



COLORADO

Parks and Wildlife

Department of Natural Resources

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April 9, 2021

San Juan National Forest
Mr. Noel Ludwig
P.O. Box 439
Bayfield, CO 81122

RE: Draft Environmental Assessment, Purgatory Ice Creek Project, March 2021

Dear Mr. Ludwig,

Colorado Parks and Wildlife (CPW) has reviewed the Draft Environmental Assessment (EA) for the Purgatory Resort Ice Creek Plan of Development (POD) project, dated March 2021. We provided scoping comments on the project in July of 2020. CPW appreciates the opportunity to provide further comments. CPW is the state agency charged with managing Colorado's wildlife resources for the use and enjoyment of the state's citizens and visitors.

The purpose of the Purgatory Ice Creek POD is to increase low-intermediate ability ski terrain at a higher elevation with the goal to maintain better snow quality and provide a more segregated area for beginners and intermediate skiers to learn. The proposed development includes: installation of the Ice Creek Chair Lift, construction of permanent roads to the lift terminals, burying of electrical lines to the lift terminals, clearing and creation of four new ski runs, rerouting of the existing public snowmobile access trail, relocation of existing cattle exclusion fencing, and relocation/installation of several new gates to exclude public access to the new infrastructure. Approximately 36.25 acres of vegetation clearing including 8.75 acres of ground disturbance/grading will occur in the project area.

The Ice Creek POD was previously analyzed in the 2008 *Durango Mountain Resort Improvement Plan Final Environmental Impact Statement* (2008 FEIS), but approval of the Ice Creek POD was deferred in the 2008 Record of Decision (ROD) due to environmental concerns raised by the public. The Biological Assessment Report (January 2021) mentions that Purgatory has explored other areas within the Purgatory Ski Area Special Use Permit (SUP) boundary for this type of terrain, but no specifics about this investigation was provided in the current draft EA. It is our understanding that the USFS intends to tier their decision on the Ice Creek POD to the 2008 FEIS and will rely primarily on the analysis therein and the Watershed Delineation, Biological Assessment, and Hydrology reports submitted to the public record on 3/11/2021.



Aquatic Resources

Our scoping comments detailed the decades long collaboration efforts to successfully repatriate the Colorado River Cutthroat Trout (CRCT), a Region 2 sensitive fish species, in approximately 23 miles of stream within the Hermosa Creek Watershed. The effort has created the largest “meta-population” of CRCT in Colorado. To ensure CRCT population persistence and viability, they require cold, clear and abundant water within the Hermosa Creek Watershed. We noted that special care should be taken to prevent degradation of water quality and stream health with the proposed action. In fact, the focus should be not on maintaining the status quo, but on efforts to stabilize the downward trend and ultimately improve stream health.

The Wetland Delineation Report for the Purgatory Ice Creek POD, dated August 2020, confirmed the locations of wetlands identified in the 2008 FEIS and identified three additional wetlands within the Ice Creek project area - two bisected by an existing road where a power line is slated to be buried to supply power to the lower lift station, and a larger wetland impacted by vegetation clearing for ski runs/lift line. Some of the wetlands identified in the 2008 FEIS will be impacted by clearing for ski trails and the new lift line. The Purgatory Resort Ice Creek POD Hydrology Report, dated March, 2021, provides an in depth discussion of stream health.

Two reaches of Ice Creek within the project area, identified as Reach 2 and Reach 7, were rated for the following: Fine Sediment, Unstable Banks, Large Woody Debris (LWD) and Bankfull Width:Depth Ratio. Of the four categories and two streams, six of the eight ratings were “Diminished”, one “At-Risk” and only one “Robust”. A “Robust” ranking suggests beneficial uses are supported, “At-Risk” would suggest uses are threatened, and “Diminished” suggests uses may not be supported. The Hydrology Report also states “The Assessment concluded that stream health of the surveyed Project Area reaches has generally declined over the past 15 years”. It states further “the current condition of Response Reaches 2 and 7 are primarily a result of historic logging, open roads, and active livestock grazing. Ski area development has not influenced the condition of these two headwater streams.”

There are currently no developed ski area operations or facilities located on these two reaches of Ice Creek, but such operations are present in the vicinity. While cattle grazing is planned to be excluded from the Ice Creek POD with new and relocated fencing, the other existing conditions will persist and the Ice Creek POD development will create a new burden on the headwater streams. CPW acknowledges that the Project Design Criteria (PDC), if fully implemented and monitored, seeks to maintain/mitigate the effects of the project implementation activities. However, with the exception of improving the LWD metric, the PDC will maintain, at best, the current degraded and degrading state on the headwater streams. We requested that the 2005 R1/R4 fish habitat survey be resurveyed to inform additional management strategies and any additional environmental

commitments that can be deployed to maintain or improve stream health. There is no documentation that this type of survey was completed as part of the EA. The direct and cumulative effects of development, increased recreation including summer recreation and trail development on stream health have not been adequately addressed in the EA. This information is critical to ensuring that stream health is maintained and enhanced for the protection of CRCT.

2008 FEIS Environmental Commitments

In CPW's Notice of Proposed Action letter, we inquired about the 2008 FEIS commitments under the "Road Restoration Plan", which included commitments for Purgatory to complete projects on the ski area's "backside" and in the area of lifts 3 and 5. Work included addressing trespass cattle, stream rehabilitation, enhancement/reestablishment of riparian vegetation, decommissioning of numerous roads and implementation of a Drainage Management Plan (DMP). The Hydrology Report references this work where it discusses the effects these projects may have on the East Fork of Hermosa including LWD, bank stability, and fine sediments. No information was provided on the completion or effectiveness of the items on the project list, other than a list would be provided as an appendix to the final decision. Conclusions about the effects of the proposed action cannot be adequately considered without the benefit of the current status and existing conditions of this work, and the mechanisms to ensure that Purgatory complies with execution and monitoring of the effectiveness of those projects.

Cattle Grazing

CPW supports the new cattle allotment fence location and the need to exclude cattle from the project area. Recently, there have been cattle trespass issues in and around lifts 3 and 5 and a new, wildlife friendly designed fence should help to minimize these issues. Lay down fencing should be considered where practical. The location of the fence, along with any necessary cattle guards on FSR 578 will help to reduce conflicts with cattle by recreationists and vehicles on FSR 578. CPW suggests exploring the possible need for stock pond development where practical to reduce stream degradation potential in Pasture Creek and other ephemeral streams near the new fence location.

Snowmobile Bypass Trail

CPW supports the modifications and improvements to the proposed Snowmobile Bypass Trail and new gate off FSR 578 at the private land entrance. We suggest exploring the need for gates or signage where the Bypass Trail connects with FSR 579 (Cascade Divide Road), where the "Hermosa Shortcut" meets FSR 579 and FSR 578 (Hermosa Park Road), and where it crosses the new Cutthroat Trail in order to prevent OHV and mechanized use from accessing the Bypass Trail during non-winter months. Such gates and signage may also improve trail user compliance with the "no mechanized off trail use" restriction in the Hermosa SMA.

Water Quantity and Snowmaking

The EA mentions snowmaking operations but does not tie it to the expansion operation other than in passing when discussing the Water Resources Evaluation of Non-Point Silvicultural Sources (WRENSS) water yield modeling. In our scoping comments, we requested an analysis on how future and/or expanded snowmaking operations would impact groundwater and surface water resources and by extension the aquatic resources that sustain CRCT in the East Fork of Hermosa Creek. In our review of the EA we could not find this analysis. Disclosing and analyzing impacts to the CRCT population downstream of the project area is difficult without fully understanding the source water for snowmaking and, if sourced in the East Fork, the impacts on fall/winter baseflows. Expanding skiable terrain and developing water resources for snowmaking are connected actions under CEQ regulation (40 CFR 1508.25) and could have significant impacts to the Hermosa Creek Watershed. CPW understands Purgatory has water rights in the headwaters of the East Fork and intends to exercise those rights at some point for snowmaking. Snowmaking is typically used to replace or supplement natural snow in times of drought. CPW believes that withdrawing water from the headwater aquifer on this expanded terrain and the impacts to baseflows should be analyzed as part of the Ice Creek POD.

Thank you for the opportunity to comment. If you have any questions, or would like to schedule a time to discuss our recommendations, please contact Assistant Area Wildlife Manager Steve McClung at 970-799-0847.

Sincerely,



Adrian Archuleta
Area Wildlife Manager - Durango

cc: Cory Chick (SW Regional Manager); Jim White (Area 15 Aquatic Biologist); Brian Magee (SW Land Use Coordinator); Brad Weinmeister (Area 15 Terrestrial Biologist); Area 15 file