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Re: Copper Mountain Resort, Snowmaking and Summer Uses

Environmental Assessment/ Draft Decision Notice, March 2019

Dillion Ranger District, White River National Forest

Scott Fitzwilliams, Forest Supervisor

Gentlepersons:

These Objections are filed regarding the Draft Decision Notice and Environmental Assessment of March 2019 (hereafter collectively "EA").

As my comments on November 29, 2018, indicate I have owned a condo unit at Ten Mile Haus in Copper Mountain since 1973. I am a member of the Home Owners' Association board. I have also served on the board of the Copper Mountain Metropolitan District (CMMD).

These objections are my own. I do not represent the Ten Mile Haus HOA or the Metro District in this matter.

Ten Mile Haus is located at 108 Guller Drive, in the Center Village area on the south edge of Copper Mountain

Resort (CMR). The Pedestrian Access Easement which runs westward from the Pitchfork (beginners) lift to the American Eagle lift is on the southern 20 feet of Ten Mile Haus property (Lot 3, Block 1, Copper Mountain First Filing).

The Pedestrian Access Easement is at the base of a parcel acquired by CMR from the Forest Service in the 1992 "Homestake Exchange" (Pub. Law 101-631). Wheeler/McKenzie Creek forms the northern boundary of the Ten Mile Haus property.

The CMR parcel south of Ten Mile Haus is steep and forested. It may well be unstable, as indicated by several trees with bent trunks. It is bounded on the west by the Main Vein ski run, on the east by the Green Acres beginners slope, and on the south by "Skid Road."

On the Study Watersheds Map, Figure A-1 of the Hydrology Specialist Report ("Hydro Report"), that parcel is the arrow-point at the base of Wheeler Gulch. Wheeler Gulch, the largest (1005 acres) of the several watersheds, is the locus of many of the projects proposed including the water-bars on Collage ski run, the armoring of Wheeler/McKenzie creeks, the diversion structure and the pipeline to move water to the diversion for West Lake, much of the additional snowmaking, new mountain biking and hiking trails, related improvement of existing access roads for construction, and even the camping ("Glamping") in the meadow at the base of Rendezvous and Sierra lifts. The arrowhead at the bottom, north end, of Wheeler Gulch, tellingly points directly at Ten Mile Haus (see Figure A-1).

Snowmaking Adaptive Management Plan

Although the comprehensive plan proposes to: (i) add water to Wheeler Gulch for snowmaking, (ii) divert surface water from Formidable Basin into Wheeler Gulch via water bars, (iii) speed the downward flow of water via stream armoring, and (iv) remove further water via a pipeline, there is absolutely no mention in the EA or in the Hydro Report of any possible effect on the surface or ground water flow at the point of the Wheeler Gulch arrowhead on the south property line of Ten Mile Haus. Nor is there mention of the possible, if not highly likely, change of the hydrostatic pressure on the foundation of the Ten Mile Haus buildings. This is a gaping hole in the analysis, and a major fundamental flaw in the EA.

The proposed snowmaking adds, to Wheeler Gulch, 50.1 Acre Feet (A/F) "available for infiltration and surface runoff" (Hydro Report, p.29). Up to 10.3% is lost to sublimation and evaporation (p.17). The proposed pipeline removes 90 A/F (p.28). Have any measurements been made, or analysis done, to determine if this is in fact a "balancing" of the water cycle? What are the effects of that change on the human and natural environment? In particular, what is the likely effect of that change on the Ten Mile Haus foundations? Nothing in the EA addresses that issue, yet the effect could be significant.

Will the steep slope of the afore mentioned CMR parcel become less stable, due to the change? How long does it take for ground water to travel from the water bar diversions to the CMR property line? Will Ten Mile Haus experience unusually dry conditions in the future? Will Ten Mile Haus foundations begin to shift or crack over time due to the changes proposed? Are the neighboring buildings also affected?

The Hydro Report, which is a study of the ten (10) watersheds in the project area, concludes that the project "would not exhibit a negative influence upon watershed conditions in a cumulative context." (p.34, emphasis supplied). It is good that the report addressed impacts in the context of all the watersheds in a cumulative fashion. That is an issue often ignored.

However left completely unaddressed is the question of what the direct environmental effects, the indirect environmental effects, the cumulative environmental effects and the long range effects of these proposals is upon the Wheeler Gulch watershed, and also, upon the Ten Mile Haus property. Ten Mile Haus is located at the lowest and most obviously potentially affected point of the Wheeler Gulch Watershed.

It may be that a full analysis would show that the likely impacts on the Wheeler Gulch watershed were minimal. It may be that the same conclusion could be reached as to the likely impacts on Ten Mile Haus. However, it could also be that the impacts on the watershed and/or on Ten Mile Haus will be significant. Without actual analysis the Decision Maker - and the public - will have no idea what the likely impacts are. Since the EA and the Hydro Report fail to address these very clear and very important issues, they are legally and factually inadequate.

Summer Uses

At least two portions of the description and analysis of the summer uses are inadequate. Both relate to roads and trails.

The most immediate trail/road issue is hidden in the inadequate exhibits and descriptions of the trail improvement. The discussion of the Colorado Trail/Continental Divide National Scenic Trail ("CT/CDNST") on page 48 of the EA fails to clearly describe the location of the "collector trail" proposed.

The exhibits are unclear. On page 49 the "reconstruction [of approximately 0.1 mile of the CD/CDNST] [hellip]that overlaps an existing mountain access road[hellip]" is proposed. Resurfacing and improvement is suggested to

the interface between mountain biking trails and the CT/CDNST. Again the exhibits are unclear, and the text does not clearly describe the location of the proposed work. This will make it next to impossible for the Decision Maker to evaluate and weigh the potential impacts.

The CT/CDNST crosses the above mentioned "Skid Road" ski trail just east and above the Green Acres beginners area (above the 2d Tee of the golf course). However, the CT/CDNST trail also intersects the afore-mentioned Pedestrian/ Utility easement on Ten Mile Haus property. That intersection is about 50 feet west of the Xcel pipeline facility (which is at the south east corner of the easement). The trail is then coincident with the Pedestrian/Utility easement along the south edge of Ten Mile Haus property.

If the reconstruction or resurfacing is proposed to occur on the Pedestrian/ Utility easement, CMR has no legal authority or permission for such work. Nor is there authority for use of the easement for construction vehicles to access the area of the McKenzie/Wheeler Creek pipeline project. Reconstruction or resurfacing, or use for construction vehicles accessing other portions of the resort, would be an impermissible expansion of the implicit terms of the easement.

As the EA fails to clearly describe the location of this proposed trail or road modification or improvement, and fails to address the issue of work which may be proposed on private property, it provides an inadequate basis for the Decision Maker to make a reasoned decision.

A further matter regarding mountain access roads is related to the proposed summer camping ("Glamping") in the meadow at the base of Rendezvous and Sierra lifts. The EA fails to describe how the campers are to access the area. The description (Snowmaking and Summer Uses, pp 49-50) of the individual tent sites to be rented, where campers could bring their own gear or rent, especially as it would meet ADA guidelines, clearly contemplates substantial use and therefore improvement of the mountain road access network.

Busses, trucks and ATVs will be needed. There are likely to be a lot of them. The proposed Glamping activity could involve as many as 50 guests for 2 to 3 nights per week (Notice of Proposed Action, Nov. 2018, p.8) during a 3-month summer season. That is a lot of transport of people and gear. That will likely have potentially significant impacts, in terms of noise, dripping oil, leaking fuel, increased air pollution, increased compaction, etc. These same mountain access roads are also going to be used for the removal of human-related trash and the periodic emptying of the newly installed vault toilets.

Yet the impacts of this massive increase in road usages is not covered in the EA. There is no mention of the direct, the indirect, or the cumulative long-range effect of such intensified road usage, maintenance or construction on the natural environment, or on the current or future human users.

A close reading of the EA makes clear that rather than a "hard look" at the environmental consequences the Forest Service merely referred to previously prepared reports and studies, provided by CMR. The Forest Service appears to have merely accepted the results of those studies without considering or noticing the significant gaps in them. The agency can rely on permittee studies, but only if the agency has independently evaluated them and determined they are accurate. Here, as outlined, there are major gaps and unanswered questions.

Instead of blindly accepting the studies, the agency needs to tell the developer to go back and take a hard look at the noted issues. CMR and its consultants need to do a more thorough analysis of the direct and the indirect consequences of the water bars, the pipeline, the stream modification, the trails, the roads, and the other proposals included in the project.

The EA must examine both the direct and the indirect effects of the actions. Direct effects occur at the same time and place as the construction. Indirect effects are those removed which occur at a later time or are farther removed but are still reasonably foreseeable. Here the potential indirect impacts on Ten Mile Haus, and possibly other buildings in that area - to say nothing of the potential impacts on the natural environment - could be significant. The EA needs to evaluate these issues, not try to sweep them under the proverbial rug.

The failure to address these issues evidences the inadequacy of the EA and the Draft Decision. The Forest Service failed to take a hard look at the effect of adding and removing water from the Wheeler Gulch watershed. The Forest service failed to take a hard look at the location of and the construction proposed on the mountain access roads. The Forest Service failed to take a hard look at the potential long term effects of this project on Ten Mile Haus. These deficiencies must be addressed before the project can lawfully be approved and go forward.

Yours truly

Karl F. Anuta