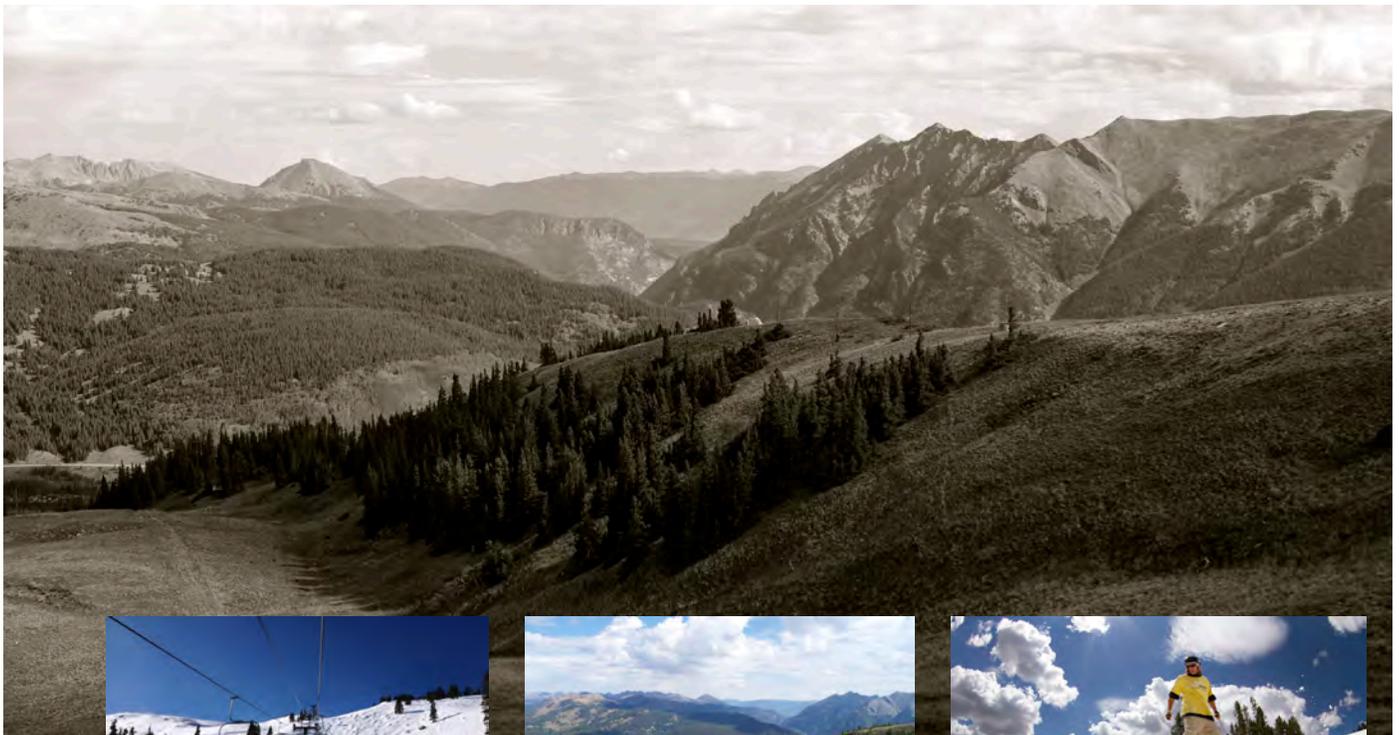




COPPER MOUNTAIN RESORT 2013 MOUNTAIN IMPROVEMENTS PROJECT ENVIRONMENTAL ASSESSMENT

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT



August 2013

USDA Forest Service
White River National Forest
Dillon Ranger District



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DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

COPPER MOUNTAIN RESORT
2013 MOUNTAIN IMPROVEMENTS PROJECT

USDA Forest Service, Rocky Mountain Region
White River National Forest
Dillon Ranger District
Summit County, Colorado

August 2013

This Decision Notice documents my decision and rationale for approving proposed projects within the Copper Mountain Resort (CMR) Special Use Permit (SUP) boundary on the White River National Forest (WRNF) and located within Summit County, Colorado. My decision is based on and supported by the August 2013 Copper Mountain Resort 2013 Mountain Improvements Project Environmental Assessment (CMR Mountain Improvements Project EA).

The CMR Mountain Improvements Project EA analyzed a series of projects that are designed to improve the quality of the recreational experience at CMR, as well as add to CMR's operational efficiencies. The public was invited to comment on the proposed projects through a Notice of Proposed Action (NOPA) published in the Glenwood Post Independent on February 8, 2013.

The accompanying Finding of No Significant Impact (FONSI) documents and supports the determination that the Selected Alternative is not anticipated to have a significant impact on the human or natural environment.

DECISION AND REASONS FOR THE DECISION

After thoroughly considering the project purpose and need, issues, range of alternatives and analyses presented in the EA, as well as public comments that were received, **I have decided to select and approve Alternative 2—the Proposed Action—from the EA.** My decision meets the project purpose and need (as stated in Chapter 1 of the EA) and is consistent with the White River National Forest Land and Resource Management Plan – 2002 Revision, as amended (2002 Forest Plan). My decision includes all components of the Proposed Action (Alternative 2) as described in Chapter 2 of the EA. All project design criteria (PDC) stated in Chapter 2 of the EA, and included as Table 1 of this document, are required to be adhered to by CMR. Refer to the attached Selected Alternative map for project locations. Specifically, my decision includes:

Lower Roundabout Grading

The existing width of the lower *Roundabout* trail is constrained immediately above the Union Creek base area and the base of the Kokomo Lift. This narrow area has never been remedied due to a large earthen berm in the current location of tower 3 of the Kokomo Lift and the presence of Union Creek where it enters a culvert and flows under the ski trail. As the Kokomo Lift is replaced, and tower 3 is removed/moved (described below), this area is approved to be re-graded to improve this present choke point. The project will entail re-contouring the current ski trail to establish a consistent skiable grade (+/- 10 percent) for guests as they flow into the base area. Approximately 3.9 acres of ground disturbance—including 3.4 acres of re-grading an existing trail, 0.1 acre of new grading, and 0.4 acre of tree removal—will also be required to establish the necessary width. While the majority of this project will be located on private property, the disturbance area does extend onto adjacent National Forest System lands. The total project area on National Forest System land is approximately 1.6 acres.

Kokomo Lift Replacement and Teaching Area

The existing Kokomo three-passenger chairlift is approved to be replaced with a new chairlift. The lift's top terminal will be located in approximately the same position as the existing Kokomo top terminal. The bottom terminal will be located adjacent to the Union Creek base facilities, on National Forest System land. This new lift will be used for round trip skiing as well as to transport beginning skiers and riders to two conveyor surface lifts that are planned for ease of access from the Kokomo Lift, on the gentle terrain north of the lift's top terminal. These conveyors and slopes will be used by CMR's Ski and Ride school, especially on peak days when overflow teaching terrain is needed. The new Kokomo Lift will be approximately 3,000 feet in length (it is currently 2,642 feet in length) and have a capacity of 1,800 people per hour. Roughly half of the new lift alignment will be located on private property.

Woodward and Terrain Park Surface Lift

A surface lift is approved to be located immediately to the west of the Catalyst Terrain Park features. The surface lift will be adjacent to the Union Creek Express Lift, providing roundtrip access to the Catalyst Terrain Park. This lift will primarily facilitate summer camps, which are presently hosted in conjunction with the Woodward training program, but will also be available to run in the winter at CMR's discretion. Roughly 1,080 feet in length, the lift will have a capacity of 600 people per hour and be located to the skier's left (west side) of *Loverly* trail. Minimal vegetation clearing on NFS lands will occur, totaling 0.2 acre.

West Ridge Surface Lift (formerly Union Meadows Surface Lift)

Facilitating access into Copper Bowl, a surface lift is approved to be located west of the existing Sierra Lift in the Union Meadows area. Presently, guests wishing to access Copper Bowl must hike from atop the Sierra Lift to gain the ridge which allows them to drop into Copper Bowl. The West Ridge surface lift will allow guests to ride the Sierra Lift, ski to the west and take the surface lift to the ridge and thereby to

Copper Bowl. This lift will be approximately 850 feet in length and have a capacity of 800 people per hour. To protect the lift from windscur, a snow fence will be installed along the windward (west) side of the lift for the majority of its length. Single phase power is present to the top of the existing Sierra Lift. CMR will install an additional power line from the primary feed located near the Timberline Patrol station to the bottom terminal of the approved surface lift. The additional power line will be “stung” into the ground using a dozer and vibrating shoe, similar to the technique that was used for the existing power line in the mid-1990s. A short (465 feet) spur off an existing access road will be constructed to reach the bottom terminal location. While equipment will be necessary at the top terminal location, access will be gained via a temporary construction access route without the need for a road.

T-Rex Connector Trail

The approved T-Rex connector trail will provide improved circulation for guests wishing to ski from within the Timberline Express, Union Creek Express, and Kokomo/Lumberjack/Union Creek areas. The existing terrain connection between these areas requires skiers and riders to utilize the *Lower Woodwinds Traverse* trail. This trail is low angle and off-camber making it difficult for skiers and very challenging for snowboarders. The approved trail will originate near the bottom terminal of the Timberline Express Lift and terminate adjacent to the top of the Kokomo Lift. This connector trail will be roughly 2,125 feet in length, have an average width of 50 feet and require approximately 2.3 acres of vegetation clearing. Additionally, ground re-contouring is approved in places (approximately 0.9 acre) to ensure an even, skiable grade along the length of the entire trail.

Enchanted Forest Access

The existing entrance to the popular *Enchanted Forest* trail is presently a narrow and winding track created each season via an assortment of portable snow fencing and extensive hand shoveling. The guest experience in this area remains poor throughout the season. To remedy this challenge, CMR has approval to rework the entrance through a combination of grading, rockwork (which may include rock stacking, blasting and relocation), and the construction of retaining wall segments on both the downhill and uphill sides of the traverse. Additionally, a structural boardwalk is approved to be constructed in sections of the traverse to provide a skiable surface. The overall length of the approved traverse improvements is approximately 1,150 feet and incorporates roughly 1.2 acres of grading. While the final design of the approved project has not yet been completed, the overall goal will be to ultimately create a new trail entrance, which is groomable and roughly one snowcat in width (+/-25 feet).

Spaulding Bowl Run-out Trail

The egress area of Spaulding Bowl is presently characterized by large boulders and talus which requires extensive snow cover before it can be open to the public for skiing. In many instances, the upper areas of Spaulding Bowl become skiable before CMR is able to open the egress trail. This approved project will recontour and smooth an adequate path out of the base of the bowl to allow grooming and skiing earlier in

the season. Approved construction techniques will include rock removal, relocation and blasting. Approximately 1,560 feet in length and varying in width, the approved grading area will be approximately 1.4 acres in total size. Of this total, 0.8 acre (910 linear feet) will be on National Forest System land with the remainder on private property owned by Powdr Corp.

Sierra Lift Tower 7 Grading

Since the original construction of the Sierra Lift, the terrain immediately surrounding tower 7 has been problematic for skiing, grooming and snow retention. CMR has approval to grade, smooth and rock pick this area to create a more easily prepared skiing surface and to remove the abrupt break-over. The total area approved for disturbance is approximately 1.2 acres. The site will receive full revegetation/reclamation at the completion of the approved grading project.

Union Peak Wind Turbines

Furthering its commitment to sustainability and use of renewable energy, CMR has approval to install two vertical wind turbines in the vicinity of the Union Peak Ski Patrol Station. Capable of generating up to 2,000 kilowatt hours per year, these turbines will be approximately 24 feet in height and have a circumference of roughly 24 inches. They will be mounted on small concrete footers.

Woodward and Terrain Park Viewing Deck

Enhancing the Catalyst Terrain Park, a new viewing deck is approved to be constructed around the existing “sound shack” located mid-way along the park adjacent to A-Road. Constructed primarily of wood, the deck will be approximately 25 feet by 37 feet in size. A minimal amount of tree clearing may be necessary to provide space behind the existing building.

RATIONALE FOR MY DECISION

In reaching my decision I relied upon an Interdisciplinary (ID) Team comprised of Forest Service resource specialists to analyze the effects of the two alternatives documented in the EA. I considered the following issues and concerns: anticipated effects to recreation, cultural resources, threatened and endangered and sensitive plant and animal species, and soil and water resources within the project area. I also reviewed the PDCs that were included in the EA, reviewed the public comments on the NOPA, and considered how the Selected Alternative will respond to the stated purpose and need.

The NOPA public comment period generated four comments from the Summit County community. No oppositional comments were received and two of the comment letters were supportive.

In reviewing the qualitative and quantitative effects on the human and biological environment presented in the EA, I find they have been adequately addressed and disclosed. I considered impacts to the full range of resources that affect the human, biological and physical environments. I have reviewed the potential direct, indirect and cumulative impacts, as well as the mitigation for impacts to water resources.

In particular, mitigation is necessary to maintain compliance with Forest Plan management direction associated with the proposal to clear 0.4 acre of trees within the watershed influence zone (WIZ) of Union Creek. I am aware of the current conditions of CMR's watersheds and particularly the stream health within the Union Creek watershed. I am confident that the PDC identified to mitigate the loss of vegetation within the WIZ in the Union Creek watershed ensures consistency with pertinent Forest Plan direction. In addition, PDC identified to minimize impacts to streams, wetlands and soils are appropriate to minimize potential impacts to these resources from implementation of the project components. I also believe that wetland functions and values will not be altered by the Selected Alternative through avoidance of impacts.

Overall, my decision will improve the guest experience for the Forest visitor with minimal environmental impacts. It will also enhance efficiencies at CMR, especially related to infrastructure and egress, the teaching and family experience and environmental sustainability.

PROJECT DESIGN CRITERIA

The EA presents the PDCs in Chapter 2, Table 2-2, all of which have been incorporated into the Selected Alternative. My decision includes following the PDCs as described in the EA.

Project Design Criteria and Best Management Practices

RECREATION
During construction, notices will be placed on trailheads and in the base village informing users of temporary trail closures and the location of construction activities.
SCENERY
Structures will be constructed of materials which blend with the landscape character, as is practicable, and shall meet FSM 2380 policy for color and reflectivity, which is 4.5 on the Munsell neutral value color scale.
To the extent possible, site grading will blend disturbance into the existing topography to achieve a natural appearance and minimize cuts and fills at the transition with proposed grading and existing terrain.
Utilities must be buried.
All disturbed areas shall be promptly revegetated after the site has been satisfactorily prepared.
All proposed facilities need to meet reflectivity guidelines. This includes any reflective surfaces (metal, glass, plastics, or other materials with smooth surfaces), that do not blend with the natural environment. They will be covered, painted, stained, chemically treated, etched, sandblasted, corrugated, or otherwise treated to meet the solar reflectivity standards.
All proposed facilities need to meet color guidelines. Bright colors are inappropriate for the forest setting. The colors will be muted, subdued colors to blend with the natural color scheme. The Forest Service Handbook No. 617, “National Forest Landscape Management for Ski Areas, Volume 2, Chapter 7,” refers recommended colors for ski areas on page 37 of that handbook. The colors are darker colors—greens, browns, navy blue, grays and black.
CULTURAL RESOURCES
Although site-specific surveys have been conducted, if undocumented historic and/or prehistoric properties are located during ground disturbing activities or planning activities associated with approved construction activities, they will be treated as specified in 36 CFR 800.11 concerning Properties Discovered During Implementation of an Undertaking.
WILDLIFE AND AQUATIC SPECIES
All construction activities will be confined to daylight hours, excluding emergencies.
Construction workers are prohibited from bringing dogs to the construction site.
Per Forest Service (Table ROD-4, #24–#27) direction, under which all proposed projects, other than lower Roundabout grading, considered herein were previously approved, CMR shall implement a compensatory conservation measure to minimize impacts resulting from the permanent loss of 2.38 acres of lynx winter foraging habitat on NFS lands.
Permanent (i.e., non-removable) sections of wind/snow fence will be no longer than approximately 100 yards without a gap to allow big game (e.g., elk and mule deer) movement. A barrier effect could be avoided by leaving approximate 12-foot wide gaps in the fence approximately every 100 yards and (a) installing temporary fencing across the gap at the beginning of the ski season and removing it at the end of the season (preferable), or (2) installing parallel, permanent, +/- 30-foot fence sections offset to the west from the main fence at each gap to function as a gate. A Forest Service resource specialist will approve the fence design. See the elk discussion in the MIS section for additional consideration re: fencing.
If boreal owl nests are detected within impact areas, direct mortality of eggs and/or nestlings could be avoided by conducting tree removal in potential nesting habitat outside of the May 21 to July 15 nesting (with eggs/young) period.

Project Design Criteria and Best Management Practices

<p>If olive-sided flycatcher nests are detected within impact areas, direct mortality of eggs and/or nestlings could be avoided by conducting tree removal in potential nesting habitat outside of the June 1 and July 15 nesting period.</p>
<p>If American pipit nests are detected within impact areas, direct mortality of eggs and/or nestlings could be avoided by conducting ground disturbing activities in potential nesting habitat outside of the June 22 to August 3 nesting (with eggs/young) period. In the event that ground disturbing activities cannot be scheduled outside of the June 22 to August 3 nesting period of the American pipit and the decision maker thinks avoidance of potential impacts to individual nests is warranted, the staked lift and fence corridors (each approximately 10 meters wide) could be surveyed by a qualified wildlife biologist prior to any ground disturbing activities to confirm that pipit nesting is not occurring. In the event that a nest(s) is located within proposed impact areas, an area with a radius of approximately 5 meters around the nest will be appropriately marked to exclude entry by construction personnel during the June 22 to August 3 nesting period, or until the nestlings fledge. A Forest Service wildlife biologist will approve the methodology and results of any such survey and authorize ground disturbance to proceed.</p>
<p>Macroinvertebrates data within Union Creek will be collected and analyzed in 2013 to establish an environmental baseline. If the bug analysis comes back showing the population is diminished then additional design criteria would be identified by Forest Service specialists.</p>
<p>VEGETATION</p>
<p>Since the site-specific field survey of the Woodward and Terrain Park Surface Lift was conducted on July 26, 2012, its proposed location was moved out of the linear intertrail island to the east of the existing <i>Loverly</i> trail and is now proposed to be sited along the skier's left side of the trail. Therefore, only the upper one-third of the proposed disturbance area on the existing trail was adequately surveyed for plants during the July 26 survey. Prior to project construction, the remaining portion of the proposed disturbance area on the existing ski trail will be surveyed by a qualified botanist to clear it of plants of potential concern (<i>Botrychium</i> is unlikely, but the most likely of any sensitive plant to be present).</p>
<p>Disturbance areas identified by the Forest Service as requiring re-vegetation will be reseeded using native species where feasible, preferably collected from local genetic stock or seed available from local Forests' Native Plant Materials programs. (Forest Plan Biodiversity Standard #1; Forest Plan Biodiversity Guideline #1; FSM 2070)</p>
<p>All mulch, hay and straw used shall be certified weed-free. A seed mix will be approved by the Forest Service. (Forest Plan Weeds Standard #3)</p>
<p>A re-vegetation plan will be prepared, including measures to adequately establish desirable vegetation.</p>
<p>NOXIOUS WEEDS</p>
<p>1) To minimize the spread of noxious weeds during construction, the following measures will apply:</p> <ol style="list-style-type: none"> a. Construction equipment will be cleaned prior to entry onto NFS land. b. Equipment may require Forest Service inspection prior to moving it from areas infested with invasive species of concern to areas free of such invasive species. Coordinate with the Forest Service Weed Program Manager. Take reasonable measures to make sure equipment is free of soil, seeds, vegetative matter, or other debris that could contain noxious weed seeds before moving into the project area. c. All equipment surfaces will be cleaned, especially drive systems, tracks and "pinch points" to ensure removal of potentially invasive debris. Reasonable measures include pressure-washing or steam cleaning in an offsite location so oil, grease, soil and plant debris can be contained and provide optimal protection of project areas. d. A Forest Service Representative shall be notified at least 24 hours in advance of off-road equipment arriving on the Forest, to provide the option of inspecting the equipment to ensure it has been cleaned as required.

Project Design Criteria and Best Management Practices

<p>e. Equipment may also require inspection prior to moving it from areas infested with invasive species of concern to areas free of such invasive species. Those areas can be identified prior to project implementation with the Forest Service Weed Program Manager. Reasonable measures include pressure-washing or steam cleaning in an offsite location so oil, grease, soil and plant debris can be contained and provide optimal protection of project areas. (Noxious Weed Standards #1 and 4 [p. 2-30]).</p>
<p>SOILS</p>
<p>Prior to construction soil surveys will be completed within the disturbance area to ensure no net loss of soil organic matter.</p>
<p>Prior to construction, a detailed site erosion control plan will be prepared. This plan shall include the following components:</p> <ul style="list-style-type: none"> • Silt fences, straw bales, straw wattles, and other standard erosion control BMPs shall be employed to contain sediment onsite. • Jute-netting or appropriate erosion-control matting on steep fill slopes (i.e., land with a slope angle of 35% or greater) to protect soils and enhance conditions for vegetation re-establishment
<p>Disturbed areas will be promptly revegetated. Seed mixtures and mulches will be free of noxious weeds. To prevent soil erosion, non-persistent, non-native perennials or sterile perennials may be used while native perennials become established. The Forest Service must approve the seed mixtures prior to implementation, unless previously approved seed mixes are employed.</p>
<p>Existing roads will be used for construction and routine maintenance of the proposed project components where possible</p>
<p>Vegetative buffers will be maintained adjacent to intermittent or perennial drainages and wetlands, to the extent possible. Where avoidance is not possible, impacts will be minimized in sensitive areas.</p>
<p>In all areas where grading or soil disturbance will occur, a reassessment of the quantity (depths) of soil A and/or organic ground cover will be made to ensure no net loss of this material.</p>
<p>Soil-disturbing activities will be avoided during periods of heavy rain or excessively wet soils.</p>
<p>Areas determined to have been compacted by construction activities may require mechanical subsoiling or scarification to the compacted depth to reduce bulk density and restore porosity.</p>
<p>Ground cover, as a combination of revegetation, organic amendments and mulch applications, will restore depths of soil A and/or organic ground cover.</p>
<p>If machine piling of slash is done, piling will be conducted to leave topsoil in place and to avoid displacing soil into piles or windrows.</p>
<p>Burning slash piles on shallow soils (soils that are less than 50 centimeters/20 inches to bedrock or another root restricting layer) will be avoided.</p>
<p>When possible, slash piles will be burned with a minimum of 2 inches (and preferably 4 to 6 inches) of snow on the ground to reduce the consumption of soil organic matter (O horizon material or forest “duff”).</p>
<p>Burn pile size is limited per CDPHE (Colorado Department of Public Health and Environment) standards. These limit hand pile sizes to ≤ 300 cubic feet and machine pile size to ≤ 7,068 cubic feet.</p>
<p>When possible, soils will be scarified and revegetate with a Forest Service-approved seed mix on slash pile burn sites. Utilize soil organic amendments (i.e., compost, biochar, humates) and biological inoculants (i.e., mycorrhizal fungi) will be utilized as appropriate during this process.</p>
<p>Where determined necessary during post construction monitoring activities, water bars (12 to 18 inches deep) will be constructed across all roads, trails, and other disturbed areas prior to seeding and fertilization at 50, 75, or 100-foot intervals as a function of slope angle, or as necessary, to disperse surface runoff. The frequency will be field-fit and will be sufficient to prevent rill erosion and sediment delivery channel formation.</p>

Project Design Criteria and Best Management Practices

WATERSHED AND WETLANDS
Mitigate tree clearing within the Water Influence Zone on Forest Service lands by felling trees toward Union Creek to improve downed wood frequency in and near the channel.
For ground-disturbing activities near perennial and intermittent streams, and ephemeral draws, minimize Connected Disturbed Area by ensuring that roads, road ditches, and other disturbed areas drain to undisturbed soils rather than directly to streams and ephemeral draws. Manipulate drainage from disturbed areas as necessary using natural topography, rolling dips, waterbars, ditch-relief culverts, etc., to disconnect disturbed areas from streams.
Keep heavy equipment out of streams, swales, and lakes, except to cross at designated points, build crossings, or do restoration work, or if protected by at least 1 foot of packed snow or 2 inches of frozen soil or an approved material/structure designed for wetland crossings.
Size culverts to easily pass sediment and debris transported by the stream to be crossed. Do not use culverts less than 18" in diameter to cross any stream channel.
Add or remove rocks, wood, or other material in streams or lakes only if such actions maintains or improves stream health. Avoid altering the stream bed and banks and maintain the natural character of the stream.
Clearly mark all wetlands within the vicinity of any ground disturbing activities or tree felling and ensure that all equipment operators are aware of their presence. Keep ground vehicles out of wetlands unless protected by at least 1 foot of packed snow or 2 inches of frozen soil. Alternatively, where approved by the Forest Service on-site, designate a single wetlands crossing, lay down temporary construction mats to cross wetlands and limit the number of passes to the minimum number required. Do not disrupt water supply or drainage patterns into wetlands.
Outslope low standard roads to shed water rather than concentrating water on the road surface or in ditches.
Do not install culverts or conduct ground-disturbing activities near streams during spring runoff, or during periods of heavy precipitation.
Do not locate roads, trails, or other disturbed areas on slopes that show signs of instability, such as slope failure, mass movement, or slumps.
For projects that involve grading, define grading limits on the ground before construction by placing wattles, sediment fence, construction fence, or some physical barrier along the perimeter of the area to be graded. Ensure that all grading is confined within the specified grading limits.
For projects that will increase road traffic, or require road use by heavy construction equipment, apply road surfacing near stream crossings as needed to harden the road surface and minimize sediment delivery to streams.
Do not encroach fills or introduce soil into streams, swales, lakes, or wetlands. Install sediment wattles, sediment fencing, retention basins, or other applications before ground-disturbing activities begin. Favor applications that maintain functionality without maintenance, such as sediment retaining wattles. Service sediment retention applications before leaving the site and remove non-natural and non-biodegradable materials. Favor applications that use natural or biodegradable materials that can be left on-site.
Keep all debris generated by project activities out of ditches, swales, and drainage channels.
Reclaim disturbed areas promptly when use ends to prevent resource damage and invasion of noxious weeds. Ensure proper drainage, rip compacted areas, and apply a Forest Service-approved seed mix and fertilizer to facilitate revegetation.
Halt construction activities during periods of heavy precipitation or when soils are muddy and prone to rutting and compaction.

The Dillon Ranger District's Snow Ranger and the Forest hydrologist will be responsible for monitoring CMR's compliance with the required PDCs and ensuring effectiveness in coordination with other resource specialists. Failure to comply with the required PDCs will constitute a breach of the project approval and could temporarily suspend construction and/or operations on the facilities approved by this decision.

The Selected Alternative, along with my decision to require all of the PDC, meets all applicable laws, regulations, and policies. With the application of PDCs, the project will not result in any unacceptable effects to NFS lands.

In addition to the PDCs prescribed in Table 1 for each resource area, CMR is required to prepare and submit for Forest Service approval the following documents:

- Project construction and grading plans
- Pre-construction erosion control/drainage management plans
- Pre- and post-construction noxious weed control plans
- Post-construction revegetation plans

RANGE OF ALTERNATIVES

In addition to the Proposed Action, one other alternative was analyzed in detail in the EA: the No Action Alternative. For a more detailed discussion of the alternatives considered, refer to Chapter 2 of the EA.

The No Action Alternative is required by NEPA and provides a baseline for comparing the effects of the action alternatives. No Action essentially reflects a continuation of existing management practices without changes, additions, or upgrades. No new recreational opportunities will be approved under the No Action Alternative.

Alternative 2—the Proposed Action—includes project components designed to improve the quality of the recreational experience, and enhance operational efficiencies at CMR. The Proposed Action includes trail grading, a new teaching area, new or replaced lifts, a viewing deck, and wind turbines, all of which will contribute to this. These elements of the Proposed Action are discussed in detail in Chapter 2 of the EA.

MODIFICATIONS MADE TO THE PROPOSED ACTION

The Proposed Action originally included the Storm King surface lift replacement. That project was removed from the Proposed Action and reviewed separately as a Categorical Exclusion, given that there were no substantive public comments received on it and because of the lack of environmental impacts associated with this proposed lift replacement. The Decision Memo for the Categorical Exclusion was signed on May 16, 2013.

PUBLIC INVOLVEMENT

Consistent with direction found in 36 CFR §215.5 (Legal Notice of Proposed Actions), the Proposed Action was published by the WRNF as a Notice of Proposed Action (NOPA) on February 8, 2013 in the Glenwood Springs Post Independent. The NOPA was prepared to solicit public comments on the Purpose and Need for Action, the Proposed Action and alternatives to the Proposed Action. Following the legal notice, the public had the opportunity to comment for 30 days; this constituted the only opportunity to comment on this project prior to release of the decision notice.

The WRNF received four comment letters: one from the Summit County Planning Department, one from the Summit County Board of County Commissioners, and two from members of the public.

FINDING OF NO SIGNIFICANT IMPACT

After reviewing the EA, I have determined that implementation of the Selected Alternative will not, individually or cumulatively, significantly affect the quality of the human or natural environment. The provisions of 40 CFR 1508.27(b) indicate that project significance must be judged in terms of both *context* and *intensity*. Based on a review of these provisions, I have determined that an environmental impact statement is not required. I base my findings on the following definitions of *context* and *intensity*:

Context

Context means that the significance of an action must be analyzed in several ways such as society as a whole (human, national), in the affected region, the affected interests, and the locality. The effects of implementing the Selected Alternative are localized, with implications only for the immediate vicinity of the ski area. Cumulative effects of past management, combined with the current proposal and reasonably foreseeable future actions, are displayed and analyzed in the EA for each resource.

Intensity

Intensity refers to the severity of the anticipated impact. The following ten intensity factors are used to evaluate intensity:

1) Consideration of both beneficial and adverse impacts.

I have considered both the beneficial and adverse impacts associated with the Selected Alternative as presented in the EA and this Decision Notice. The Selected Alternative will provide recreational benefits to many users of the WRNF and will improve recreation opportunities on NFS lands. Adverse impacts to recreation, water resources, cultural, archeological and heritage, vegetation and wildlife resources, are thoroughly documented in Chapter 3 of the EA and are determined to be non-significant. My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2) **Consideration of the effects on public health and safety.**

The Selected Alternative will not significantly affect public health or safety. The projects have been designed to provide guests with a safe and high quality recreation experience at CMR.

3) **Consideration of the unique characteristics of the geographic area.**

The area affected by the approved project elements does not represent a unique geographic area, contain historic features, park lands, prime farmlands, wilderness, wild and Scenic Rivers, or ecologically critical areas. Therefore, the Selected Alternative will not significantly impact any of the aforementioned unique characteristics.

4) **Consideration of the degree to which the effects on the quality of the human environment are likely to be considered controversial.**

Based on the fact that the Forest Service has analyzed and approved numerous projects of this type, I do not consider the effects of this project to be controversial, nor is there scientific dispute about these effects.

5) **Consideration of the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

The projects approved within the CMR SUP area are common at ski areas that operate on NFS lands. The analysis shows the effects are not uncertain, and do not involve unique or unknown risks. Therefore, based on the Forest Service's experience with implementing these types of activities, as well as the requirement to implement PDC to minimize effects, I have determined that there will not be significant effects on the human environment.

6) **Consideration of the degree to which this action may establish a precedent for future actions with significant effects or that it represents a decision in principle about future considerations.**

I have determined that this decision does not establish precedence for future actions with significant risks to the environment. The Selected Alternative is consistent with Forest-wide and Management Area 8.25 direction, as well as CMR's SUP. Furthermore, the approved projects and activities are common at a developed four-season resort such as CMR. Prior to accepting CMR's proposal for the mountain improvements to initiate the requisite NEPA review, the Forest Service completed our due diligence process to ensure these projects are an appropriate use of public lands. The Forest Service determined that these projects are similar to what has been approved and/or currently exist on NFS lands.

7) **Consideration of the action in relation to other actions with individually insignificant but cumulatively significant impacts.**

The Cumulative Effects analyses presented for each resource throughout Chapter 3 in the EA discloses a series of past, present, and reasonably foreseeable future actions with potential to lead to effects which are cumulative in nature. Due to avoidance, project specific PDCs and mitigation the analysis does not

identify any cumulatively significant impacts that are anticipated to result from implementation of the Selected Alternative.

8) Consideration of the degree to which the action may affect listed or eligible historic places.

As indicated on page 3-11 of the EA, no new cultural resources were encountered, one previously recorded site was identified, and one previously recorded isolated feature could not be located and is presumed destroyed. The site is a scatter of historic milled lumber, will not be disturbed by the Selected Alternative, and recommended as not eligible for inclusion on the National Register of Historic Places (NRHP).

Site specific surveys were completed for the identified projects and the Forest Service recommended a finding of *no historic properties affected*, therefore no effects to eligible heritage and cultural resources are anticipated to occur as a result of implementation of the Selected Alternative. Additionally, as stated in the PDC (Table 1), if undocumented historic and/or prehistoric properties are discovered during ground disturbing or planning activities associated with construction, they will be treated as specified in 36 CFR 800.11 concerning Properties Discovered During Implementation of an Undertaking.

9) Consideration of the degree to which the action may adversely affect an endangered or threatened species or its critical habitat.

The Selected Alternative will have no significant adverse effect on any federally listed threatened, endangered or proposed plant or animal species. On National Forest System lands, approximately 2.38 acres of lynx “winter forage habitat” and 1.24 acres of “other suitable habitat” will be converted to “non-habitat.” The Selected Alternative is consistent with all applicable lynx-related provisions of the Southern Rockies Lynx Management Direction and the associated FEIS/ROD, as well as with Section 7(d) of the Endangered Species Act.

10) Consideration of whether the action violates Federal, State, or local laws or requirements imposed for the protection of the environment.

I have reviewed in the EA, Biological Assessment, and the project file and have determined that no Federal, State, or local laws, regulations, or requirements for protection of the environment will be violated with implementation of the Selected Alternative. These laws and requirements are detailed in the next section.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

I have determined the Selected Alternative is consistent with the 2002 Forest Plan goals and objectives and forest-wide and Management Area 8.25 standards and guidelines, and therefore this project complies with the National Forest Management Planning Act of 1976. In addition, implementation and effects of this decision will be consistent with the following acts and executive orders:

- Architectural Barriers Act (ABA) of 1968

Decision Notice

- Americans with Disabilities Act (ADA) of 1990
- Archaeological Resource Protection Act of 1978
- Clean Air Act of 1955, as amended
- Clean Water Act of 1948, as amended
- Endangered Species Act of 1973, as amended
- Fish and Wildlife Coordination Act of 1934, as amended
- Forest and Rangeland Renewable Resources Planning Act of 1974
- Multiple-Use Sustained Yield Act of 1960
- National Environmental Policy Act of 1969, as amended
- National Forest Ski Area Permit Act of 1986, as amended
- National Historic Preservation Act (NHPA) of 1966, as amended
- Organic Administration Act of 1897
- Safe Drinking Water Act of 1974, as amended
- Protection of Wetlands Executive Order 11990

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

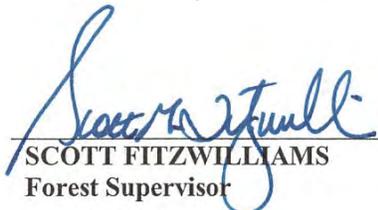
No comments expressing concerns, or only supportive comments, were received during the 30-day Notice of Proposed Action comment period. Therefore, per 36 CFR 215.6, this decision is not subject to appeal.

IMPLEMENTATION DATE

CMR may begin implementation immediately.

CONTACT

For additional information concerning this decision or the Forest Service appeal process, contact: Shelly Grail, Snow Ranger, at (970) 262-3484.


SCOTT FITZWILLIAMS
Forest Supervisor

29, Aug - 2013
Date



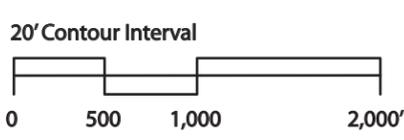
LEGEND

- Existing Lift
- Approved Lift
- Approved Snow Fence
- Approved Mtn Road Extensions with Power and Comm
- Approved Trail
- Approved Trail Grading



SELECTED ALTERNATIVE
AUGUST 2013

COPPER



Prepared by:



- ① Roundabout trail grading
- ② Kokomo lift replacement
- ③ Kokomo teaching terrain and carpet conveyors
- ④ Woodward surface lift alignment
- ⑤ West Ridge Platter with associated mtn road and snow fence
- ⑥ T-Rex connector trail
- ⑦ Enchanted Forest access traverse grading
- ⑧ Spaulding Bowl runout trail grading
- ⑨ Sierra lift tower 7 trail grading
- ⑩ Union Peak wind turbines
- ⑪ Woodward and terrain park viewing deck