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Organization: Mountain Capital Partners
Title: Managing Partner
Comments: December 10, 2021

Ms. Kara Chadwick, Forest Supervisor c/o Noel Ludwig

P.O. Box 439 Bayfield, CO 81122

Dear Ms. Chadwick:

On behalf of Mountain Capital Partners (MCP) respectfully submits the following objection on the Purgatory Resort Ice Creek Project Draft Decision Notice (DN). We understand that the project includes the construction of the Ice Creek lift, two permanent access roads and electrical lines, four new intermediate ski trails, relocation of the existing grazing fence, relocation and implementation of three access gates, and a reroute of the existing snowmobile access trail. In addition to the proposed project components, the selected alternative includes the implementation of various project design criteria, as well as any incomplete restoration projects associated with previously implemented projects from the 2008 Durango Mountain Resort Improvement Plan Record of Decision (2008 ROD).

As stated in our comment on the notice of proposed action (NOPA) and the draft environmental assessment (EA), MCP/Purgatory Resort would like to thank the San Juan National Forest (SJNF) for its work in reviewing and analyzing the project and for this opportunity to engage in the National Environmental Policy Act (NEPA) process. We strongly support the Forest Service's approval of the project and look forward to working cooperatively with the SJNF during the final review and subsequent implementation of the project.

In general, we support the resource conclusions made in the Final EA. The Forest Service has documented consistency with the Forest Plan and the Hermosa Creek Watershed Management Plan. The Ice Creek project has been studied and appropriately modified to address resource concerns, while meeting the purpose and need for the project. The objections we are including are primarily based on the new information included in the Draft DN; therefore, we believe the objections do have standing in accordance with Forest Service direction.

Please add the following objections to the administrative record for the project:

1. As stated on page DN-2 of the DN, "Prior to implementation of the selected alternative, Purgatory is required to complete all restoration projects associated with the selected alternative, as well as any incomplete restoration projects associated with previously implemented projects from the 2008 ROD. Implementation of the selected alternative will not occur until the required mitigation projects from Appendix D of this document are reviewed and deemed successful by the Forest Service.[rdquo] Purgatory understands and acknowledges its obligation to complete restoration projects associated with previously implemented ski area projects approved in the 2008 ROD. However, we feel that Table D-1 of the DN lacks clarity on which ski area projects trigger restoration and contains numerous inconsistencies that need to be resolved to ensure that restoration is completed to Forest

Service standards in a timely manner. Therefore, we request a meeting with the SJNF to review each restoration project included in Table D-1 of the DN in order to establish clear expectations and objectives.

Below we have provided some preliminary suggestions to ensure that watershed impacts are minimized and that the sequencing of implementation considers construction access for previously approved but not yet implemented projects from the 2008 ROD, as well as the existing operational needs of the resort.

Purgatory feels that completion of a Drainage Management Plan and the required restoration projects by 2025 is an ambitious and in some cases unrealistic requirement. Please provide clarification on why 2025 was determined to be an appropriate deadline. During the requested meeting, Purgatory suggests that the cost and amount of time required to complete each restoration project is considered in establishing the deadline for these projects. This would allow MCP and Purgatory to create a realistic budget and plan for implementation, which would ensure that each project is completed to Forest Service standards. Furthermore, it is unclear why several restoration projects associated with previously approved but not yet implemented ski area projects would be required by 2025. Examples include restoration projects associated with Styx, Lower Hades, and Lower Catharsis Snowmaking, and Dead Spike Snowmaking, among others (refer to pages DN-53 - DN-56 of the DN). It is our understanding that the watershed restoration projects were developed to respond to potential impacts associated with each ski area project; therefore, restoration should not be required until associated ski area projects are implemented.

Page DN-48 of the DN includes a restoration project to construct a skier bridge or similar transfer (not stream culvert) in the Legends Tree Skiing Area (now known as McCormack[rsquo]s Maze) to avoid impacts to a perennial drainage. To satisfy this requirement, a natural log bridge was implemented in this area along with the construction of McCormack[rsquo]s Maze and the Legends Bypass; therefore, we request that this restoration project be marked as complete in Table D-1. Furthermore, as discussed during a site visit with the SJNF on July 7, 2021, Purgatory plans to initiate a separate review process to extend and improve the switch back along the Legends Bypass trail in order to improve skier circulation and address erosion concerns on the existing bypass trail. Project design criteria and best management practices would be included in the project to mitigate watershed impacts in this area.

Page DN-48 of the DN includes a restoration project to install cattle fencing on the southern boundary of the Legends pod to minimize cattle migration into East Hermosa Creek. As documented in Table D-1, this project has been implemented. In the [ldquo]Must be Completed by End of 2025 as Part of Drainage Management Plan?[rdquo] column of Table D-1 this project is currently marked as [ldquo]Yes, if ineffective.[rdquo] As the project was already implemented, Purgatory requests that this entry in the table be changed to [ldquo]No, unless deemed ineffective.[rdquo]

Page DN-48 of the DN includes a restoration project to implement a boundary/range management program including a project to strategically enhance and/or re-establish riparian vegetation along East Fork Hermosa Creek in areas where livestock have damaged riparian vegetation. Please provide clarification on who will be responsible for implementation of the project to enhance and/or re-establish riparian vegetation in areas where livestock have damaged riparian vegetation. As livestock have damaged the riparian vegetation in these areas, Purgatory requests that implementation and maintenance of this project be the responsibility of the grazing permitee.

Page DN-58 of the DN includes a restoration project requiring Purgatory to coordinate with the Forest Service to identify and close approximately 0.6 mile of existing compacted snow route on the SJNF prior to causing additional snow compaction on the Sleigh Trail/[ldquo]Accessible[rdquo] Trail. It is our understanding that this measure was included in the 2008 ROD to mitigate snow compaction impacts to Canada lynx and that it is unrelated to watershed resources. Furthermore, landownership changes that occurred following the 2008 ROD prevent Purgatory from implementing this project without the acquisition of private lands currently owned by the Durango Land Company. Therefore, we request that this measure is removed from the suite of restoration projects included in Table D-1 of the DN.

Regarding restoration project C on page DN-48 of the DN, when Purgatory replaced Chair 8, the District Ranger at the time agreed to preclude restoration project C from the suite of restoration projects included in the 2008 ROD (refer to DN Figure D-1). Restoration project C includes road closure, recontouring, and revegetation of the existing access road bisecting the tree island between Boudreaux[rsquo]s and James[rsquo] Gang ski trails. As the road had naturally revegetated following its closure, it was determined that additional ground disturbance associated with recontouring would be counterproductive and was not warranted. Based on the previous agreement and the existing condition of the road, Purgatory requests that this measure is not required prior to implementation of the selected alternative and that it is removed from the suite of restoration projects included Table D- 1 of the DN.

Regarding restoration project D1 on page DN-49 of the DN, which includes partial road closure and restoration of one half of the road prism for the mountain bike trail on the existing access road on upper Dead Spike, Purgatory requests that restoration is completed following the approved removal of Grizzly Lift and the implementation of approved snowmaking on Dead Spike. Use of the road would allow Purgatory to minimize ground disturbance during lift removal and snowmaking pipeline implementation.

Purgatory would like to raise operational concerns over restoration projects in Table D-1 that require permanent road closure. Many of the roads which would be closed and restored currently provide the safest and most practical access to essential ski area infrastructure including chairlifts, snowmaking equipment, water/septic lines, cattle fencing, and water diversion/erosion control infrastructure. An example of this concern is accessing tower 11 on Lift 3, a heavy combination tower where line machinery maintenance requires lowering the sheave assemblies to the ground to perform the work. Permanent closure of these roads would inhibit, and in some cases prevent, ongoing maintenance, repair, and modernization of this infrastructure. In order to address these operational concerns, we request that the SJNF allow the resort occasional maintenance access to these roads rather than mandating permanent closures. Prior to use Purgatory would coordinate with the SJNF and following use any damages would be restored using best management practices.

Many of the roads requiring permanent closure also provide Purgatory bike patrol with immediate access to the mountain biking trail network and are used to transport injured guests in the resort[rsquo]s off-road ambulance. An example of this concern is extricating injured bikers from the World Cup DH trail using the Gate 4/Cherub Road route. Without access to this route a current extrication taking 30 minutes using the ATV ambulance could potentially be extended to 90-120 minutes (or more) and lead to potentially far worse outcomes for injured bikers. Permanent closure of these roads would require bike patrol to use less safe and immediate routes to access and transport mountain bikers requiring medical attention. In order to address these operational and safety concerns, we request that the SJNF allow use of the roads by Purgatory bike patrol and medical staff in the off-road ambulance during medical emergencies. Following use any damages would be restored using best management practices. Purgatory requests that these operational and safety concerns are discussed during the requested meeting with the SJNF in order to identify a solution that balances the resort[rsquo]s operational needs and watershed conditions in the project area.

1. Page 31 of the EA, states that [ldquo]Under proposed conditions, guided and unguided snowmobilers would no longer utilize Pinkerton Toll Road ski trail to access the snowmobile trail network adjacent to the Purgatory SUP area, unless the snowmobile outfitter and guide permittee can provide the Forest Service with a written agreement from Purgatory for use of the area.[rdquo] Purgatory requests that this statement is included in the Final DN to provide flexibility should an agreement be made between Purgatory and the snowmobile outfitter and guide permittee. We would like to reiterate our commitment to maintaining snowmobile access for guided and dispersed use in the area. Furthermore, as stated in our NOPA and draft EA comment letters, Purgatory is willing to work cooperatively with other stakeholders in the snowmobiling community in order to address issues that reduce the quality of the recreation experience in the area.

We are grateful for our partnership with the SJNF and hope that you will consider these objections as part of your decision making process for the Purgatory Resort Ice Creek Project. MCP and Purgatory thank the Forest Service for its work preparing the EA and DN. We look forward to continuing to work cooperatively with the Forest Service and other stakeholders. Please let us know if you have any questions on these objections or during the decision making process.

Sincerely,

James Coleman Managing Partner Mountain Capital Partners