams, Forest Supervisor

National forest and/or ranger district: White River NF; West Zone/Sopris Ranger District

We object to the finding of no significant impact based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27. We also object to the conveyance of the entire 30-acre Upper parcel. We believe that only the eastern portion on the higher elevation of the Upper parcel should be conveyed. The remaining western portion on the lower elevation of the Upper parcel should be retained by the USFS to protect and conserve it for public recreation, trail access, and wildlife habitat.

As direct neighbors of the Upper parcel and frequent visitors to both the Upper and Lower parcels, we are aware of certain nuances in each parcel of which the Forest Service may not be aware.

The impact effects were analyzed by the USFS on the entire 30-acre Upper parcel. The Upper parcel is picture below and shaded in pink.

(Figure)

The parcel as a whole has two distinct areas that have different characteristics and uses and will not be affected equally by a conveyance. These two distinct areas are outlined in different colors in the image above.

The existing USFS housing structures are located on the top bench portion of the Upper parcel. This top bench portion is outlined in red.

The portion of the Upper parcel outlined in blue is what many local residents think of when the term "Lower parcel" is used. This is because the area outlined in blue is at a significantly lower elevation than the area outlined in red. There is also a stand of trees and a ditch that bisect the 30-acre parcel which run along the blue line on the east side of the area outlined in blue creating a visual and topographical delineation.

The area outlined in blue has very different characteristics and uses than the area outlined in red. The area outlined in blue is home to an active Osprey nest and breeding ground. The public including local Valley Road residents regularly use this parcel to access the trail network that runs along the various ditches in the northern section of the USFS Lower parcel.

Pedestrians and hikers enter this parcel at the area marked by the red star to avoid walking along Valley Road any further than necessary. Valley Road is a rural two-lane road with no sidewalks or trails, so pedestrians must walk facing traffic on a very narrow shoulder. There is a gravel path running north to south that connects the red star to the network of hiking trails that run along the ditches in the northern portion of the USFS Lower parcel.

This parcel outlined in blue is also a wildlife corridor. Bear, coyote, and deer are often seen moving through this area.

We do not believe it is appropriate for the USFS to convey the portion of the 30-acre Upper parcel outlined in blue. The negative impacts of a conveyance would far outweigh any benefits.

A conveyance of the Upper parcel portion outlined in blue would have significant qualitative and quantitative effects on the human and biological environment. It would effectively eliminate the activities of recreation, bird watching, river access, osprey habitat, wildlife movement, and general open space enjoyment that a multitude of local residents and wildlife currently enjoy.

It is also not an appropriate location for high-density development which would be the most likely result if the land is conveyed.

In order to create transportation efficiencies and reduce the number of cars on our roads, high-density development should occur within  $\frac{1}{2}$  mile of a public transit stop. According to the U S Department of Transportation Federal Highway Administration, most people are willing to walk for five to ten minutes, or approximately  $\frac{1}{4}$ - to  $\frac{1}{2}$ -mile to a transit stop (link to USDOT Federal Highway Administration website: [https://safety.fhwa.dot.gov/ped\\_bike/ped\\_transit/ped\\_transguide/ch4.cfm](https://safety.fhwa.dot.gov/ped_bike/ped_transit/ped_transguide/ch4.cfm)). As you can see in the image below, only the most eastern third of the top bench portion of the USFS Upper parcel is located within  $\frac{1}{2}$  mile of the nearest transit stop. Logically, any high-density development should be limited to that farthest eastern portion.

(Figure)

#### KEY OBJECTIONS TO CONVEYANCE

A conveyance of the Upper parcel would produce a significant impact based on the following code.

##### 1. 40 CFR 1508.27(b)(2)

The degree to which the proposed action affects public health or safety.

A conveyance of the Upper parcel would represent a public safety risk. The USFS should retain the Upper parcel in order to prevent irresponsible development. If the USFS conveys the Upper parcel to Eagle county, it would certainly result in urban sprawl and irresponsible development which would further burden residents of the Roaring Fork Valley and put them at risk.

#### EAGLE COUNTY CANNOT BE TRUSTED TO DEVELOP RESPONSIBLY

Eagle county cannot be trusted to upgrade roads, road intersections, emergency services, and public services concurrent with new population and traffic generating development. It's record speaks for itself.

There has been talk about improving the El Jebel & Hwy 82 intersection for years without action. The emergency services in the Valley are already stretched thin due to the recent spate of Eagle county approved development (link to article: <https://www.aspentimes.com/news/basalt-snowmass-fire-department-stretched-thin-by-surge-number-of-fire-medical-calls/>).

Eagle County's proclivity toward development is obvious when one examines the development in the Roaring Fork Valley along Hwy 82. It is especially apparent when comparing it to Garfield and Pitkin county.

It's about 40 miles from Glenwood Springs to Aspen on Hwy 82.

\* Garfield county has roughly 18 of those miles.

\* Pitkin county has roughly 20 miles.

\* Eagle county has roughly 2 miles.

(Figure)

Most of the recent development (in the last 15 years) has occurred in Eagle county along their 2 miles in Basalt, Willits and El Jebel. Eagle County's commitment to develop in a responsible manner has been called into question in recent years. Most notably with the approval of the Tree Farm and the recommendation of the Fields Development. In Basalt and El Jebel alone, projects totaling 711 residential units have been recently approved or are awaiting final approval (link to Mid Valley Development of Google Maps: <https://www.google.com/maps/d/u/0/viewer?mid=1iKWOIZnQl0Md2pqnZLL7yBAfSVORAnwb&ll=39.376194986600005%2C-107.06807309999999&z=14>). Assuming 2.5 residents per unit, a standard used in the planning industry, that would add 1,777 residents to the immediate vicinity of the USFS Upper parcel.

Eagle county's vision for their very small 2-mile portion of the Roaring Fork Valley is obviously development. Unfortunately, improvement of infrastructure (roads, intersections, emergency services) has not kept pace with this rapid development. As a result, all Mid Valley residents are burdened with traffic congestion, child care shortages, strained emergency services, and dangerous roads and intersections.

What would our valley look like if Garfield and Pitkin pursued development along Hwy 82 at the same level and ferocity as Eagle county?

Eagle county's record speaks for itself. No development should take place on any portion of the Upper parcel until all infrastructure is in place to support it. Any conveyance of the parcel by the USFS without the necessary infrastructure already in place would create an unnecessary burden and threaten public health and safety.

## 2. 40 CFR 1508.27(b)(5)

The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects of a conveyance on the human environment are highly uncertain and involve unknown risks as evidenced by Eagle county's record of rapid development without infrastructure improvement.

Resulting future development under the authority of Eagle county would likely proceed as it has in the past, without necessary infrastructure improvement in order to minimize the resulting negative effects of development on the local population.

The report states that "best management practices would be implemented during any potential future development to minimize effects." This statement is called into question when one looks at the current failed state of infrastructure in the Roaring Fork Valley.

## 3. 40 CFR 1508.27(b)(6)

The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This decision would establish a precedent for future actions with significant risks to the environment and would represent a decision in principle about a future consideration.

Conveying a Forest Service open space parcel that is an active ecological resource in order to put high-density housing on that land is antithetical to the Forest Service mission "to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations."

On the Forest Service Meet the Forest Service webpage, under "What does the Forest Service do?" it says "We help people share and enjoy the forest, while conserving the environment for generations to come," (link to Forest Service webpage: <https://www.fs.usda.gov/about-agency/meet-forest-service#:~:text=What%20is%20the%20Forest%20Service%20motto%3F,resources%20on%20lands%20we%20manage.>)

Conveyance of the Upper parcel would not conserve the environment for generations to come; it would remove land that is an active ecological resource already being conserved and open it up to developers who would push to build high-density housing on it. The Forest Service is not directed to make decisions based on availability of housing in communities. It is supposed to conserve the environment for generations to come.

Conveyance of the area outlined in blue would be particularly egregious. It would have significant qualitative and quantitative effects on the human and biological environment. The value of the land as a current ecological resource far outweighs the potential benefits of high-density development on that parcel.

The implementation of the proposed action would set a precedent to make USFS land in the Roaring Fork Valley available for development.

#### 4. 40 CFR 1508.27(b)(7)

Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

The effect of the action would produce cumulatively significant negative impacts to the residents of the Roaring Fork Valley.

The combined effect of this project, with its most likely result of high-density housing, and the other ongoing development in the vicinity of Eagle county referenced earlier would result in severe negative impacts to the quality of life of local residents without first ensuring that the necessary infrastructure is in place to accommodate all recently approved development in Eagle county's portion of the Roaring Fork Valley.

#### 5. 40 CFR 1508.27(b)(8)

The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources.

The proposed action would adversely affect the local roads, intersections, and Highway 82 which are already operating below an acceptable level of service.

#### VISUAL CONTEXT TELLS THE STORY

In the Mid Valley Area Community Plan, excessive traffic and resulting safety concerns were emphasized as a building problem in 2018. For example, at the primary intersection pointed to by the Developer for ingress and egress from the Fields Project, the 2018 plan has a photo, accompanied by the narrative "Vehicle stacking at the busy intersection of Highway 82 and El Jebel Road":

(photo)

No improvements have been done to this intersection despite the recently approved 711 housing units in Eagle county.

#### LEVEL OF SERVICE AT NEARBY INTERSECTIONS

The two intersections nearest to the Upper parcel are already failing Eagle county's Level of Service (LOS) standards.

This is pointed out in a recent Transportation Impact Study for the Fields Development Application (Google Drive link to Transportation Impact Study for The Fields:

<https://drive.google.com/file/d/1SLkPRM2jOe1p0yiG80yOR6dRirHXnFsD/view>).

(Figure)

As can be seen in Table 2, the two intersections at SH 82 are currently operating below an acceptable LOS.

SH 82 and Valley Road/El Jebel Road: Current volumes at this intersection require a new State Highway Access Permit, as they currently exceed 20% of CDOT's access permit volume.

Stated simply, there is not adequate infrastructure to support any new development in the area of the Upper parcel. The negative and dangerous impacts of adding hundreds of vehicles per day to the already-dangerous nearby intersections are readily apparent. This is a matter of public safety; lives are at stake.

#### CONFUSION ABOUT THE UPPER AND LOWER PARCELS

When local residents speak about the Upper and Lower parcels, they may be referring to different areas than what the USFS views as the Upper and Lower parcels. The Upper parcel, as its name implies, is obviously the land on the upper bench area outlined in red. However, the Lower parcel terminology is confusing to some people.

The two parts of the Upper parcel are bisected by a large hill and the Harris Reed ditch which runs along the base of the hill forming what could be called a bench area. Most residents when speaking about the Upper and Lower Forest Service land believe that "Upper" applies to the land physically located on the upper portion of the bench and the "Lower" parcel applies to the land located to the west directly below the bench.

For this reason, comments made in the public meeting and through comment submittals referring to protecting river access, hiking access, and wildlife recreation on the "Lower parcel" could be taken to mean this area of the Upper parcel outlined in blue.

#### EAGLE COUNTY SHOULD BE GIVEN PRIORITY OVER PITKIN COUNTY

Eagle County should be given priority over Pitkin county to purchase the land. Eagle county only has 2 miles along Hwy 82 to locate affordable housing for its residents who live in the Roaring Fork Valley. This Upper parcel is located within that 2 miles. Pitkin has 20 miles along Hwy 82, all closer to where their workers are needed in Snowmass and Aspen. Housing Pitkin county workers in Pitkin county means less of a commute for these workers and less traffic on Garfield and Eagle county roads.

Eagle county needs affordable housing for its own residents and workers. It should not be required to give up

what little land it has in the Roaring Fork Valley to solve the housing issue for a county that has more land and funding.