



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

October 17, 2022

Ref: 8ORA-N

Scott Fitzwilliams, Forest Supervisor
c/o Sarah Strehle
White River National Forest
Dillon Ranger District
P.O. Box 620
Silverthorne, Colorado 80498-0620

Dear Supervisor Fitzwilliams:

The U.S. Environmental Protection Agency Region 8 has reviewed the U.S. Department of Agriculture Forest Service September 20, 2022, Scoping Notice for the White River National Forest Copper Mountain Resort Timberline Express Replacement and Mountain Biking Upgrade Categorical Exclusion (CE). In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA), we are providing scoping comments. These comments convey questions or concerns that we recommend addressing during the NEPA process.

The Proposed Action includes replacing the Timberline Express chairlift, terrain and road improvements, installation of a new generator and power lines, construction of a lift maintenance structure near the bottom terminal, and the construction of 22 miles of mountain biking trails. The scoping notice indicates the Proposed Action falls under the Categorical Exclusion at 36 CFR § 220.6(e)(22): "Construction, reconstruction, decommissioning, or disposal of buildings, infrastructure, or improvements at an existing recreation site, including infrastructure or improvements that are adjacent or connected to an existing recreation site and provide access or utilities for that site." Activities within this category include but are not limited to "Replacing a chair lift at a ski area." We recommend the USFS document how the construction 22 miles of mountain biking trails fits within the specified categorical exclusion at 36 CFR 220.6(e)(22) and make this information publicly available.

According to the scoping package, it states there would be no permanent direct impacts to wetlands, but temporary wetland crossings would be needed to provide construction access to lower sections of the proposed lift line. The scoping package does not mention impacts to wetlands resulting from mountain bike trail construction nor does the updated mountain biking trail network map delineate wetlands. We recommend the USFS conduct a field assessment and provide a map on the project website that identifies wetlands that are in proximity of the mountain biking trail network. We recommend the USFS quantify and evaluate direct and indirect effects to wetlands from *all* project activities, including the construction of mountain biking trails. Indirect effects are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect impacts to wetlands could result from a number of actions including, but not limited to: overstory vegetation removal, wetland dewatering from grading, increased snow compaction, increased noxious weed invasion, and erosion and sedimentation. We also recommend a wetlands and soils analysis accompany this project that

includes a discussion of the construction techniques and the potential direct and indirect impacts of those techniques to aquatic resources in the project area. Finally, we recommend consulting with the U.S. Army Corps of Engineers to determine if the project requires a Clean Water Act (CWA) 404 permit (individual or general) and whether a full wetland delineation is needed. These details will help inform the categorical exclusion determination as well as any potential permitting requirements under CWA Section 404.

If you have any questions or comments, or would like further explanation of our letter, please contact me at (303) 312-6155, or Shannon Snyder of my staff at (303) 312-6335 or snyder.shannon@epa.gov.

Sincerely,

Melissa W. McCoy, Ph.D.
Manager, NEPA Branch
Office of the Regional Administrator