



**PEAK 6 PROJECT  
FINAL ENVIRONMENTAL IMPACT STATEMENT**

**Appendices to the  
Final Environmental Impact Statement**

**Response to Comments on the  
Draft Environmental Impact Statement**

**AUGUST 2012**

USDA Forest Service  
White River National Forest  
Dillon Ranger District



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## **RESPONSE TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

# Appendices

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# APPENDIX A: CUMULATIVE EFFECTS PROJECTS

The following past, present, and reasonably foreseeable future projects have been identified by the Forest Service as relevant for analysis in Alternatives 1, 2 and 3 from a cumulative effects context. Basic information provided here for each project is complimented in corresponding analyses in Chapter 3. Not all resources will be affected by all of these projects. More detailed information project descriptions follow Table A-1. Cumulative effects analyses presented in Chapter 3 resource sections are based on these descriptions and the best available information for each project. Projects are located on National Forest System lands, unless otherwise noted.

**Table A-1:  
Cumulative Effects Matrix**

Project (Project Status)	Project Location (Straight Line Distance to BSR SUP)	Project Description	Project Approval/ Implementation	Project Area (acres/length)	Lynx Analysis Unit where the Project is Located	Resources Potentially Affected
<b>BRECKENRIDGE SKI RESORT PROJECTS</b>						
<b>Master Development Plan</b>	Within BSR SUP and on adjacent private lands within ski area operational boundary	BSR prepared a Master Development Plan (MDP), which was accepted by the Forest Service in January 2008. The projects in the MDP that are not part of the Proposed Action and/or Alternative 3 would require site specific NEPA analysis prior to implementation but are considered reasonably foreseeable future actions.	Accepted: 2008	Areas within the developed ski area on Peaks 7, 8, 9 and 10	Swan River	Wildlife Watershed Wetlands Scenery Recreation Vegetation
<b>Development of Peak 7 Terrain</b>	Within BSR SUP	Peak 7 development included 165 acres of skiable terrain with snowmaking and a six-person chairlift.	Implemented: 2002	165 acres of cleared trails within a 400-acre project area	Swan River	Wildlife Watershed Wetlands Scenery Noise Socio-econ Recreation

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<b>BreckConnect Gondola</b>	0.0–1.0 mile (private lands)	The BreckConnect Gondola runs from the Breckenridge Transportation Center, to the Shock Hill neighborhood and the bases of the Peaks 7 and 8.	Implemented: 2007	The BreckConnect Gondola is approximately 6,940 feet long	Swan River	Wildlife Scenery Recreation
<b>Imperial Lift EA</b>	Within BSR SUP	The Imperial Express SuperChair is 2,547 feet long (600–800 pph capacity), providing lift served access to 399 acres of terrain in the Peak 7, 8, and 9 bowls	Approved: 2005 Implemented: 2005	Lift served access to 235 acres of terrain	Swan River	Wildlife Scenery Recreation
<b>6-Chair EA</b>	Within BSR SUP	Upgrade 6-Chair from 2-person (1,200 pph) to 4-person lift (1,600 to 2,400 pph), same length as existing 3,242 feet.	Approved: 2005 Implementation: Future	Higher capacity access to 140 acres of lift served terrain	Swan River	Wildlife Wetlands Recreation
<b>Peaks 7 and 9 Facilities EA</b>	Within BSR SUP	The 2003 Decision Notice approved the development of the 400 seat Peak 7 Restaurant below the Peak 7/8 Summer Road and between the Claimjumper and Pioneer trails.  This is also the location of the previously approved Independence SuperChair mid-terminal unload terminal.	Approved: 2003 Implementation: Future	<1 acre	Swan River	Wildlife Scenery Recreation

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<b>Peak 9 Lifts and Facilities Improvements EA</b>	Within BSR SUP	<p>The 2002 DN/FONSI approved:                      Increase CCC from 14,500 to 14,700 guests                      A cabriolet gondola to serve the Peak 9 base portal with an uphill capacity of 3,000                      Upgrade and extension of A Lift by 5,050 feet, and increasing lift capacity from 1,200 to 2,600 pph                      Two surface lifts on Eldorado Trail                      A two-story 10,000-square foot skier services facility approximately 100 feet north of the top terminal of the cabriolet gondola</p>	<p>Approved: 2002                      Implementation: Future</p>	<p>Cabriolet gondola: 3,050' long                      A Lift upgrade and extension: Total 8,232' long                      Surface lifts: 200' each                      Restaurant: 5,000 sq ft footprint</p>	Swan River	Recreation
<b>Vegetation Management Plan</b>	Within BSR SUP and on adjacent private lands within ski area operational boundary	<p>The VMP provides management options including tree removal, sanitation and salvage, and patch cuts for forest stands within the 5,756-acre SUP to improve forest health. The five-year plan includes primarily removal of dead and dying lodgepole pine.</p>	<p>Implementation: Future</p>	<p>Select stands across the 5,756-acre SUP</p>	Swan River	<p>Wildlife                      Watershed                      Scenery                      Recreation                      Forest Health</p>
<b>RESORT AND RESIDENTIAL/COMMERCIAL DEVELOPMENT PROJECTS</b>						
<b>Peak 7 and 8 Base Areas Master Plan</b>	0.1 mile	<p>Master Plan includes development of the Peaks 7 and 8 base area. The Master Plan is reviewed and accepted by the Town of Breckenridge.</p>	<p>Amended April 2008,                      Implementation: upon final approval</p>	251 acres	Swan River	<p>Wildlife                      Vegetation                      Watershed                      Wetlands                      Scenery                      Noise                      Socio-econ                      Traffic</p>

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<b>Development of One Ski Hill Place (Peak 8 base area)</b>	0.1 mile	A five-story ski-in/ski-out high-end condominium complex located at the base of Peak 8.	Implemented: 2009 to present	2.6 acres	Swan River	Wildlife Watershed Wetlands Scenery Noise Socio-econ
<b>Development of Crystal Peak Lodge (Peak 7 base area)</b>	0.1 mile	A five-story, 45-suite, ski-in/ski-out high-end condominium complex located at the base Peak 7.	Implemented: 2008 to present	3 acres	Swan River	Wildlife Watershed Wetlands Scenery Noise Socio-econ
<b>Development of Grand Lodge at Peak 7 (Peak 7 base area)</b>	0.1 mile	A five-story, 100 unit, ski-in/ski-out condominium complex located at the base of Peak 7.	Implemented: 2009 to present	5.5 acres	Swan River	Wildlife Watershed Wetlands Scenery Noise Socio-econ
<b>In-holding Property</b>	Surrounded by BSR SUP area	The proponent proposes to establish documented and legal access to the Tailor Lode, serving a potential single family residence. The proposed route would use existing timber roads through the Breckenridge Nordic Center and BSR SUP areas.	Project Proposal Phase	10 acres	Swan River	Vegetation Wildlife Watershed Scenery Recreation

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<b>Weber Gulch Hut</b>	5 miles	The proposal includes a new backcountry hut on the north aspect of Baldy Mountain. Weber Gulch Backcountry Hut is proposed for both winter and summer use. The hut would be one or two stories and between 1,400 and 2,000 square feet in size. It would accommodate 16 guests.	Under Analysis. Implementation: Future	3 mile non-motorized access route, up to 2,000 square foot building	Swan River	Wildlife Vegetation Watershed Scenery Recreation Parking
<b>Continued Town of Breckenridge and Upper Blue Residential Build-out</b>	0.1–7 miles (private lands)	According to the Town of Breckenridge 2009 Overview Report, the Town of Breckenridge is approximately 79 percent built out.	Ongoing	County-wide	Swan River	Wildlife Watershed Socio-econ Scenery Traffic/Parking Air
<b>SUMMIT COUNTY SKI AREA PROJECTS</b>						
<b>Arapahoe Basin EIS (Montezuma Bowl)</b>	14–15 miles	Upgraded Exhibition lift and installation of a lift in Montezuma Bowl, providing lift-serve access to 347 acres of terrain for 2,600 pph on the backside of A-Basin that was previously used as sidecountry terrain. The lift also opened up approximately 48 acres of “hike-back” terrain near the bottom of the lift and reconfigured USFS backcountry access points.	Implemented: 2007–2010	Increase lift served terrain by 347 acres/ hike back terrain by 48 acres	Snake River	Wildlife Vegetation Watershed Scenery Recreation
<b>Arapahoe Basin MDP Update</b>	14–15 miles	Master Plan update to include the Beavers for lift-served skiing.	Preliminary Draft Plan	Increase operational boundary by approximately 475 acres	Snake River	Recreation

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<b>Keystone Little Bowl/Erickson Bowl Snowcat Skiing EA</b>	9.5 miles	The 2004 ROD approved snowcat skiing in 580 acres of Little Bowl and Erickson Bowl within the Keystone SUP area. This terrain had previously been skied as sidecountry terrain.	Implemented: 2004	580 acres	Snake River	Wildlife Vegetation Watershed Recreation
<b>Keystone Upper Independence Bowl Snowcat Skiing EA</b>	9.8 miles	The 2006 ROD approved snowcat skiing in 280 acres of Independence Bowl within the Keystone SUP area. This terrain had previously been skied as sidecountry terrain.	Implemented: 2005	280 acres	Snake River	Wildlife Vegetation Watershed Recreation
<b>Keystone Resort Master Development Plan</b>	7.5–10 miles	The Keystone Resort Master Development Plan (MDP) includes a new/upgraded lifts, trails, snowmaking and guest service facilities throughout the resort’s SUP.	Accepted: 2009	8,536 acres across the SUP	Snake River	Wildlife Vegetation Watershed Wetlands Scenery Noise Socio-econ Recreation Traffic
<b>Copper Mountain Resort EIS</b>	2.3 miles	The 2006 Record of Decision approved lift upgrades, trail improvements, snowmaking upgrades, on-mountain guest services, and operational upgrades within the currently developed ski area boundary. A new lift on Tucker Mountain was approved to provide approx. 240 acres lift-served skiing, which is currently hike-to terrain.	Approved: 2006 Implementation: Future	7,686-acre SUP	Tenmile	Wildlife Vegetation Watershed Wetlands Scenery Noise Socio-econ Recreation Traffic

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<b>FOREST HEALTH AND FUELS PROJECTS</b>						
<b>Forest-wide Hazardous Tree Removal and Fuels Reduction Project EA</b>	0–100 miles	Remove hazard trees within 150’ of roads and trails and 200’ of recreation sites on the White River National Forest over the next ten years. Lodgepole pine affected by the mountain pine beetle will be targeted for removal.	Approved: 2009	Forest-wide		Forest Health Recreation
<b>Breckenridge Forest Health and Fuels EA</b>	0.5 miles	The Forest Service is proposing a forest health and fuels reduction project approximately 5,700 acres of forest within the wildland-urban interface surrounding Breckenridge.	EA released: October 2010 Appeal period ended: 11/29/2010 Awaiting Decision Notice: (12/20/10)	~14 miles long (from Hoosier Pass to Dillon Reservoir) & up to 6 miles wide (Peak 7 neighborhood to the end of French Gulch)	Swan River	Wildlife Watershed Scenery Air Recreation Forest Health
<b>North Summit Wildland Urban Interface Fuels Reduction Project</b>	12.5 miles	The Forest Service is proposing a forest health and fuels reduction project approximately 1,095 acres of forest within the wildland-urban interface surrounding Highway 9 at Silverthorne.	Under Analysis. Implementation: Future	~1,095 acres along 20 miles from Silverthorne to Sierra Bosque Sub Division on Green Mountain Reservoir	Blue River	Wildlife Watershed Air Recreation Forest Health

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<b>Red Tail Ranch WUI</b>	2.0 miles (NFS and private lands)	The Forest Service worked with the owners of Red Tail Ranch to remove 116 acres of dead lodgepole on Forest System Lands adjacent the ranch and 300 acres of private lands. Slash burning may be completed in 2011.	Approved: 2008 Completed: 2010	Tree removal occurred across ~600 acres (486 acres on the ranch and 116 acres of NFS lands)	Swan River	Wildlife Watershed Scenery Air Forest Health
<b>1988 Gold Hill Clear Cuts</b>	0.1 mile	The Forest Service implemented a forest health project between Cucumber Creek and Middle Barton Creek in 1988. The cleared area is approx. 200 acres and is located in the BSR and Breckenridge Nordic Center SUP areas. To clear this timber, several timber roads were constructed.	Completed: 1988	~200 acres in ten clear cut patches	Swan River	Wildlife Watershed Scenery Forest Health
<b>Ophir Mountain Forest Health and Fuels Reduction Project EA</b>	3.5 miles	The Forest Service is proposing a forest health and fuels reduction project approximately 1,700 acres of forest within the wildland-urban interface from the Summit County Commons in Frisco, to Coyne Valley Rd. near Breckenridge.	Scoping Finished: 11/1/2010 Implementation: Future	~6 miles between Frisco and Coyne Valley Rd.	Swan River/ Snake River	Wildlife Watershed Air Forest Health Recreation

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<b>FOREST SERVICE PROGRAMMATIC PROJECTS</b>						
<b>White River National Forest Land and Resource Management Plan – 2002 Revision</b>	All NFS lands within, and adjacent to, BSR’s SUP area	The decision approved Alternative K in the Final EIS as the 2002 Revised Land and Resource Management Plan. Alternative K sustains the capabilities of forest ecosystems while addressing social values and expectations, as well as managing for multiple resource outputs. Ecosystem components are actively managed to improve wildlife habitat, water quality and soil productivity. Management activities maintain or restore ecosystem structure, function and composition. Emphasis is placed on quality recreation experiences in a predominately natural setting. Recreation growth becomes more managed, while still allowing modest increases in use.	April 2, 2002, as amended	2,270,000 acres	Forest-wide	Wildlife Watershed Wetlands Scenery Noise Socio-econ Recreation
<b>WRNF Travel Management Plan</b>	0.1–100 miles	The Forest Service approved a comprehensive travel management plan (TMP) for the WRNF. The TMP proposes ways to accommodate and balance the transportation needs of the public and provide adequate access for forest and resource management, while still allowing for protection of natural resources.	Final EIS and ROD March 2011.	Project area includes 2,482,000 acres within the WRNF	Forest-wide	Wildlife

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<b>TRANSPORTATION PROJECTS</b>						
<b>Ongoing Highway 9 Widening</b>	0.5–6.5 miles	CDOT has been conducting road construction activities on Highway 9 between Hoosier Pass and Interstate 70 since 2004 and is anticipated to continue into the foreseeable future.	Ongoing: since 2004	~10.5 miles along, and including, Highway 9	Swan River/Snake River	Traffic Air
<b>Final I-70 PEIS</b>	8.2–48 miles	CDOT and the FHA began analyzing alternatives for the I-70 Mountain Corridor in January 2000 in order to address the underlying need to reduce congestion and to improve mobility and accessibility on Interstate 70 between Glenwood Springs and C-470.	A Record of Decision is expected in June 2011	~150 miles along, and including, Interstate 70		Wildlife Watershed Wetlands Scenery Noise Socio-econ Recreation Traffic
<b>HISTORIC DEVELOPMENT ACTIVITIES</b>						
<b>Mining Activities in Summit County</b>	0.1–15 miles	The Breckenridge area was heavily mined in the 1800s and has led to water quality issues and past stream channel degradation in many tributaries to the Blue River.	N/A	County-wide	Swan River/Snake River	Watershed

## A. BRECKENRIDGE SKI RESORT PROJECTS

### MASTER DEVELOPMENT PLAN

BSR prepared a Master Development Plan (MDP), which was accepted by the Forest Service in January 2008. The projects in the MDP that are not part of the Proposed Action and/or Alternative 3 are considered reasonably foreseeable future actions. The MDP includes (previously-approved project are presented under a subsequent heading):

#### **Peak 7:**

- Development of Peak 7 teaching area with conveyor lifts
- Addition of two surface lifts at the Peak 7 base area
- Relocation of Peak 7 Avalauncher to better serve north bowls

#### **Peak 8:**

- Installation of two new lifts (one up-mountain lift and one Cabriolet to access teaching terrain)
- Development of a ski school teaching area with a service facility, snowmaking, seven conveyor lifts, and one baby double lift
- Upgrading/modification to four lifts
- Development of remaining previously-approved snowmaking
- Construction of new food and beverage satellite facility in the middle of the Peak 8 terrain
- Upgrading of Vista House
- Construction of terrain park addition to Park Lane Trail (on private land)
- Re-alignment of service road from top of Colorado SuperChair to bottom of Imperial Express SuperChair
- Improvements to inter-mountain operations road connecting Peak 8 and Peak 9

#### **Peak 9:**

- Extension of E-Chair uphill
- Installation of three surface conveyor lifts at the Beaver Run base area
- Extension of Silverthorne trail up to previously-approved A-Chair top terminal and include proposed snowmaking
- Development of an improved egress from the *Windows* terrain
- Development of gladed terrain on the north-facing slope off *Volunteer* trail

### **Peak 10:**

- Installation of snowmaking on *Flapjack* trail
- Development of “hike-to” terrain in the Peak 9/Peak 10 cirque

## **PREVIOUSLY-APPROVED, NOT YET IMPLEMENTED PROJECTS**

### **6-Chair**

As part of the 2005 DN/FONSI, the Forest Service approved the upgrade of 6-Chair as a top-drive, detachable, four-place chair. The previously-approved lift will utilize the existing top and bottom terminal sites as well as the existing alignment. To manage skier densities and the quality of the skiing experience on the surrounding terrain, the replaced lift will initially be installed at 1,600 to 1,800 skiers per hour. If operational experience reveals that the surrounding skiing product is not degraded, a slightly higher capacity (2,400 skiers per hour) may be tested.

### **Cabriolet Gondola**

As part of the 2002 DN/FONSI, the Forest Service approved a cabriolet gondola to serve the Peak 9 base portal with an uphill capacity of 3,000 people per hour. This lift will be approximately 3,048 feet in length. A cabriolet gondola applies typical gondola technology but uses an open-air carrier. The previously-approved bottom terminal will be located approximately 175 feet north of the existing Quicksilver Super6. The lift alignment will be parallel to and northwest (approximately 100 feet) of the Quicksilver Super6 in the existing corridor for the old B Lift. The proposed top terminal will be approximately 50 feet north of the existing bottom terminal of A-Chair.

### **Independence SuperChair Mid-Terminal Unload**

As part of the May 2003 DN/FONSI the Independence SuperChair mid-terminal unload station was approved.

### **Silverthorne Trail Grading**

As part of the 2002 DN/FONSI, the Forest Service approved *Lower Silverthorne* to be widened to maximize width and improve skier safety in this highly utilized portal. Currently, *Lower Silverthorne* is approximately 110 feet wide. The previously-approved trail widening will provide approximately 175 feet of skiable width.

### **Peak 7 Restaurant**

As part of the October 2003 *Supplemental* DN/FONSI, the Forest Service approved the development of the Peak 7 Restaurant in an alternate location. The previously-approved Peak 7 Restaurant was originally approved by the Forest Service via the 1998 DN/FONSI to be constructed atop the Independence SuperChair. The alternate location of the Peak 7 Restaurant is now approved to be developed just

downhill of the Peak 7/8 Summer Road and between the *Claimjumper* and *Pioneer* trails at approximately 10,550 feet elevation. Previously-approved utilization of the facility may include winter daytime as well as summer day and night time usage (i.e., weddings, etc.). The previously-approved restaurant is designed with a capacity of 400 seats and amenities to include food service, guest warming, and toilets. An approximately 40,000-gallon underground water storage tank was also approved to serve the Peak 7 Restaurant. It will be located upslope of the Peak 7/8 Summer Road in the existing *Claimjumper* trail in line with the previously-approved water line.

The Peak 7 Restaurant will be designed to meet the guidelines and goals of the Built Environment Image Guide. Prior to construction all architectural design elements must be approved by the Forest Service.

In conjunction with the proposed relocation of the Peak 7 Restaurant site, a mid-station unload for the Independence SuperChair is proposed. The mid-station unload would provide lower ability level skiers the option of skiing only the more gentle lower half of the existing Peak 7 trails instead of having to ride the lift to the top. In addition, the mid-unload would provide better, more direct access to the alternate location of the Peak 7 Restaurant for lower ability level skiers by not requiring them to ride to the top and then ski more advanced level terrain to reach the skier services provided at the proposed restaurant location. The mid-unload would require approximately 1 acre of ground disturbance within the existing *Pioneer* Trail immediately below the existing Peak 7 road.

### **Peak 9 Ski School and Guest Services Building**

As part of the 2002 DN/FONSI, the Forest Service approved skier services facility approximately 100 feet north of the approved top terminal of the cabriolet gondola. This facility, approved for daytime use only, will be approximately 10,000 square feet in size (two stories with a 5,000-square foot footprint) and would provide limited food service, guest warming, toilets, ski school, and an equipment rental shop to support ski school guests. The water, sewer, and electric power associated with this facility will tie into existing utilities located near the proposed building. Although open to all ski area guests, this building's primary purpose will be to provide services to ski school guests. By transferring a portion of the ski school use away from the Ten Mile Station, additional space will be available within that facility.

### **Peak 7 Snowmaking**

As part of the 1994 DN/FONSI, the Forest Service approved approximately 177 acres of snowmaking across the Peak 7 terrain. Currently, BSR is producing snow to cover *Lower Forget-me-not*, *Upper Monte Cristo*, *Lower Monte Cristo*, and *Fort Mary B* on Peak 7. The outstanding previously-approved snowmaking coverage would consist of the remaining developed trails on Peak 7. Necessary water lines, power and hydrants will be installed in the future as part of the completion of Peak 7 snowmaking.

### **Peak 8 Snowmaking**

As part of the 1994 DN/FONSI, the Forest Service approved approximately 280 acres of snowmaking coverage on Peak 8 to provide top-to-bottom coverage for the Colorado SuperChair, Rocky Mountain SuperChair, Chair 5, and Chair 7. Currently, BSR maintains snowmaking coverage on *Claimjumper*, *Northstar*, *Dukes*, *Spruce*, *Springmeier*, *Columbine*, *Mach 1*, *Twister*, Freeway Terrain Park, and *Trygves* trails. The remainder of the existing trails on Peak 8 were previously-approved for snowmaking coverage.

### **Peak 9 Snowmaking**

As part of the 1998 DN/FONSI, the Forest Service approved snowmaking coverage on the *Lehman*, *Sizzler*, and *Briar Rose* ski trails. Air and water lines connecting to the existing snowmaking system will be installed on the upper portion of *Lehman*, *Sizzler* and the entire length of *Briar Rose*. Due to the riparian complex present on the middle section of the *Lehman* trail, from *Union* down to the top of the existing A-Chair, snowmaking coverage for this portion of the trail will be accomplished by running lateral lines south from *Briar Rose* trail.

### **BRECKCONNECT GONDOLA**

The BreckConnect Gondola opened in January 2007 linking the Town of Breckenridge to BSR.

Starting in town at the Breckenridge Transportation Center, BreckConnect Gondola has terminals at both the Peak 7 and Peak 8 base areas, as well as a mid-station located in the Shock Hill neighborhood. The Gondola has changed how guests access the Resort. Based on first-scan data at chairlifts, prior to the Gondola, 60 percent of guests accessed BSR via Peak 9 and 40 percent accessed the mountain through Peak 8. Currently, 47 percent of guests access through Peak 9, 46 percent access through Peak 8, and 7 percent access through Peak 7. BreckConnect has a design capacity of 3,000 people per hour in the eight passenger cabins. The Gondola spans Cucumber Gulch and the associated wetlands in the area, with tower placement outside of wetland boundaries.

### **IMPERIAL EXPRESS SUPERCHAIR**

Approved and constructed in 2005, the Imperial Express SuperChair was installed as a bottom drive, detachable, four-person chair with a very low capacity—approximately 600 to 800 persons per hour (for comparison, the T-Bar currently services approximately 1,200 persons per hour). The top terminal is located approximately 170 vertical feet from the summit of Peak 8 at an elevation of 12,830.

Prior to the Imperial Express SuperChair, all of the skiable terrain (399 acres) in the Peak 7, 8 and 9 bowls was considered hike-to terrain. Installation of this lift eliminated the need to hike Peaks 7 and 8 and—all of which were previously within BSR's ski area operational boundary. Through the approval, no tree-clearing for trails was required, and the majority of the existing hike-to terrain became lift-served terrain. Guests who directly round-trip the Imperial Express have lift-served access to 80 acres of terrain

(Imperial Bowl). Approximately 25 percent of Imperial Express riders hike, now ten minutes, to the summit of Peak 8 to gain access to Lake Chutes and Snow White, as well as for 360-degree views of the region. Additionally, guests traverse the ridgeline to the saddle between Peak 7 and 8 to gain access to Whales Tail and the Peak 7 bowl, or a ten-minute hike from the saddle to ski from the summit of Peak 7.

## **DEVELOPMENT OF PEAK 7 TERRAIN AT BSR**

The Peak 7 terrain opened at BSR in 2002 with approximately 182 acres of skiable terrain on lower Peak 7, a detachable six-person chairlift, and a ski patrol/warming hut adjacent to the top terminal. In 2008, the bottom terminal of the Independence SuperChair was extended downslope approximately 300 feet to provide a guest connection with the BreckConnect Gondola terminal and the Crystal Peaks Lodge development on private lands.

## **VEGETATION MANAGEMENT PLAN**

A Vegetation Management Plan (VMP) was collaboratively developed by BSR and the WRNF in 2010 to manage for the long-term forest health within the ski area boundary. This management plan not only looks at the need to remove dead and dying trees for aesthetics and public safety, but also the long-term maintenance of healthy forest stands within the SUP area. The intent of the VMP is to manage forest stands toward more long-lived species with less risk of insect disease mortality. The widespread MPB epidemic initiated this planning process.

The BSR VMP provides management options, including tree removal, sanitation and salvage, and patch cuts to improve forest health and reduce the accumulation of fuels within the permit area. The VMP uses a variety of prescriptions to improve stand structure, reduce tree densities, increase species diversity, and consequently, forest health at BSR. By removing dead, diseased and MPB susceptible lodgepole pine by thinning, sanitation, salvage and patch cuts BSR and the WRNF would manage future insect and disease risk and reduce fuel loads.

Any implementation of the VMP requires Forest Service authorization in a Breckenridge Ski Resort operating or construction plan, or an analysis and decision under NEPA planning direction.

## **B. RESORT AND RESIDENTIAL/COMMERICAL DEVELOPMENT PROJECTS**

### **PEAKS 7 AND 8 MASTER PLAN**

The 2003 Peaks 7 and 8 Master Plan was amended in April 2008 amended by the developer and accepted by the Town of Breckenridge. The Master Plan includes 475.3 residential SFEs planned across 251.4 acres at the bases of Peak 7 and 8. In addition, the Master Plan includes 19.5 commercial SFEs 57 guest services facilities SFEs. The Master Plan includes a requirement of one parking space/unit (except single-

family and lock off units, which shall comply with the Town's Off-Street Parking Regulations). A Master Plan map is included in the Project File. The following developments are components of the Master Plan.

### **One Ski Hill Place**

Construction of One Ski Hill Place was completed in spring 2010. One Ski Hill Place includes 88 condo-hotel units (99,532 square feet), with 6,141 square feet of commercial space and 23,660 square feet of guest services. Total development is 252,827 square feet. The building's highest point is 76 feet. The development includes 107 interior parking spaces (84 percent underground) and 26 additional exterior spaces. One Ski Hill Place also includes the new cafeteria for Peak 8 (replacing the Berghof building), a large bar, and ample outdoor seating. Employee and traffic volume generation quantities were not a required component of the approval process with the Town of Breckenridge. 5,816 square feet of employee housing is provided off-site. A component of the approval process for the development of base area facilities at Peak 8 and 7, as well as ski terrain and the Independence SuperChair on Peak 7, U.S. Army Corps of Engineers issued a Section 404 Permit for waters of the U.S., including wetlands impacts. The permit authorized the discharge of fill material to 0.7 acre of wetlands in the Cucumber Gulch watershed and 0.21 acre of temporary impacts for utility lines (sewer, water and snowmaking) in the Cucumber Gulch watershed. During the development permit review process, the Town of Breckenridge established the Cucumber Gulch Overlay Protection District, which includes the protection of wetlands and the creation of conservation easements. The Town of Breckenridge granted a variance for the construction of the BreckConnect Gondola. Annual monitoring reports have been prepared and submitted to the U.S. Army Corps of Engineers during and post construction to ensure success of created and protected wetlands, plant species, and hydrologic function down slope from the developments.

### **Grand Lodge on Peak 7**

The initial phase of Grand Lodge on Peak 7 opened in May 2009. The full build-out of the lodge will include 100 condo/hotel units. The site is approximately 5.5 acres.

### **Crystal Peak Lodge**

Phase 1 was completed in May 2009 and Phase 2 in December 2009. Crystal Peak Lodge includes 46 units with interval ownership (58,609 square feet), 500 square feet of commercial space (including a restaurant), and 1,292 square feet of guest services space. Total development is 105,552 square feet. The building's highest point is 73 feet, 9 inches. The development includes 46 parking underground spaces and 19 surface parking spaces. Employee and traffic volume generation quantities were not a required component of the approval process with the Town of Breckenridge. Wetland impacts and requirements are presented above in the discussion of One Ski Hill Place.

## **IN-HOLDING PROPERTY**

The White River National Forest has received a proposal to establish documented and legal access, through an access road, to the Tailor Lode. The Tailor Lode is located between Peak 7 and 6 in the Cucumber Creek area (refer to Figure 3 for a location of the in-holding labeled “Private Property.”) The proposed access road would extend in a generally westerly direction from County Road 3 and the “green gate.” The access would cross the Breckenridge Nordic Center SUP area and the BSR SUP area. This in-holding is entitled to access, and establishing such documented and legal access along an appropriate route is the purpose of the proposal. Construction of the road segment (approximately 600 feet beyond the access road proposed in the Peak 6 Proposed Action) and the single family home would occur during one summer construction season. Construction access would occur from the green gate to the in-holding location. The proponent would be required to secure a building permit from the Summit County Building Department. At this time, the Forest Service does not know exactly what access might entail (e.g., over-the-snow, plowed for vehicle use, etc.). A future NEPA process would determine that outcome.

## **WEBER GULCH HUT**

The WRNF has accepted Summit Hut Association’s (SHA) proposal for the Weber Gulch Backcountry Hut, and is initiating a site-specific NEPA review.

The proposed Weber Gulch Backcountry Hut site is located at an approximate elevation of 11,500 feet on the northern aspect of Baldy Mountain, east of Breckenridge, within the Dillon Ranger District of the WRNF. The Weber Gulch Backcountry Hut is proposed for both winter and summer use. SHA desires to incorporate “green” building techniques with construction of the proposed hut, such as passive solar. Construction would include post and beam with prefabricated panels of high insulation properties. In general the design parameters are:

- One- or two-story
- Between 1,400 and 2,000 square feet in size
- Accommodations for approximately 16 guests

In total, the proposed non-motorized route would extend 3.0 miles. It would utilize 2.2 miles of Sallie Barber Road and Nightmare on Baldy, and would involve 0.8 mile of new trail construction. Total vertical gain between the proposed parking area and the hut is roughly 1,300 feet. SHA proposes to construct this route with minimal tree removal. Because year-round recreational access is sought, this route would be constructed to Forest Service standards for trail construction suitable for hiking, mountain biking, and cross country skiing.

## CONTINUED TOWN OF BRECKENRIDGE AND UPPER BLUE RESIDENTIAL BUILD-OUT

The Town of Breckenridge 2009 Overview Report is the most current account of community history, statistics, development, and projections.<sup>1</sup> According to the Town of Breckenridge 2009 Overview Report, the Town of Breckenridge is approximately 79 percent built out.<sup>2</sup> Other community documents that describe future build-out of the Upper Blue Basin and projections include: the Joint Upper Blue Basin Master Plan, the Town of Breckenridge Comprehensive Plan, the Town of Breckenridge Vision Plan, the Countywide Comprehensive Plan, and the Upper Blue Basin Master Plan.

The Summit County Planning Department has summarized residential build-out by basin in Summit County. The following includes statistics for the Upper Blue Basin.

**Table A-2:  
Upper Blue Basin Residential Build-Out Statistics**

Upper Blue Basin	Total Units Built to Date	Remaining Units to be Built <sup>a</sup>	Additional Subdivision Potential <sup>b</sup> (In Units)	Absolute Build-Out <sup>c</sup> (In Units)	Absolute Build-Out (%)	Realistic Build-Out <sup>d</sup> (In Units)	Realistic Build-Out (%)
Unincorporated Areas	3,451	1,478	895	5,824	59.25	4,839	71.32
Town of Blue River	660	178	0	838	78.76	838	78.76
Town of Breckenridge	6,711	1,772	0	8,483	79.11	8,278	81.07
<b>Total</b>	<b>10,822</b>	<b>3,428</b>	<b>895</b>	<b>15,145</b>	<b>71.46</b>	<b>13,955</b>	<b>77.55</b>

<sup>a</sup> Remaining Units to be Built includes vacant single family residential lots or multi-family units which are permitted by zoning, but not yet built.

<sup>b</sup> Additional Subdivision Potential in Units refers to additional units that could be created by further subdivision under existing zoning classifications.

<sup>c</sup> Absolute Build-out is the sum of total units built to date, remaining units to be built, and additional units that could be created through subdivision. Absolute build-out represents “ultimate build-out,” or the total number of units that could potentially be built if every property were subdivided and developed to the maximum density allowed under current zoning regulations. Absolute build-out does not factor in site constraints that could preclude realization of the full development potential allowed under existing zoning regulations. Absolute Build-Out % Formula:  $(\text{Total Units Built to Date} \div \text{Absolute Build-Out}) \times 100$

<sup>d</sup> Realistic build-out is a more likely picture of the build-out that may occur. Factors that affect realistic build-out include, but are not limited to the following: constrained property sizes in areas such as Heeney; development constraints such as wetlands and steep slopes; access constraints; unrealized subdivision potential on rural agricultural properties (due to property owners’ desires, future conservation easements, open space purchases, etc.); and constrained development due to water rights issues. Realistic Build-out % Formula:  $(\text{Total Units Built to Date} \div \text{Realistic Build-out}) \times 100$  Affordable workforce housing and accessory apartments are likely to be constructed in the upcoming years and subsequently would impact “realistic build-out.” However, the realistic buildout does not account for affordable workforce housing or accessory apartments that could be constructed in the future. A goal contained in the Housing Element of the Countywide Comprehensive Plan is to increase the stock of affordable workforce housing throughout the County by at least 2,500 units, and accessory apartments by at least 100 units.

Source: Summit County Planning Department, [www.co.summit.co.us/planning/documents/summary6-10-10.pdf](http://www.co.summit.co.us/planning/documents/summary6-10-10.pdf), 2010

As Summit County, and more specifically the Upper Blue Basin, approaches build-out, the community will continue to experience the realities of a growing population in terms of demand for community and commercial services.

<sup>1</sup> Town of Breckenridge, 2009

<sup>2</sup> Ibid.

## C. RECENT DEVELOPMENTS AT SUMMIT COUNTY SKI AREAS

### ARAPAHOE BASIN SKI AREA

In December 2006, the WRNF approved upgrading the Exhibition lift and the installation of a lift in Montezuma Bowl. In 2007, the Zuma lift was constructed, providing lift-served access to 347 acres of terrain on the backside of A-Basin. The development of this terrain eliminated an equal amount of sidecountry terrain that was previously within A-Basin's SUP area. In addition to lift-served terrain in Montezuma Bowl, approximately 48 acres of advanced terrain below the bottom terminal of the Zuma lift is now "hike-back" terrain. In 2010, the Black Mountain Express lift was installed, replacing the Exhibition lift, providing an out-of-base capacity of up to 2,600 people per hour.

A component of this project was also the reconfiguration of previous backcountry access. The previous backcountry access point located on the ridge line above the Lenawee lift top terminal was removed, and backcountry access to The Beavers, Thurman's Bowl, The Rock Pile and areas below Montezuma Bowl are now gained via four access points: an access point for Thurman's Bowl located on the eastern side of the ridge line approximately 700 feet east of the top terminal of the Montezuma Bowl lift, an access point for The Beavers located on the ridge line approximately 700 feet west of the top terminal of the Norway lift, a western access point for The Rock Pile area located approximately 1,000 feet further below the limit of the approved groomed route on the western ridgeline of Montezuma Bowl, and a fourth backcountry access point located at the southern edge of A-Basin's operational boundary—at the snowcat turnaround point approximately 250 vertical feet below the Montezuma Bowl lift bottom terminal. The southern backcountry access point allows guests the option to exit A-Basin's operational and SUP boundaries and descend towards Montezuma Road.

### KEYSTONE RESORT

In 2004, the WRNF approved snowcat skiing in the Little Bowl and Erickson Bowl portions of Keystone's SUP area. With the initiation of snowcat skiing in Little Bowl and Erickson Bowl, approximately 580 acres of sidecountry terrain (unpatrolled and uncontrolled bowls and trees) was incorporated into Keystone's operational boundary. While these areas can still be hiked, the backcountry experience has been changed with the presence of snowcats and ski patrol.

Similarly, in 2006, the WRNF approved snowcat skiing in the Independence Bowl portion of Keystone's SUP area. This approval effectively transitioned approximately 280 acres of sidecountry terrain to hike-to/snowcat terrain within Keystone's operational boundary that is subject to avalanche control, ski patrol, and guided snowcat skiing. Note: hike-to and snowcat skiers are prohibited from skiing out through Jones Gulch or on Cadillac Road in order to protect lynx habitat.

Keystone Resort prepared a Master Development Plan (MDP), which was accepted by the Forest Service in September 2009. Although components of this MDP have not been accepted by the Forest Service for

site-specific NEPA analysis, the MDP is considered a reasonably foreseeable future action. The MDP includes:

- A variety of new/upgraded lifts, trails, snowmaking and guest service facilities on the front-side of Dercum Mountain, North Peak and Outback
- Lift access to North and South Bowls (transferring approximately 330 acres of hike-to/snowcat terrain to lift-served terrain)
- Lift access to the Windows, Bergman Bowl and Independence Bowl (transferring approximately 360 acres of hike-to terrain to lift served terrain)
- Snowcat and hike-to terrain on approximately 900 acres of currently sidecountry terrain within the Keystone SUP area

## **COPPER MOUNTAIN RESORT**

In 2006, the WRNF approved the Copper Mountain Resort Trails and Facilities Improvements EIS. Components of this approval included lift upgrades, trail improvements, snowmaking upgrades, on-mountain guest services, and operational upgrades within the currently developed ski area boundary. In addition, the decision approved the installation of the Tucker lift to lift-serve approximately 240 acres of terrain on the Tucker Mountain portion of Copper Mountain's SUP area, which is currently only accessible by hiking. The majority of projects included in the 2006 approval have not been implemented, but those projects are considered reasonably foreseeable.

## **D. FOREST HEALTH AND FUELS PROJECTS**

### **FOREST-WIDE HAZARDOUS TREE REMOVAL AND FUELS REDUCTION PROJECT EA**

The general goal of the project is to remove hazardous trees from roadways, trails, high-use areas, culturally significant sites, and administrative areas to reduce the possibility of personal or property damage from falling debris resulting from the MPB epidemic that has been active on the WRNF.

The WRNF has begun implementing the selected alternative to meet the goal for providing for public safety in and around administrative sites, developed recreation sites, and along road and trail corridors by reducing risks associated with falling trees and hazardous fuels.

### **NORTH SUMMIT WILDLAND URBAN INTERFACE FUELS REDUCTION PROJECT**

The Forest Service is proposing to create defensible space on approximately 1,095 acres of wildland-urban interface on NFS lands along the Highway 9 corridor from the neighborhoods of Wilderness north to Sierra Bosque. These communities were identified in the Summit County Community Wildfire Protection Plan as having high hazard fuels risks due to the current MPB outbreak. This project will

reduce hazardous fuels within a 600-foot strip along the boundary of National Forest/private development.

### **BRECKENRIDGE FOREST HEALTH AND FUELS PROJECT**

The Forest Service is proposing a forest health and fuels reduction project within the wildland-urban interface of Breckenridge and surrounding communities. These treatments are intended to expedite forest regeneration, salvage dead and dying lodgepole pine killed by MPB and would create 400- to 600-foot community protection zones (CPZ). The Forest Service has identified approximately 5,700 acres of forest that extend from Farmers Corner on the north, to the Golden Horseshoe on the east, to Hoosier Pass on the south, and along the base of the Tenmile Range on the west that could benefit from some kind of treatment.

### **OPHIR MOUNTAIN FOREST HEALTH AND FUELS REDUCTION PROJECT EA**

The Forest Service is proposing to treat approximately 1,700 acres of forest within and adjacent to the wildland-urban interface that have been severely affected by MPB. The project area extends from Summit County Commons to the north, along Highway 9 the east, Coyne Valley Road on the south, and along the base of the Tenmile Range on the west. These activities are designed to lower the existing and accumulating fuel loads following the MPB epidemic and expedite regeneration of the forested areas located in the Ophir Mountain area. This project would also be expected to result in improvements for other forest resources, such as scenery and recreation over the long term (30+ years) following the ongoing MPB epidemic. The salvage of dead and dying lodgepole pine may also provide for some cost recovery to help offset the cost of treatment.

The type of treatment prescribed is the same for all of the proposed units. This type of treatment, or prescription, is identified as “clear cut with leave trees” and would allow for the removal of dead trees, trees currently infested with MPB, trees susceptible to being infested with MPB, or windthrow-prone trees while retaining the healthy living trees within a given stand. In general, all stands proposed for treatment are composed solely of or dominated by lodgepole pine trees; however, some inclusions of aspen, spruce, and fir exist as well. These inclusions would be excluded from cutting as much as practical. Due to the retention of live or non-infested trees many areas proposed for treatment would not be clear cut entirely; instead, clear cuts would at times be smaller than the larger unit boundary on the maps and would also retain individual trees of various species within their boundaries.

### **RED TAIL RANCH WUI**

Between 2008 and 2010, timber removal included approximately 415 acres of NFS and private land adjacent within and adjacent to the Red Tail Ranch northwest of Breckenridge. Disposal of timber included the hauling off-site and burning of slash. Burning of slash may continue into 2011.

## **1988 GOLD HILL CLEAR CUTS**

The Forest Service implemented a forest health project between Cucumber Creek and Middle Barton Creek in 1988. The previously-cleared area is approximately 200 acres in the ten clear cuts within the BSR and Breckenridge Nordic Center SUP areas (other areas were also cleared across the east side of the Tenmile Range). To clear this timber, several timber roads were constructed for access.

## **E. FOREST SERVICE PROGRAMMATIC PROJECTS**

### **WRNF TRAVEL MANAGEMENT PLAN**

The USDA Forest Service approved a comprehensive travel management plan for the White River National Forest. The travel management plan and supporting environmental impact statement (EIS) present ways to accommodate and balance the transportation needs of the public and provide adequate access for forest and resource management, while still allowing for protection of natural resources.

Travel management is the integrated planning of, and providing for, movement of people and products to and through National Forest System lands. A travel management plan provides clear, specific direction on the appropriate levels of land, water, and air access opportunities to be made available.

### **WHITE RIVER NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN – 2002 REVISION**

Alternative K from the 2002 Forest Plan FEIS—the Selected Alternative—allows for expansion of some existing ski areas in response to increases in skier demand and to reduce crowding. It also included boundary adjustments designed to reduce conflicts to wildlife. The total number of acres allocated to developed skiing and snowboarding was reduced by 44 percent between the 1984 and 2002 Forest Plans—from 92,970 acres to 51,522 acres. In the 2002 Forest Plan, existing resorts that have already been permitted and developed, as well as additional suitable terrain into which development is planned for the future, are allocated to Management Area 8.25 Ski Areas – Existing and Potential.

In Summit County, 30,015 acres of NFS lands were allocated for skiing in the 1984 WRNF Forest Plan under Management Area 1B. In 2002, the selection of Alternative K for the Final EIS (2002 Forest Plan FEIS) reduced the 1984 Forest Plan allocation for skiing and snowboarding in Summit County by 17 percent—to 24,928 acres. The primary reason for the 17 percent reduction in the number of acres allocated for skiing and snowboarding in Summit County was the removal of Swan Mountain and Brewery Hill from the 8.25 Management Area and a reduction in the number of acres north of Breckenridge on the Tenmile Range between North Barton and Gold Hill.<sup>3</sup>

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<sup>3</sup> USDA Forest Service, 2002b p. 3-472

Per the 2002 Forest Plan FEIS, Summit County was expected to be more heavily impacted by increases in population in the future than other counties on the White River National Forest. As of 2002, all of the existing ski areas showed signs of overcrowding and were determined to benefit from the allocation of additional terrain to reduce skier densities.<sup>4</sup> The Forest Service identified potential expansion terrain with excellent physical characteristics for skiing adjacent to each of the four ski areas in Summit County. The 2002 Forest Plan FEIS estimated that the four ski areas in Summit County would exceed four million skier visits by 2010.<sup>5</sup>

In response, Alternative K included provisions for allowing the existing resorts in Summit County to lower skier densities by allocating a sufficient number of acres to meet future demands for skiing and snowboarding—all based on projected annual skier visits in 2010.

- Arapahoe Basin’s SUP area was expanded to include Montezuma Bowl and the Beavers. Both of these expansion areas were previously included within Management Area 1B.
- Some minor adjustments to Copper Mountain’s SUP boundary were made in response to wildlife concerns and to simplify boundary management; however, wider distribution of skiers at higher elevations and on more remote terrain was anticipated to reduce crowding at Copper Mountain’s existing base portals.
- BSR’s SUP was increased in size to include areas above treeline and to the north and south. Breckenridge will be able to reduce crowding and disperse skiers further from the existing base portals through development of new terrain.
- Keystone was allowed to expand onto Independence Mountain, which was designed to help lower skier densities and crowding on the existing terrain.
- Finally, the Breckenridge Nordic Center was allocated to the 8.25 management prescription, which was designed to allow flexibility to adapt to future needs for Alpine and Nordic skiing while encouraging integration of facilities with BSR, the Town of Breckenridge, and adjacent landowners.

## **F. TRANSPORTATION PROJECTS**

### **INTERSTATE 70 PROGRAMMATIC EIS**

While this analysis indicates that increased skier visitation generated under Alternatives 1, 2, and 3 would be insignificant to overall traffic volumes, traffic on Interstate 70 Colorado’s major east-west corridor is becoming a major issue. CDOT and the FHA began analyzing alternatives for the Interstate 70 Mountain

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<sup>4</sup> Ibid. p. 3-473

<sup>5</sup> Table 3B-1 in Chapter 3B – Recreation, Mountain Operations and Guest Services provides data on annual visitation for Colorado, Summit County, and BSR. Note that Summit County averaged 4,080,000 annual skier visits between the 2005/06 and 2008/09 seasons.

Corridor in January 2000 in order to address the underlying need to reduce congestion and to improve mobility and accessibility on Interstate 70 between Glenwood Springs and C-470. The Interstate 70 Mountain Corridor PEIS was undertaken because existing congestion along Interstate 70 is degrading the accessibility of mountain travel for Colorado residents, tourists, and businesses, with projected increases in travel demand over the next 25 years and beyond. The I-70 Mountain Corridor Draft PEIS was released for public review and comment on December 10, 2004. The Draft PEIS comment period closed on May 24, 2005. In addition to the required No Action Alternative, the PEIS includes analysis of 12 action alternatives. A Revised Draft PEIS was released for comments on September 8, 2010 and the comment period ended November 8, 2010. A Final PEIS was released in February 2011 and identified a Preferred Alternative. The Record of Decision is anticipated in June 2011. Tier 2 processes would occur after the Record of Decision.

The PEIS identifies that the need to relieve this congestion is especially acute for extended weekend travelers seeking access between the Denver metropolitan area and US 40 (to Grand County), as well as through the Eisenhower Tunnel to the Western Slope. Ultimately, the Selected Alternative that will be identified in the upcoming Record of Decision is expected to result in greater accessibility to mountain communities along the Interstate 70 corridor, benefiting Summit and Eagle County economies, as well as ski areas. The traffic analysis in the I-70 Mountain Corridor Draft PEIS is available for review at: <http://www.i70mtncorridor.com>.

## **HIGHWAY 9 IMPROVEMENTS – FRISCO TO BRECKENRIDGE**

CDOT has been conducting road construction activities on Highway 9 since 2004 and is anticipated to continue into the foreseeable future. Overall, the project entails widening the highway corridor from two to four lanes. This will increase safety and mobility of drivers, transit, pedestrians and bicyclists. Also included in these are projects are intersection improvements and roundabouts.

## **G. HISTORIC DEVELOPMENT ACTIVITIES**

Summit County was heavily mined in the 1800s, primarily for gold and silver. The result of the heavy metals mining is the associated tailings and waste rock effects to water quality.

# APPENDIX B: FOREST PLAN CONSISTENCY ANALYSIS FOR FOREST-WIDE AND MANAGEMENT AREA 8.25 STANDARDS AND GUIDELINES

Appendix B focuses on Forest-wide and Management Area 8.25 standards and guidelines relevant to the Breckenridge Ski Resort EIS. Irrelevant standards and guidelines as well as goals have been omitted from this analysis.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Forest-wide Standards and Guidelines</b>			
<b>AIR RESOURCES</b>			
<b>Standards</b>			
<p>1. Meet state and federal air quality standards and comply with local, state, and federal air quality regulations and requirements either through original project design or through mitigation for such activities as prescribed fire, ski area development or expansion, mining, and oil and gas exploration and production.</p>	<p>Consistent. No operational emissions would exceed ambient air quality standards.</p> <p>Predicted increases in CO and toxic air pollutants due to increased traffic would remain below local, state and federal regulations regarding air quality.</p>	<p>Consistent. No operational emissions would exceed ambient air quality standards.</p> <p>Predicted increases in CO and toxic air pollutants due to increased traffic would remain below local, state and federal regulations regarding air quality.</p>	<p>Consistent. No operational emissions would exceed ambient air quality standards.</p> <p>Predicted increases in CO and toxic air pollutants due to increased traffic would remain below local, state and federal regulations regarding air quality.</p>
<p>2. Perform conformity determinations or apply appropriate mitigation to zero out pollutants in order to maintain conformity with the State Implementation Plan (SIP) for proposed activities that will contribute to air pollutants to EPA designated non-attainment and maintenance areas.</p>	<p>Consistent. No operational emissions would exceed ambient air quality standards.</p> <p>Predicted increases in CO and toxic air pollutants due to increased traffic would remain below local, state and federal regulations regarding air quality.</p>	<p>Consistent. No operational emissions would exceed ambient air quality standards.</p> <p>Predicted increases in CO and toxic air pollutants due to increased traffic would remain below local, state and federal regulations regarding air quality.</p>	<p>Consistent. No operational emissions would exceed ambient air quality standards.</p> <p>Predicted increases in CO and toxic air pollutants due to increased traffic would remain below local, state and federal regulations regarding air quality.</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guidelines</b>			
<p>1. For water bodies in both Class 1 and 2 wilderness areas, for which the acid neutralizing capacity (ANC) is &gt;25 micro-equivalents per liter, the limit of acceptable change from human caused air pollution is no more than 10% change in ANC.</p>	<p>Consistent. Average wind direction as measured at BSR is predominantly from the west; it is unlikely that any emissions generated directly or indirectly by BSR’s operations currently affect the Eagle’s Nest or Rocky Mountain National Park Class 1 Areas.</p>	<p>Consistent. Average wind direction as measured at BSR is predominantly from the west; it is unlikely that any emissions generated directly or indirectly by BSR’s operations could affect the Eagle’s Nest or Rocky Mountain National Park Class 1 Areas.</p>	<p>Consistent. Average wind direction as measured at BSR is predominantly from the west; it is unlikely that any emissions generated directly or indirectly by BSR’s operations could affect the Eagle’s Nest or Rocky Mountain National Park Class 1 Areas.</p>
<p>2. For plume visibility in wilderness, the LAC is a 5% change in contrast. The LAC for haze visibility impairment in wilderness is a 0.5% change in deciview or 5% change in light extinction.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<b>SOILS</b>			
<b>Guidelines</b>			
<p>1. Conduct an onsite slope stability exam in areas identified as potentially unstable. Potentially unstable land is described as having a “high” or “very high” instability ranking or classified as “unstable” or “marginally unstable.” Limit intensive ground-disturbing activities on unstable slopes identified during examinations.</p>	<p>Consistent.</p>	<p>Consistent. Slope stability exam has been conducted by Geo-Haz Consulting. Ground-disturbing activities would not occur on potentially unstable slopes.</p>	<p>Consistent. Slope stability exam has been conducted by Geo-Haz Consulting. Ground-disturbing activities would not occur on potentially unstable slopes.</p>
<p>2. Where there is a potential for toxic contamination of soil from ground-disturbing activities, develop a contingency plan to prevent or rehabilitate soil contamination.</p>	<p>Consistent. BSR maintains a Spill Prevention and Containment Plan to minimize the risk of accidental soil/water contamination.</p>	<p>Consistent. BSR maintains a Spill Prevention and Containment Plan to minimize the risk of accidental soil/water contamination. Project PDCs during construction will also prevent contamination.</p>	<p>Consistent. BSR maintains a Spill Prevention and Containment Plan to minimize the risk of accidental soil/water soil contamination. Project PDCs during construction will also prevent contamination.</p>
<p>3. When logging over snow, conditions should allow for 1 foot of packed snow to be continuous (i.e., not patchy) and competent enough so that wheeled or tracked vehicles do not break through. When logging over frozen ground, a minimum of 3 inches of continuous frozen ground should be present.</p>	<p>Consistent.</p>	<p>N/A. None of the projects contained in Alternative 2 would be constructed with over-the-snow logging.</p>	<p>Consistent. Alternative 3 includes over-the-snow logging for construction of glades. Conditions would be monitored to ensure that wheeled/tracked vehicles do not break through.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
<b>WATER AND RIPARIAN RESOURCES</b>			
<b>Standards</b>			
<p>1. In each stream currently supporting a self-sustaining fish population, ensure that projects maintain sufficient habitat, including flow, for all life history stages of native and desired non-native aquatic species.</p>	<p>Consistent</p>	<p>Consistent. While is unlikely that there are any fish seasonally present in those stream reaches within the Alternative 2 project area, PDC would be implemented to minimize adverse project effects extending downstream occupied reaches.</p>	<p>Consistent. While is unlikely that there are any fish seasonally present in those stream reaches within the Alternative 3 project area, PDC would be implemented to minimize adverse project effects extending downstream occupied reaches.</p>
<p>4. Naturally occurring debris shall not be removed from stream channels unless it is a threat to life, property, important resource values, or is otherwise covered by legal agreement. Removal in designated wilderness must consider wilderness values.</p>	<p>Consistent.</p>	<p>Consistent.</p>	<p>Consistent.</p>
<b>Guidelines</b>			
<p>1. When projects are implemented that can affect large woody debris, retain natural and beneficial volumes of this material for fish habitat, for stream energy dissipation and as sources of organic matter for the stream ecosystem.</p>	<p>Consistent.</p>	<p>Consistent. Required measures consistent with this guideline have been incorporated into this alternative's PDC.</p>	<p>Consistent. Required measures consistent with this guideline have been incorporated into this alternative's PDC.</p>
<p>2. Keep vehicles and equipment out of streams, lakes, and wetlands except to cross at designated points, build crossings, do restoration work, or where protected by 1foot of snowpack or frozen soil.</p>	<p>Consistent.</p>	<p>Consistent. Roads have been located to avoid stream and wetland crossings. During construction, construction equipment will work near but not through Cucumber Creek.</p>	<p>Consistent. Tree removal activities for Peak 6½ would occur over-the-snow avoiding impacts to upper Cucumber Creek.</p>
<p>3. Maintain existing federal water rights. Take appropriate action to use and protect water rights, including but not limited to changing uses to meet federal needs for water. If the water rights are not needed to meet National Forest purposes, sell, lease, or exchange these federal water rights.</p>	<p>Consistent.</p>	<p>Consistent. BSR maintains adequate water rights in their name.</p>	<p>Consistent. BSR maintains adequate water rights in their name.</p>

**Appendix B: Forest Plan Consistency Analysis**

<b>Resource</b>	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>
<b>ALPINE</b>			
<b>Standards</b>			
1. Prohibit new structural facilities in alpine wetlands, streams, and riparian areas except when needed to reduce existing resource impacts.	Consistent.	Consistent. There would be no structural developments in alpine wetlands, streams, or riparian areas.	Consistent. There would be no structural developments in alpine wetlands, streams, or riparian areas.
<b>Guidelines</b>			
2. Minimize new roads, trails, and livestock driveways in alpine ecosystems.	Consistent.	Consistent. There are no roads proposed in alpine ecosystems in Alternative 2.	Consistent. No roads are proposed in Alternative 3.
3. Minimize soil excavation and disturbance in alpine ecosystems.	Consistent.	Consistent. The top terminal and ski patrol/warming hut have been located to minimize excavation requirements. A grading plan would be developed for the upper Peak 6 lift top terminal and ski patrol/warming hut to minimize impacts.	Consistent. No impacts are proposed in alpine ecosystems in Alternative 3.
4. Minimize the size and number of structures in alpine ecosystems.	Consistent.	Consistent. Structures proposed in the alpine ecosystem in Alternative 2 are limited to the upper Peak 6 lift top terminal, the upper 25% of the lift alignment and a ski patrol/warming hut.	Consistent. No impacts are proposed in alpine ecosystems in Alternative 3.
5. Manage public uses to minimize resource damage in alpine ecosystems.	Consistent.	Consistent. Intensively managed outdoor recreation activities are the theme of Management Area 8.25.	Consistent. Intensively managed outdoor recreation activities are the theme of Management Area 8.25.
<b>BIODIVERSITY</b>			
<b>Standards</b>			
1. Use genetically local (at the ecological subsection level) native plant species for re-vegetation efforts when technically and economically feasible. Use seed mixtures and mulch that are noxious weed-free. To prevent soil erosion, non-persistent, non-native annuals or sterile perennial species may be used while native perennials are becoming established.	Consistent.	Consistent. Required measures consistent with this standard have been incorporated into PDC and BMPs.	Consistent. Required measures consistent with this standard have been incorporated into PDC and BMPs.

Resource	Alternative 1	Alternative 2	Alternative 3
<p>2. Develop prescriptions during project planning to identify the amount, size(s), and distribution of downed logs and snags to be left onsite, as well as live, green replacement trees for future snags. On forested sites, retain snags and downed logs (where materials are available) in accordance with the average minimums.</p>	<p>Consistent.</p>	<p>Consistent. The analysis area is within Management Area 8.25, which provides for intensively managed outdoor recreation activities. Therefore, downed logs and snags would need to be removed, as appropriate, related to safety and operational concerns.</p>	<p>Consistent. The analysis area is within Management Area 8.25, which provides for intensively managed outdoor recreation activities. Therefore, downed logs and snags would need to be removed, as appropriate, related to safety and operational concerns.</p>
<p>3. If no snags meet the minimum diameter and height requirements, use the largest snags available.</p>	<p>Consistent.</p>	<p>Consistent. The analysis area is within Management Area 8.25, which provides intensively managed outdoor recreation activities. Therefore, downed logs and snags would need to be removed, as appropriate, related to safety and operational concerns.</p>	<p>Consistent. The analysis area is within Management Area 8.25, which provides intensively managed outdoor recreation activities. Therefore, downed logs and snags would need to be removed, as appropriate, related to safety and operational concerns.</p>
<p>4. Manage late-successional and old-growth forests according to direction.</p>	<p>Consistent.</p>	<p>Consistent. No old growth or late-successional forests are present in the analysis area.</p>	<p>Consistent. No old growth or late-successional forests are present in the analysis area.</p>
<p><b>Guidelines</b></p>			
<p>1. Favor native and desirable non-native plant and animal species over undesirable exotic species during management plan implementation activities. Within designated wilderness, use genetically local native species preferentially.</p>	<p>Consistent.</p>	<p>Consistent. Required measures consistent with this standard have been incorporated into PDCs and BMPs.</p>	<p>Consistent. Required measures consistent with this standard have been incorporated into PDCs and BMPs.</p>
<p>2. Because of the ecological importance of the aspen vegetative type on the forest, analyze aspen's historical spatial and structural occurrence in the landscape during project design.</p>	<p>Consistent.</p>	<p>Consistent. A Vegetation Management Plan has been prepared and is incorporated into the Project File. Aspen has been identified within the analysis area, but would not be impacted by Alternative 2.</p>	<p>Consistent. A Vegetation Management Plan has been prepared and is incorporated into the Project File. Aspen has been identified within the analysis area, but would not be impacted by Alternative 3.</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<p>3. Follow high priorities for aspen regeneration, including decadent stands, stands with &lt;10 feet per acre of basal area of aspen in a conifer stand, isolated clones, and cost-efficient stands that contribute to aspen distribution.</p>	<p>Consistent.</p>	<p>Consistent. A Vegetation Management Plan has been prepared and is incorporated into the Project File. Aspen has been identified within the project area but would not be impacted by Alternative 2.</p>	<p>Consistent. A Vegetation Management Plan has been prepared and is incorporated into the Project File. Aspen has been identified within the project area but would not be impacted by Alternative 3.</p>
<p><b>WILDLIFE</b></p>			
<p><b>Standards</b></p>			
<p>1. Seasonal restrictions will be applied to reduce disturbance in key wildlife habitats.</p>	<p>No new seasonal restrictions are applicable to this No Action Alternative.</p>	<p>Consistent. Seasonal construction restrictions that are applicable in some habitats have been included as PDC to reduce construction year mortality of neonates.</p>	<p>Consistent. Seasonal construction restrictions that are applicable in some habitats have been included as PDC to reduce construction year mortality of neonates.</p>
<p>2. Restrict actions around bat caves/roosts.</p>	<p>These habitats are not present in the project area.</p>	<p>These habitats are not present in the project area.</p>	<p>These habitats are not present in the project area.</p>
<p>3. Restrict the release of the location of bat roosts to administrative purposes only in order to minimize disturbance to roosting bats.</p>	<p>These habitats are not present in the project area.</p>	<p>These habitats are not present in the project area.</p>	<p>These habitats are not present in the project area.</p>
<p>4. Retain all snags and trees known to be used consistently as bat roosts.</p>	<p>These habitats are not present in the project area.</p>	<p>These habitats are not present in the project area.</p>	<p>These habitats are not present in the project area.</p>
<p>5. Protect known active and inactive raptor nest areas. The extent of protection will be based on a variety of factors.</p>	<p>No raptor nests have been located during specific surveys through the project area.</p>	<p>No raptor nests have been located during specific surveys through the project area.</p>	<p>No raptor nests have been located during specific surveys through the project area.</p>
<p>6. In riparian areas, vegetation cover will be managed to provide suitable wildlife habitat along a minimum of 80% of the length of riparian zones within the project area. New corridor interruptions will be spaced to minimize interruptions to habitat connectivity.</p>	<p>No riparian corridors would be affected by this alternative.</p>	<p>Consistent. Impacts would be minimized as trails cross riparian areas (streams/wetlands). Limited vegetation removal would occur. PDC have been incorporated into this alternative to make it consistent with this standard.</p>	<p>Consistent. Impacts would be minimized as trails cross riparian areas (streams/wetlands). Limited vegetation removal would occur. PDC have been incorporated into this alternative to make it consistent with this standard.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
<p>7. Vegetation treatments and new roads and trails will not reduce the elk habitat effectiveness below 0.40 by Data analysis unit (DAU) or further reduce effective habitat in DAUs that already are at or below 0.40 on National Forest System lands.</p>	<p>The Habitat Effectiveness Index (HEI) for DAU E-13, containing BSR, is 0.45 (USDA Forest Service 2002). No ground disturbing activities are associated with this alternative; therefore, this alternative is consistent with this standard.</p>	<p>Consistent. The BSR study area (SUP area and adjacent private lands) (7,543 acres) represents a small portion (2.4%) of the home ranges of herds within DAU E-13. The Alternative 2 habitat modifications would represent a small portion of the SUP area. While elk habitat effectiveness would be reduced in the Peak 6 project area as a result of Alt. 2, it would not reduce the HEI below 0.4 for the DAU. This alternative would be consistent with this standard.</p>	<p>Consistent. The BSR study area (SUP area and adjacent private lands) (7,543 acres) represents a small portion (2.4%) of the home ranges of herds within DAU E-13. The Alternative 3 habitat modifications would represent a small portion of the SUP area. While elk habitat effectiveness would be reduced in the project area as a result of Alt. 3, it would not reduce the HEI below 0.4 for the DAU. This alternative would be consistent with this standard.</p>
<p>8. Discourage land use practices and development that adversely alter the character of peregrine falcon hunting habitat or preybase within 10 miles of the nest site and the immediate habitats within 1 mile of the nesting cliff.</p>	<p>No ground disturbing activities are associated with this Alternative, therefore this Alternative is consistent with this standard.</p>	<p>Consistent. Ground disturbing activities associated with this Alternative are not within 1 mile but are within 10 miles of a peregrine nesting cliff. This alternative is consistent with this standard. This alternative may insignificantly benefit peregrines by increasing the quality of potential foraging habitat by creating additional openings that prey species would have to fly across (thereby increasing the vulnerability of forest and “edge” birds to peregrine predation) and by improving potential prey recovery habitat, for birds knocked down by peregrines above the former canopy.</p>	<p>Consistent. Ground disturbing activities associated with this Alternative are not within 1 mile but are within 10 miles of a peregrine nesting cliff. This alternative is consistent with this standard. This alternative may insignificantly benefit peregrines by increasing the quality of potential foraging habitat by creating additional openings that prey species would have to fly across (thereby increasing the vulnerability of forest and “edge” birds to peregrine predation) and by improving potential prey recovery habitat, for birds knocked down by peregrines above the former canopy.</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<p>9. Human activities will be restricted within 0.5 mile of the occupied peregrine falcon areas between March 15 and July 31 for nest sites, or July 1 to September 15 for hack sites.</p>	<p>No additional human activities are associated with this Alternative; therefore, this Alternative is consistent with this standard.</p>	<p>Consistent. Ground disturbing activities associated with this Alternative are well beyond 0.5 mile of an active peregrine falcon eyrie.</p>	<p>Consistent. Ground disturbing activities associated with this Alternative are well beyond 0.5 mile of an active peregrine falcon eyrie.</p>
<p><b>Guidelines</b></p>			
<p>1. Structures such as fences, major highways, bridge upgrades or replacements, and canals should be designed and built taking wildlife movement into consideration.</p>	<p>Not applicable to this alternative.</p>	<p>No structures are associated with this alternative that would adversely affect wildlife movements.</p>	<p>No structures are associated with this alternative that would adversely affect wildlife movements.</p>
<p>2. Human use of caves and federally owned mines identified as having bat populations should be restricted by date.</p>	<p>Not applicable to this alternative.</p>	<p>Not applicable to this alternative or project.</p>	<p>Not applicable to this alternative or project.</p>
<p>3. Apply protective measures at mining or oil and gas development ponds and pits in order to minimize the likelihood of wildlife mortality from using these areas as water or foraging sources.</p>	<p>Not applicable to this alternative.</p>	<p>Not applicable to this alternative or project.</p>	<p>Not applicable to this alternative or project.</p>
<p>4. Retain access to drinking water for bats in areas with limited open water resources.</p>	<p>Not applicable to this alternative.</p>	<p>Not applicable to this alternative or project.</p>	<p>Not applicable to this alternative or project.</p>
<p><b>PROPOSED, THREATENED, ENDANGERED SPECIES AND SENSITIVE SPECIES</b></p>			
<p><b>Standards</b></p>			
<p>1. Review the Forest Plan as necessary to determine consistency with new information concerning proposed, threatened, and endangered species (PTES). Where appropriate, the plan will be amended to incorporate direction resulting from new information, such as new species listed as PTES; new recovery plans, conservation agreements, or conservation strategies; newly described habitats or occurrences for PTES species; newly designated critical habitats; or regional documents that contain new management direction for PTES species.</p>	<p>Standard is not applicable to project level analysis.</p>	<p>Standard is not applicable to project level analysis.</p>	<p>Standard is not applicable to project level analysis. Refer to Appendix D for Forest Plan amendment disclosure.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
<p>2. Restrict activities to avoid disturbing proposed, threatened, or endangered species during breeding, young rearing, or at other times critical to survival. Exceptions may occur when individuals are adapted to human activity, or the activities are not considered a threat.</p>	<p>Wildlife biologists field verified these components and described them in the BA. This alternative is consistent with this standard.</p>	<p>Consistent. A wildlife biologist field verified these components and described them in the BA. This alternative would not disturb any PTES during any time critical to such species survival and no activity restrictions are required.</p>	<p>Consistent. A wildlife biologist field verified these components and described them in the BA. This alternative would not disturb any PTES during any time critical to such species survival and no activity restrictions are required.</p>
<p>3. Activities will be managed to avoid disturbance to sensitive species that would result in a trend toward federal listing or loss of viability. The protection will vary depending on the species, potential for disturbance, topography, location of important habitat components, and other pertinent factors. Special attention will be given during breeding, young rearing, and other times that are critical to the survival of both flora and fauna.</p>	<p>This alternative would have “no impact” on any R2 sensitive species.</p>	<p>Consistent. This alternative may adversely impact individuals of some R2 species, but is not likely to result in a loss of viability on the planning area, nor cause a trend to federal listing for any R2 species.</p>	<p>Consistent. This alternative may adversely impact individuals of some R2 species, but is not likely to result in a loss of viability on the planning area, nor cause a trend to federal listing for any R2 species.</p>
<p><b>CANADA LYNX (SOUTHERN ROCKIES LYNX MANAGEMENT DIRECTION)</b></p>			
<p><i>Note: Footnote references have been retained from the Southern Rockies Lynx Management Direction. Please refer to this Management Direction for all source notes, as they are not contained as part of this Appendix.</i></p>			
<p><b>ALL MANAGEMENT PRACTICES AND ACTIVITIES (ALL):</b> The following objectives, standards, and guidelines apply to all management projects in lynx habitat in lynx analysis units (LAUs) in occupied habitat and in linkage areas, subject to valid existing rights. They do not apply to wildfire suppression, or to wildland fire use.</p>			
<p><b>Standard<sup>44</sup> ALL S1</b></p>			
<p>New or expanded permanent developments<sup>33</sup> and vegetation management<sup>50</sup> projects<sup>36</sup> must maintain<sup>26</sup> habitat connectivity<sup>16</sup> in an LAU<sup>21</sup> and/or linkage area<sup>22</sup>.</p>	<p>The No Action alternative is not in conflict with any applicable, lynx-related provisions of the SRLMD (USDA Forest Service 2008b, 2009) and SRLMD is not applicable to Alternative 1.</p>	<p>The current condition of the LAU containing BSR limits lynx habitat availability, effectiveness, and connectivity. Alternative 2 would further impair already impaired habitat connectivity across developed BSR ski terrain and through this local portion of the LAU during the ski season. Under Alternative 2, 69.7 acres of forest cover would be permanently removed, DSH would be fragmented and degraded within the Peak 6 intertrail islands, and increased lynx travel distances across the ski area in the spruce-fir zone would extend into the lower</p>	<p>The current condition of the LAU containing BSR limits lynx habitat availability, effectiveness, and connectivity. Alternative 3 would result in the further loss of effective WFH, DSH, the forest cover associated with these habitat categories, increased winter human presence outside of the existing development area boundary, and further impairment of habitat connectivity across developed ski terrain. In light of Forest Service biologists determining that the BSR SUP area currently does not support the biological function necessary to</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
		<p>end of the maximum 3 to 6 mile range recommended by Ruediger et al. (2000) to maintain habitat connectivity. In light of Forest Service biologists determining that developed portions of the BSR SUP area (and, as a result, this portion of the LAU) currently do not support the biological function necessary to achieve lynx habitat connectivity, and that this habitat connectivity will become further impaired over the moderate term (approx. 25 to 40 years) with the progression of the MPB epidemic, the ALL S1 standard is not a reasonable requirement for a single development within this resort's SUP area under Management Area 8.25 direction. In essence, the Forest Service cannot maintain lynx habitat connectivity if the current landscape does not provide that potential. Therefore, the Forest Service intends to set aside this standard for this project as part of the site-specific Forest Plan Amendment process. This habitat connectivity finding recognizes that even with the implementation of Alternative 2, some lynx would be able to cross developed BSR terrain, particularly outside of the winter ski season.</p> <p>Refer to Appendix D for Forest Plan amendment disclosure.</p>	<p>achieve lynx habitat connectivity, the ALL S1 standard is not a reasonable requirement for a single development within this resort's SUP area under Management Area 8.25 direction. In essence, the Forest Service cannot maintain lynx habitat connectivity if the current landscape does not hold that potential. Therefore, the Forest Service intends to set aside this standard for this project as part of the site-specific Forest Plan Amendment process.</p> <p>Refer to Appendix D for Forest Plan amendment disclosure.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guideline<sup>15</sup> ALL G1</b>			
Methods to avoid or reduce effects on lynx should be used when constructing or reconstructing highways <sup>18</sup> or forest highways <sup>12</sup> across federal land. Methods could include fencing, underpasses or overpasses.	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.
<b>Standard<sup>44</sup> LAU S1</b>			
Changes in LAU <sup>21</sup> boundaries shall be based on site-specific habitat information and after review by the Forest Service Regional Office.	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.
<b>HUMAN USE PROJECTS (HU):</b> The following objectives and guidelines apply to human use projects, such as special uses (other than grazing), recreation management, roads, highways, and mineral and energy development, in lynx habitat in lynx analysis units (LAUs) in occupied habitat, subject to valid existing rights. They do not apply to vegetation management projects or grazing projects directly. They do not apply to linkage areas.			
<b>Guideline<sup>15</sup> HU G1</b>			
When developing or expanding ski areas, provisions should be made for adequately sized inter-trail islands that include coarse woody debris <sup>4</sup> , so winter snowshoe hare habitat <sup>51</sup> is maintained.	Not applicable to this alternative.	“Winter snowshoe hare habitat” is equivalent to lynx winter foraging habitat (WFH). Alternative 2 includes a number of lynx- and snowshoe hare-related design criteria (refer to BA Section 3.2.8) that would maximize the size and effectiveness of intertrail islands for snowshoe hares and retain approximately 82% (18% habitat loss) of the winter snowshoe hare habitat in the Peak 6 pod. While there would be additional adverse effects resulting from unauthorized skiing in closed intertrail islands, Alternative 2 would meet the intent of this guideline and would be consistent with Guideline HU G1 (Jan. 11, 2011 conf. call with E. Roberts, USDA Forest Service). <sup>1</sup>	Consistent.

<sup>1</sup> While the intent of *Guideline HU G1* may have been to mean the maintenance of habitat effectiveness, which would have implications to hare abundance, the guideline merely refers to “habitat.” Strict interpretation of this would then limit Peak 6 hare habitat impacts to 18% of the Peak 6 pod below treeline.

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Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guideline HU G2</b>			
When developing or expanding ski areas, lynx foraging habitat should be provided consistent with the ski area’s operational needs, especially where lynx habitat occurs as narrow bands of coniferous forest across mountain slopes.	Not applicable to this alternative.	See the Guideline HU G1 discussion, above. Guideline HU G2 is similar to HU G1, since snowshoe hares are the dominant component of lynx foraging habitat. While lynx foraging habitat would be permanently lost to ski trail development and further impaired by unauthorized skiing effects of closed intertrail islands, Alternative 2 would be consistent with this guideline because the majority of lynx habitat in the Peak 6 project area would be maintained and because consistency with the ski area’s operational needs trumps the lynx foraging habitat provision of this guideline.	Consistent.
<b>Guideline HU G3</b>			
Recreation development and recreational operational uses should be planned to provide for lynx movement and to maintain the effectiveness of lynx habitat <sup>23</sup> .	Not applicable to this alternative.	This guideline involves lynx habitat connectivity, WFH, and DSH issues at the scale of the Peak 6 project’s footprint (E. Roberts, USDA Forest Service, pers. comm, Jan. 11, 2011). See the <i>Standard ALL S1</i> and <i>Guideline HU G1</i> discussions, above, including the intent of the non-footnoted “maintain” term. Because of the design and planning considerations that have been incorporated into Alternative 2, it would be consistent with <i>Guideline HU G3</i> .	Consistent.
<b>Guideline HU G4</b>			
Remote monitoring of mineral and energy development sites and facilities should be encouraged to reduce snow compaction.	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guideline HU G5</b>			
A reclamation plan should be developed (e.g., road reclamation and vegetation rehabilitation) for closed mineral and energy development sites and facilities that promote the restoration of lynx habitat.	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.
<b>Guideline HU G6</b>			
Methods to avoid or reduce effects to lynx habitat connectivity <sup>16</sup> should be used when upgrading unpaved roads to maintenance levels 4 or 5 <sup>27</sup> , where the result would be increased traffic speeds and volumes, or contribute to development or increases in human activity.	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.
<b>Guideline HU G7</b>			
New permanent roads should not be built on ridge-tops and saddles, or in areas identified as important for lynx habitat connectivity <sup>16</sup> . New permanent roads and trails should be situated away from forested stringers.	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.
<b>Guideline HU G8</b>			
Cutting brush along low-speed, low-traffic-volume roads <sup>25</sup> should be done to the minimum level necessary to provide for public safety.	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.
<b>Guideline HU G9</b>			
If project level analysis determines that new roads adversely affect lynx, then public motorized use should be restricted. Upon project <sup>36</sup> completion, these roads should be reclaimed or decommissioned, if not needed for other management objectives.	Not applicable to this alternative.	The new road segments associated with this alternative would not be open to public motorized use.	Not applicable to this alternative.
<b>Guideline HU G10</b>			
Designated over-the-snow routes or designated play areas should not expand outside baseline areas of consistent snow compaction <sup>1</sup> , unless designation serves to consolidate use and improve lynx habitat. This may be calculated on an LAU basis, or on a combination of immediately adjacent LAUs. This does not apply inside permitted ski area boundaries, to winter logging, to rerouting trails for public safety, to accessing private inholdings, or to access regulated by Guideline HU G12.	Not applicable to this alternative.	Because this guideline “does not apply inside permitted ski area boundaries” it is not applicable to the Peak 6 proposal.	Because this guideline “does not apply inside permitted ski area boundaries” it is not applicable to the Peak 6 proposal.

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<b>Resource</b>	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>
<b>Guideline HU G11</b>			
When developing or expanding ski areas and trails, consider locating access roads and lift termini to maintain and provide lynx security habitat <sup>10</sup> .	Not applicable to this alternative.	Consistent. Lift terminals for the upper and lower lifts were located outside of DSH, the summer access road primarily uses an existing road and would not be used in winter when DSH is most needed to facilitate ski area crossings, and the extended summer construction road to the upper lift corridor above the junction of the two lifts would not be used in winter.	Consistent.
<b>Guideline HU G12</b>			
Winter access for non-recreation special uses and mineral and energy exploration and development should be limited to designated routes <sup>8</sup> or designated over-the-snow routes <sup>7</sup> .	Not applicable to this project.	Not applicable to this project.	Not applicable to this project.
<b>LINKAGE AREAS (LINK):</b> The following standard and guidelines apply to all projects within linkage areas in occupied habitat, subject to valid existing rights.			
<b>Standard<sup>44</sup> LINK S1</b>			
When highway <sup>18</sup> or forest highway <sup>12</sup> construction or reconstruction is proposed in linkage areas <sup>22</sup> , identify potential highway crossings.	This project is not located in a linkage area. Not applicable to this project.	This project is not located in a linkage area. Not applicable to this project.	This project is not located in a linkage area. Not applicable to this project.
<b>Guideline<sup>15</sup> LINK G1</b>			
National Forest System lands should be retained in public ownership.	This project is not located in a linkage area. Not applicable to this project.	This project is not located in a linkage area. Not applicable to this project.	This project is not located in a linkage area. Not applicable to this project.
<b>Guideline LINK G2</b>			
Livestock grazing in shrub-steppe habitats <sup>43</sup> should be managed to contribute to maintaining or achieving a preponderance of mid- or late-seral stages <sup>28</sup> , similar to conditions that would have occurred under historic disturbance regimes.	This project is not located in a linkage area. Not applicable to this project.	This project is not located in a linkage area. Not applicable to this project.	This project is not located in a linkage area. Not applicable to this project.
<b>BALD EAGLE</b>			
<b>Standards</b>			
1. If a winter roost or nest site is discovered, write a management plan to ensure that the necessary habitat components are maintained.	No bald eagle roosts or nests occur within the project's area of influence.	Same as Alternative 1.	Same as Alternative 1.

Resource	Alternative 1	Alternative 2	Alternative 3
<p>2. Human activities should be prohibited within 250 yards of bald eagle winter roosting areas between November 15 and March 1. Human activities should be prohibited within 400 yards of an active nest between February 1 and August 15.</p>	<p>No bald eagle roosts or nests occur within the project's area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p><b>SOUTHWESTERN WILLOW FLYCATCHER</b></p>			
<p><b>Standard</b></p>			
<p>1. Rely on the riparian vegetation residue guidelines (Table 2-3) and implement Range Guideline #3 as a standard within potential flycatcher habitat to improve the habitat for this species. The rationale for this approach lies in restricting the use of herbaceous foliage to obtain a concurrent decrease in the amount of grazing on woody vegetation, resulting in increased amounts and density of woody vegetation in those riparian areas that can support woody vegetation.</p>	<p>This species and potential habitat for it do not occur within the project's area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p><b>MEXICAN SPOTTED OWL</b></p>			
<p><b>Standards</b></p>			
<p>1. Do not allow any even-aged timber management within canyons considered as having identified potential habitat and within 0.5 mile of the canyon's rim.</p>	<p>This species and potential habitat for it do not occur within the project's area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>2. Allow uneven-aged timber management only if the resulting timber stand contains the necessary habitat components.</p>	<p>This species and potential habitat for it do not occur within the project's area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>3. Develop a vegetation/fire management strategy within the potential habitat that will reduce the risk of catastrophic loss of habitat.</p>	<p>This species and potential habitat for it do not occur within the project's area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>4. If any nests are discovered, limit the amount of human disturbance around the nest through such measures as special area closures, seasonal restrictions, or re-routing of trails.</p>	<p>This species and potential habitat for it do not occur within the project's area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>

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Resource	Alternative 1	Alternative 2	Alternative 3
<b>UNCOMPAGRE FRITILLARY BUTTERFLY</b>			
<b>Standards</b>			
<p>1. Before any ground disturbing activity (such as trail building), or livestock driveways or bedding grounds are allowed in potential Uncompahgre fritillary butterfly habitat, a survey shall be conducted to determine the existence of the species. Potential habitat and survey protocols are found in the Recovery Plan. Avoid actions that would negatively impact the species known habitat or populations</p>	<p>This species and potential habitat for it do not occur within the project’s area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>2. If any new Uncompahgre fritillary butterfly populations are discovered, a “no-collecting” regulation shall be placed on the area.</p>	<p>This species and potential habitat for it do not occur within the project’s area of influence.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<i>SPECIES OF VIABILITY CONCERN, AQUATIC</i>			
<b>COLORADO RIVER CUTTHROAT TROUT</b>			
<b>Standards</b>			
<p>1. For management activities that have the potential to impact occupied cutthroat trout habitat, tributaries of occupied cutthroat trout habitat, or identified reintroduction areas, maintain or enhance existing cutthroat habitat. At minimum and where necessary:</p> <ul style="list-style-type: none"> <li>• Reduce sediment from existing roads and trails.</li> <li>• Maintain pool depths.</li> <li>• Maintain riparian vegetation.</li> <li>• Retain large woody debris in streams</li> </ul>	<p>No occupied CRCT habitat occurs on or downstream of the project area.</p>	<p>Alternative would not impact occupied cutthroat trout habitat, tributaries of occupied cutthroat trout habitat, or identified reintroduction areas.</p>	<p>Alternative would not impact occupied cutthroat trout habitat, tributaries of occupied cutthroat trout habitat, or identified reintroduction areas.</p>
<p>2. When implementing management activities in 6th field Hydrologic Unit Codes (sub-watersheds) containing cutthroat trout identified as recovery populations in the Colorado River Cutthroat Recovery Plan, maintain or reduce existing net density of roads (open or closed) to restore or prevent alteration of the hydrologic function of the sub-watershed. Temporary roads must be decommissioned upon project completion.</p>	<p>No occupied CRCT habitat occurs on or downstream of the project area.</p>	<p>Alternative would not impact occupied cutthroat trout habitat.</p>	<p>Alternative would not impact occupied cutthroat trout habitat.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guidelines</b>			
1. Restrict construction of new roads within 350 feet of occupied cutthroat streams or within 150 feet from the edge of the current or historic floodplain, whichever is greater, to maintain hydrologic function and limit road-related stream sediment.	No occupied CRCT habitat occurs on or downstream of the project area. No road construction would occur under this alternative.	Alternative would not construct new roads near occupied cutthroat trout habitat.	Alternative would not construct new roads near occupied cutthroat trout habitat.
2. Reroute roads adjacent to cutthroat trout streams and their tributaries, when possible, to reduce direct impacts to cutthroat habitat, or to improve hydrologic function.	CRCT are not found within the boundaries of the analysis area.	Consistent. CRCT are not found within the boundaries of the analysis area.	Consistent. CRCT are not found within the boundaries of the analysis area.
3. In sub-watersheds with occupied cutthroat trout habitat, methods for decommissioning roads should emphasize restoring hydrologic function.	No occupied CRCT habitat occurs on or downstream of the project area.	No occupied CRCT habitat occurs on or downstream of the project area.	No occupied CRCT habitat occurs on or downstream of the project area.
4. Where impacts on cutthroat habitat associated with livestock grazing are identified, such as hedged shrubs and collapsed banks, consider actions to reduce or remove impacts such as, but not limited to: <ul style="list-style-type: none"> <li>Altering the timing of grazing.</li> <li>Altering the timing of livestock crossings of occupied cutthroat stream until after fish have emerged from gravel.</li> <li>Excluding sensitive or problem areas</li> </ul>	No occupied CRCT habitat occurs on or downstream of the project area.	See Alternative 1. Not applicable to this project.	See Alternative 1. Not applicable to this project.
5. To minimize sedimentation, channel instability, and direct disturbance of spawning areas, alter routes of sheep bands or other trailed livestock. Limit sheep crossings and cattle driveways to designated locations or roads to avoid crossing occupied cutthroat streams and tributaries.	No occupied CRCT habitat occurs on or downstream of the project area.	See Alternative 1. Not applicable to this project.	See Alternative 1. Not applicable to this project.

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<b>BOREAL TOAD AND LEOPARD FROG</b>			
<b>Standards</b>			
1. Allow no loss or reduction in habitat quality of occupied or known historic boreal toad or leopard frog habitat.	This alternative would not impact occupied, historic, or potential boreal toad or leopard frog habitat.	Leopard frog habitat is not present in the project area. No occupied or known historic boreal toad habitat would be affected by this alternative. PDC would be implemented to avoid potential water quality impacts from extending to the Cucumber Gulch breeding complex.	Leopard frog habitat is not present in the project area. No occupied or known historic boreal toad habitat would be affected by this alternative. PDC would be implemented to avoid potential water quality impacts from extending to the Cucumber Gulch breeding complex.
2. Maintain adequate vegetation cover around occupied boreal toad or leopard frog breeding ponds when implementing management activities to minimize avian predation on newly metamorphosed frogs and toads.	This alternative would not impact occupied, historic, or potential boreal toad or leopard frog habitat.	There would be no removal of forest cover that could increase avian predation of neonatal amphibians.	There would be no removal of forest cover that could increase avian predation of neonatal amphibians.
3. Use only chemical herbicides shown to have no effect on boreal toads or leopard frogs, or use other vegetation management techniques, within 300 feet of occupied or known historic boreal toad sites.	This alternative would not impact occupied, historic, or potential boreal toad or leopard frog habitat, or introduce chemicals into the environment.	No chemical herbicides that may be associated with this alternative (e.g., weed control) would affect any occupied or known historic boreal toad or leopard frog habitat.	No chemical herbicides that may be associated with this alternative (e.g., weed control) would affect any occupied or known historic boreal toad or leopard frog habitat.
4. Do not use fish toxins with the potential to harm boreal toads or leopard frogs in occupied boreal toad and leopard frog habitats.	Not applicable to this alternative.	Not applicable to this alternative.	Not applicable to this alternative.
<b>Guidelines</b>			
1. To prevent direct mortality to boreal toads, restrict fire treatments and vegetation management to periods when toads are generally inactive (generally late fall to early spring).	Not applicable to this alternative.	Not applicable to this alternative.	Not applicable to this alternative.
2. Restrict construction of new roads and trails within 300 feet of occupied or known historic boreal toad and leopard frog breeding sites to prevent direct mortality and disturbance of adjacent vegetation during construction and trail use.	No occupied or known historic breeding sites occur on or adjacent to the project area. This alternative proposes no development in the vicinity of a breeding site.	No occupied or known historic breeding sites occur on or adjacent to the project area. This alternative proposes no development in the vicinity of a breeding site.	No occupied or known historic breeding sites occur on or adjacent to the project area. This alternative proposes no development in the vicinity of a breeding site.

Resource	Alternative 1	Alternative 2	Alternative 3
<p>3. Where impacts to occupied or known historical boreal toad or leopard frog breeding sites associated with livestock grazing are identified, consider actions to reduce or remove impacts.</p>	<p>Not applicable to this project.</p>	<p>Not applicable to this project.</p>	<p>Not applicable to this project.</p>
<p>4. Where roads or trails are located within 300 feet of occupied or historical boreal toad or leopard frog breeding sites, consider reclaiming, redirecting, or redesigning trails and user traffic to minimize mortality and disturbance of adjacent vegetation.</p>	<p>No occupied or known historic breeding sites occur on or adjacent to project area. This alternative proposes no development in the vicinity of a breeding site.</p>	<p>No occupied or known historic breeding sites occur on or adjacent to the project area. This alternative proposes no development in the vicinity of a breeding site.</p>	<p>No occupied or known historic breeding sites occur on or adjacent to the project area. This alternative proposes no development in the vicinity of a breeding site.</p>
<p><b><i>SPECIES OF VIABILITY CONCERN, PLANT</i></b></p>			
<p><b>Standards</b></p>			
<p>1. Survey for the following plant species of viability concern in the identified areas prior to any activities that might impact them:</p> <ul style="list-style-type: none"> <li>• Harrington penstemon in sagebrush areas in the Eagle and Frying Pan drainages;</li> <li>• De Beque phacelia in the Wasatch Geologic Formation;</li> <li>• Sun-loving meadowrue in the Parachute Creek Geologic Formation;</li> <li>• Leadville milk-vetch; Sea pink; Rockcress draba; Tundra buttercup, and Colorado tansy aster in suitable alpine areas;</li> <li>• Altai cottongrass, Kotzebue grass-of-Panasus, and Porter feathergrass in suitable riparian and wetland areas. Avoid disturbances that would significantly affect species viability or trend the species towards federal listing.</li> </ul>	<p>Surveys have been conducted in and adjacent to the project area for plant species of viability concern. None of these species or potential habitats for them are present.</p>	<p>Surveys have been conducted in and adjacent to the project area for plant species of viability concern. None of these species or potential habitats for them are present.</p>	<p>Surveys have been conducted in and adjacent to the project area for plant species of viability concern. None of these species or potential habitats for them are present.</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<b>SPECIES OF VIABILITY CONCERN, TERRESTRIAL</b>			
<b>FRINGED MYOTIS AND TOWNSEND’S BIG-EARED BAT</b>			
<b>Standards</b>			
1. Conduct surveys of known caves and mines before implementation of projects that have the potential to impact fringed myotis and Townsend’s big-eared habitat. (refer to additional detail on page 2-24)	No known caves and mines or other structures that could serve as bat roosts or hibernacula for these species occur on or adjacent to project area. This alternative proposes no development.	No known caves and mines or other structures that could serve as bat roosts or hibernacula for these species occur on or adjacent to project area.	No known caves and mines or other structures that could serve as bat roosts or hibernacula for these species occur on or adjacent to project area.
2. Prohibit aerial application of insecticides within 2 miles of occupied or suspected Townsend’s big-eared bat and fringed myotis roosts to retain forage sufficient for bat survival and reproductive success, and to minimize exposure of the insecticide to individual bats. Use other methods of insecticide application to treat small areas such as campgrounds and administrative sites.	This alternative does not propose use of insecticides.	Same as Alternative 1.	Same as Alternative 1.
<b>Guidelines</b>			
1. Where necessary to retain forage sufficient for bat survival and reproductive success, restrict application of insecticides within 10 miles of occupied or suspected Townsend’s big-eared bat and fringed myotis maternity roosts and hibernacula.	This alternative does not propose the use of insecticides.	Same as Alternative 1.	Same as Alternative 1.
2. Restrict activities that may disturb roosting bats within 0.25 mile of occupied or suspected Townsend’s big-eared bat and fringed myotis maternity roosts and hibernacula to maintain survival and reproductive success. Apply restrictions as appropriate according to the following dates: <ul style="list-style-type: none"> <li>• Maternity roosts – April 15 to September 15</li> <li>• Hibernacula – October 15 to May 15</li> </ul>	No known caves and mines or other structures that could serve as bat roosts or hibernacula occur on or adjacent to project area. This alternative proposes no development.	No known caves and mines or other structures that could serve as bat roosts or hibernacula occur on or adjacent to project area. This alternative would not impact bat habitat and the recommended restrictions are not applicable.	No known caves and mines or other structures that could serve as bat roosts or hibernacula occur on or adjacent to project area. This alternative would not impact bat habitat and the recommended restrictions are not applicable.
<b>BARROW’S GOLDENEYE</b>			
<b>Standards</b>			
1. Conduct surveys to identify occupied and potential Barrow’s goldeneye habitat prior to project implementation that may have the potential to impact Barrow’s goldeneye or their habitat.	The project area does not support habitat for this species. Not applicable to this project.	Same as Alternative 1.	Same as Alternative 1.

Resource	Alternative 1	Alternative 2	Alternative 3
<p>2. Retain sufficient numbers of snags <math>\geq</math> 18 inches DBH within 0.33 mile of occupied and suspected Barrow’s goldeneye brood-rearing habitat in order to provide adequate nest cavity snags.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>3. Manage or restrict animal introductions that have the potential to impact forage insects in lakes and reservoirs within occupied or suspected Barrow’s goldeneye brood rearing, molting, or staging habitat to maintain existing forage insects.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>4. Restrict pesticide applications to those that do not have the potential to impact aquatic invertebrates in occupied and suspected Barrow’s goldeneye brood rearing and molting areas.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p><b>Guidelines</b></p>			
<p>1. When implementing vegetation management activities in occupied or potential Barrow’s goldeneye breeding habitat, provide through time sufficient densities of snags <math>\geq</math> 18 inches DBH within 0.33 mile of occupied or potential brood-rearing areas. Where density and number of snags is determined to be insufficient in order to provide nest cavities, consider installing nest boxes.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>2. Restrict management activities that have the potential to impact Barrow’s goldeneye habitat or disturb individuals in occupied or suspected nesting, brood-rearing, and molting areas to maintain survival and reproductive success. Activities that may be restricted include, but are not limited to:</p> <ul style="list-style-type: none"> <li>● Prescribed fire</li> <li>● Timber harvest</li> <li>● Livestock management</li> </ul>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<b>SAGE GROUSE AND BREWER’S SPARROW</b>			
<b>Standards</b>			
<p>1. For management activities in sage grouse and Brewer’s sparrow habitat, retain or enhance existing habitat by:</p> <ul style="list-style-type: none"> <li>• Managing for native vegetation</li> <li>• Retaining a minimum of 5% of sagebrush over 48 inches in height where site characteristics allow</li> <li>• Maintaining a minimum of 20% canopy cover of sagebrush</li> </ul>	The project area does not support habitat for this species. Not applicable to this project.	Same as Alternative 1.	Same as Alternative 1.
<p>2. Restrict the use of insecticides in sage grouse and Brewer’s sparrow sagebrush habitat to maintain adequate forage insects.</p>	The project area does not support habitat for this species. Not applicable to this project.	Same as Alternative 1.	Same as Alternative 1.
<p>3. Maintain and manage such that a minimum of 15% continuous canopy cover of herbaceous plants averaging at least 7 inches in height is retained in safe grouse nesting habitat during the sage grouse nesting and early brood-rearing season (generally from April 1 to July 31). If the herbaceous vegetation in an area cannot provide an average of at least 7 inches in height, maintain 15% continuous herbaceous plant canopy cover of the highest average height possible.</p>	The project area does not support habitat for this species. Not applicable to this project.	Same as Alternative 1.	Same as Alternative 1.
<p>4. Restrict activities that have the potential to impact sage grouse and Brewer’s sparrow breeding activities from April 1 to July 31 in areas where breeding is known or suspected in order to minimize any negative impacts to reproductive success or survival.</p>	The project area does not support habitat for this species. Not applicable to this project.	Same as Alternative 1.	Same as Alternative 1.
<b>Guidelines</b>			
<p>1. Within a project area or 1,000 acres, whichever is greater, restrict burning of sagebrush patches larger than 5 acres to less than 15% of sage grouse and Brewer’s sparrow habitat over a ten-year period to maintain an adequate seed source for sagebrush regeneration.</p>	The project area does not support habitat for this species. Not applicable to this project.	Same as Alternative 1.	Same as Alternative 1.

Resource	Alternative 1	Alternative 2	Alternative 3
<p>2. If restoration of habitat in occupied sage grouse habitat is deemed necessary, design treatments to meet the goals as recommended in area specific sage grouse management plans (e.g., Greater-sage grouse conservation plan, Middle Park, Colorado, January 2001). If there is not a specific sage grouse management plan for the area, design treatments to meet the goals as described in the current literature on sage grouse habitat (e.g., Connelly et al 2000).</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>3. When implementing vegetation management activities in sage grouse and Brewer’s sparrow sagebrush habitat:</p> <ul style="list-style-type: none"> <li>• Design and implement the activities so that a mosaic distribution of open and closed canopy areas will result.</li> <li>• Incorporate actions to remove invading conifers in order to maintain and expand the sagebrush cover type.</li> <li>• Limit the use of herbicides in sagebrush areas to direct application when eliminating or reducing non-native plants in sagebrush areas in order to minimize impacts to sagebrush</li> </ul>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>4. Limit the installation of new fences, power lines, and other structures in sage grouse and Brewer’s sparrow sagebrush habitat to reduce possible raptor perches and maintain sagebrush.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>5. Manage livestock activity in known or suspected sage grouse nesting areas from April 15 to June 15 to reduce the likelihood of livestock trampling of sage grouse nests. Actions to consider include, but are not limited to: limiting or prohibiting livestock driving, using pastures or areas during the nesting season that are not sage grouse nesting areas, and providing mineral supplements and water sources away from sage grouse nesting areas.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<p>6. Manage livestock activity in known or suspected Brewer’s sparrow nesting areas to reduce the likelihood of cowbird presence in Brewer’s sparrow nesting areas. Actions to consider include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Rotating livestock use by alternating years or seasons</li> <li>• Minimizing the intensity or number of livestock concentration areas</li> </ul>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>7. Manage developments and activities within or adjacent to springs, seeps, and riparian areas that may reduce water availability or soil moisture in order to maintain or improve sage grouse brood foraging habitat. Actions to consider include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Livestock enclosures</li> <li>• Natural barriers to ungulates</li> <li>• Limiting or prohibiting water diversions</li> </ul>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p><b>PYGMY NUTHATCH</b></p>			
<p><b>Standard</b></p>			
<p>1. In current and potential ponderosa pine cover types, and in other cover types where pygmy nuthatches are actively nesting or winter roosting, develop prescriptions during project planning to identify the amount, size(s), and distribution of snags and cavity trees to be left on-site, as well as live, green replacement trees for future snags and cavity trees under the following requirements:</p> <ul style="list-style-type: none"> <li>• Conduct avian and cavity surveys before projects are implemented that have the potential to impact pygmy nuthatch nest or winter roost snags and cavity trees.</li> <li>• Protect any known or suspected pygmy nuthatch nest and winter roost cavity trees and snags.</li> <li>• On forested sites, retain ponderosa pine snags (where materials are available) in accordance with the average minimums specified in the Table 2-1.</li> <li>• Where sufficient ponderosa pine snags or cavity trees are not available, select and manage for the snag or cavity tree species that pygmy nuthatches are using in the area, or for Douglas fir, aspen, or lodgepole pine snags or cavity trees.</li> </ul>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guideline</b>			
<p>1. Manage for a diversity of tree density, size, age, and height classes, and for a diversity of herbaceous and shrub vegetation in current and potential ponderosa pine cover type areas in order to provide a wide distribution of foraging substrates for pygmy nuthatches and other birds. Emphasize retention and management of live ponderosa pine for pygmy nuthatch nest and winter roost cavities, perches, and foraging sites.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<b>SPECIES REQUIRING MORE BASELINE INVENTORY AND EVALUATION TO DETERMINE STATUS</b>			
<b>Standards</b>			
<p>1. Maintain adequate water flow and vegetation at black swift colonies in order to maintain nesting activity and reproductive success.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>2. Restrict action at black swift colony sites in order to maintain habitat characteristics, survival and reproductive success at the sites. Actions that may be restricted include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Rock Climbing</li> <li>• Ice Climbing</li> <li>• Caving</li> <li>• Hiking</li> </ul>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<p>3. Conduct surveys of potential black swift habitat before implementation of projects that have the potential to impact black swift habitat or nesting activities.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<p>4. Conduct surveys for the following butterfly species needing more baseline inventory and evaluation before implementation of projects that may result in not maintaining a viable population in occupied habitat: theano alpine, dark blue, white-veined arctic, indra swallowtail, and two-banded checkered skipper. Prohibit actions that may result in the extirpation of the species in an area that is occupied. Actions that may be restricted include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Recreation use and development outside of established routes.</li> <li>• Livestock grazing</li> <li>• Vegetation treatments</li> <li>• Butterfly collecting</li> <li>• Road and trail construction</li> </ul>	<p>Surveys are not needed for these butterflies because they are not known to occur in the project area.</p>	<p>Same as Alternative 1.</p>	<p>Same as Alternative 1.</p>
<b>Guideline</b>			
<p>1. Limit recreational and other activities during the breeding period within 500 feet of known concentrations of spotted bat maternity roosts or hibernacula in order to minimize impact on reproduction and survival.</p>	<p>The project area does not support habitat for this species. Not applicable to this project.</p>	<p>Same as Alternative 1</p>	<p>Same as Alternative 1.</p>
<b>INSECTS AND DISEASE</b>			
<p>1. Plan management activities with consideration for potential insect or disease outbreaks. Design management to meet or enhance management area objectives.</p>	<p>Not applicable to this alternative.</p>	<p>This alternative would be implemented recognizing the progression of the MPB epidemic extending through the project area.</p>	<p>This alternative would be implemented recognizing the progression of the MPB epidemic extending through the project area.</p>
<p>2. Manage vegetation in high-use recreation areas to provide for public safety and to improve forest health as needed to maintain or improve the desired recreation setting(s).</p>	<p>Not applicable to this alternative.</p>	<p>This alternative's project area is largely outside of habitats affected by MPB. BSR's Vegetation Management Plan would be expanded to cover habitats affected by MPB as needed to provide for public safety and to improve forest health.</p>	<p>BSR's Vegetation Management Plan would be expanded to cover habitats affected by MPB as needed to provide for public safety and to improve forest health.</p>

Resource	Alternative 1	Alternative 2	Alternative 3
3. Use integrated pest management techniques, including silvicultural treatments, to meet management area objectives. Treatment activities should be based on the desired condition of the management area, the values of and risks to wildlife habitat, and adjacent private lands as well as public lands. Priority should be given to areas in which values to be protected exceed the cost of protection.	Not applicable to this alternative.	This alternative's project area is largely outside of habitats affected by MPB. BSR's Vegetation Management Plan would be expanded to cover habitats affected by MPB as needed.	BSR's Vegetation Management Plan would be expanded to cover habitats affected by MPB as needed.
4. Project plans should consider existing infestations of insects or disease within a project area. Activities should be designed to minimize the risk of spreading the infestation while still providing habitat for those wildlife species dependent upon the presence of insects and disease.	Not applicable to this alternative.	This alternative's project area is largely outside of habitats affected by MPB. BSR's Vegetation Management Plan would be expanded to cover habitats affected by MPB as needed.	BSR's Vegetation Management Plan would be expanded to cover habitats affected by MPB as needed.
5. Control natural insect and disease outbreaks in wilderness only when justified by predicted loss of resource values outside of wilderness.	Not applicable to this alternative.	Not applicable to this project.	Not applicable to this project.
<b>NOXIOUS WEEDS</b>			
<b>Standards</b>			
1. For all proposed projects or activities, determine the risk of noxious weed introduction or spread and implement appropriate prevention and mitigation measures.	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.
2. Manage noxious weeds and other undesirable exotic species of plants according to the Integrated Weed Management Principles.	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.
3. Use only certified noxious weed-free hay, straw, seed, or mulch for feed or re-vegetation projects on NFS lands.	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.
4. Include provisions that are necessary to prevent the spread of and to control the introduction of noxious weeds in contracts and permits for use of NFS lands and resources.	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guidelines</b>			
<p>1. Maintain the noxious weed program that addresses the following Integrated Weed</p> <ul style="list-style-type: none"> <li>• Management components:</li> <li>• Education and awareness</li> <li>• Prevention</li> <li>• Inventory</li> <li>• Planning</li> <li>• Integrated treatment</li> <li>• Monitoring and evaluation</li> <li>• Reporting</li> <li>• Management activities</li> <li>• Coordination and cooperation with federal, state, and local governments and adjacent private landowners</li> </ul>	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.
<p>2. Priorities for controlling noxious weeds are: preventing the introduction of new invaders, conducting early treatment of new infestations, and containing and controlling established infestations.</p>	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.
<p>3. When setting priorities for the treatment of noxious weeds, give consideration to the following:</p> <ul style="list-style-type: none"> <li>• Rate of spread of the species</li> <li>• Potential for environmental degradation</li> <li>• Invasions found within remote areas and special management areas such as research natural areas and wilderness</li> <li>• Probability that the treatment(s) will be successful</li> </ul>	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.
<p>4. Implement the WRNF's Noxious Weed Implementation Guide.</p>	Consistent.	Consistent. PDC were incorporated into the analysis to address noxious weeds.	Consistent. PDC were incorporated into the analysis to address noxious weeds.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>AMERICAN INDIAN RIGHTS AND INTERESTS</b>			
<b>Standards</b>			
1. Protect important cultural areas for current and future tribal use by recognizing the cultural landscape and geographic diversity left by Ute ancestors and acknowledging intellectual property rights.	Consistent.	Consistent. Surveys have been completed. If any cultural artifacts are discovered during construction, necessary steps would be taken to preserve the area.	Consistent. Surveys have been completed. If any cultural artifacts are discovered during construction, necessary steps would be taken to preserve the area.
2. Protect sensitive and proprietary traditional knowledge.	Consistent.	Consistent. Maps of known cultural areas were purposefully excluded from the report.	Consistent. Maps of known cultural areas were purposefully excluded from the report.
<b>Guidelines</b>			
1. Consult with American Indian people when projects have the potential to affect cultural rights and practices to help ensure the protection, preservation, and use of areas that are culturally important to tribes.	Consistent.	Consistent. The project would have no effect to cultural rights or practices.	Consistent. The project would have no effect to cultural rights or practices.
2. When possible, avoid physically affecting the integrity of traditional cultural properties including forest products collecting places.	Consistent.	Consistent. The project would have no effect to cultural rights or practices.	Consistent. The project would have no effect to cultural rights or practices.
3. Use the Forest Service National Resource Book on American Indian and Alaska Native Relations when developing an agency/tribe consultation process.	Consistent.	Consistent.	Consistent.
4. Follow applicable Forest Service policy addressing tribal treaty rights and federal trust responsibilities.	Consistent.	Consistent.	Consistent.
<b>HERITAGE RESOURCES</b>			
<b>Standards</b>			
1. Conduct all land management activities in such a manner as to comply with all applicable federal, state, and local regulations.	Consistent.	Consistent.	Consistent.
2. Leave human remains undisturbed unless there is an urgent reason for their disinterment. In case of accidental disturbance of historic graves, or reinterment, follow the appropriate tribal policies, state policies, and forest policies.	Consistent.	Consistent.	Consistent.

**Appendix B: Forest Plan Consistency Analysis**

Resource	Alternative 1	Alternative 2	Alternative 3
<b>Guidelines</b>			
1. Protect heritage resources from damage by project activities or vandalism through project design, specified protection measures, monitoring, and coordination.	Consistent.	Consistent.	Consistent.
<b>SCENERY MANAGEMENT</b>			
<b>Guidelines</b>			
1. Management activities should be designed and implemented to achieve, at a minimum, the level of scenic integrity shown on the scenic integrity objective map.	Consistent. Current facilities and operations are consistent with the SIO of Very Low within the developed ski area boundary.	<b>Inconsistent.</b> Projects would occur in the Very Low and Low SIO. Based on visual simulation analysis, proposed trail and lift clearings for the upper lift and infrastructure projects <b>would not meet the Forest Plan guideline of Low SIO.</b>	Consistent. Projects would occur in the Very Low and Low SIO. Based on visual simulation analysis, project would be consistent with each of these SIO designations.
2. Rehabilitate all existing projects and areas that do not meet the scenic integrity objectives.	Consistent.	Consistent. Revegetation of disturbed areas will occur promptly following disturbance.	Consistent. Revegetation of disturbed areas will occur promptly following disturbance.
3. Plan, design, and locate vegetation manipulation on a scale that retains the color and texture of the landscape character, borrowing directional emphasis of form and line from natural features.	Consistent.	Consistent. PDCs have been incorporated into the project to minimize linear vegetation cuts and blend vegetation breaks to the greatest extent practicable.	Consistent. PDCs have been incorporated into the project to minimize linear vegetation cuts and blend vegetation breaks to the greatest extent practicable.
4. Choose facility and structure design, scale, color of materials, location, and orientation to meet the scenic integrity objective on the map.	Consistent.	Consistent. PDCs have been incorporated into the project to blend structures into the landscape, including coloration of lift towers and terminals, location and coloration of ski patrol/warming hut and restroom facility. Facilities would be designed for summer colors.	Consistent. PDCs have been incorporated into the project to blend structures into the landscape, including coloration of lift towers and terminals. Facilities would be designed for summer colors.
5. Facilities, structures, and towers with exteriors consisting of galvanized metal or other reflective surfaces will be treated or painted dark non-reflective colors that blend with the forest background to meet an average neutral value of 4.5 or less as measured on the Munsell neutral scale.	Consistent.	Consistent. Coloration PDCs have been incorporated into the project and will be designed with non-reflective materials including windows and with summer colors.	Consistent. Coloration PDCs have been incorporated into the project and will be designed with non-reflective materials including windows and with summer colors.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>AERIAL TRANSPORTATION CORRIDORS</b>			
<b>Guideline</b>			
1. The exterior surfaces of suspended aerial trams, gondolas, cabriolets, and supporting towers should be painted or treated with dark, non-reflective colors that blend with the summer background. Windows should be darkened or treated to reduce reflectivity.	Consistent.	Consistent. Coloration PDCs have been incorporated into the project.	Consistent. Coloration PDCs have been incorporated into the project.
<b>TRANSPORTATION AND UTILITY CORRIDORS</b>			
<b>Standards</b>			
2. Consider the valid outstanding rights that may conflict with the occupancy and use of corridors.	Consistent.	Consistent.	Consistent.
3. Do not authorize conflicting uses or activities within transportation and utility corridors.	Consistent.	Consistent.	Consistent.
7. Proposals to utilize designated utility corridors will be authorized without alternative route analysis, subject to site-specific environmental analysis.	N/A	Consistent.	Consistent.
<b>Guidelines</b>			
<b>Management Area 8.25</b>			
<b>INFRASTRUCTURE</b>			
<b>Standard</b>			
1. Permanent outdoor advertising is not a needed public service and is not allowed.	Consistent.	Consistent.	Consistent.
<b>Guidelines</b>			
1. Facilities are designed with an architectural theme intended to blend facilities with the natural environment.	Consistent. Some existing facilities built prior to the BEIG do not follow the architectural theme.	Consistent. Some existing facilities built prior to the BEIG do not follow the architectural theme. Future buildings would be in compliance.	Consistent. Some existing facilities built prior to the BEIG do not follow the architectural theme. Future buildings would be in compliance.
2. Vegetation is retained to screen facilities from key viewpoints.	Consistent.	Consistent. Certain project components would be located above treeline and would not have vegetation to be retained.	Consistent. Certain project components would be located above treeline and would not have vegetation to be retained.

**Appendix B: Forest Plan Consistency Analysis**

<b>Resource</b>	<b>Alternative 1</b>	<b>Alternative 2</b>	<b>Alternative 3</b>
3. Roads are designed to minimize visual and resource impacts. They are constructed and maintained with good alignments and grades that minimize erosion.	Consistent.	Consistent.	Consistent.
4. Motorized travel is prohibited, except when authorized by special use permit or for administrative or emergency purposes.	Consistent.	Consistent.	Consistent.
<b>SOILS</b>			
<b>Standards</b>			
1. Effective ground cover (mulch) upon completion of ground disturbing activities will meet minimum level of the pre-treatment habitat type.	Consistent.	Consistent. PDCs include a re-vegetation plan for disturbed areas.	Consistent. PDCs include a re-vegetation plan for disturbed areas.
2. Cross drain placement will meet minimum spacing requirements.	Consistent.	Consistent. Waterbars would be constructed on trails as necessary to minimize erosion.	Consistent. Waterbars would be constructed on trails as necessary to minimize erosion.
<b>Guideline</b>			
1. Ground cover, as a combination of re-vegetation and mulch applications, should meet requirements for the one and two years following completion of ground disturbing activities.	Consistent.	Consistent. Monitoring requirements would be implemented.	Consistent. Monitoring requirements would be implemented.
<b>RECREATION</b>			
<b>Guidelines</b>			
1. Resource management activities should minimize impacts to recreational resources within existing permitted sites and areas planned for future development.	Consistent.	Consistent.	Consistent.
2. Uses and activities are considered appropriate on NFS lands if they enhance natural resource-based recreation opportunities. Facilities are considered appropriate if the preponderance of revenues generated from those facilities is by skiers and snowboarders during the winter season.	Consistent.	Consistent.	Consistent.
3. Ski area boundaries may be amended to improve skier safety, avoid physical hazards, manage known avalanche zones, or remain in compliance with Forest Service regional boundary management policies.	Consistent.	Consistent. BSR's SUP boundary would not change, but the operational boundary would be extended to include Peak 6. The backcountry access points would change as a result of Alternative 2.	Consistent. The SUP boundary would not change, but the operational boundary would be extended to include Peak 6½. The backcountry access points would change as a result of Alternative 3.

Resource	Alternative 1	Alternative 2	Alternative 3
<b>VEGETATION MANAGEMENT</b>			
<b>Standards</b>			
2. Vegetation management practices will be used to maintain and improve ski area objectives.	Consistent.	Consistent. A Vegetation Management Plan has been completed for BSR, and is included in the Project File. However, Alternative 2 does not include “vegetation management practices.”	Consistent. A Vegetation Management Plan has been completed for BSR, and is included in the Project File. However, Alternative 3 does not include “vegetation management practices.”
<b>Guideline</b>			
1. Manage stands and islands of trees to provide for a variety of species and size classes and perpetuate forest cover. Vegetative management should complement snow management objectives and scenery and recreational values.	Consistent.	Consistent. A Vegetation Management Plan has been completed for BSR, and is included in the Project File. However, Alternative 2 does not include “vegetation management practices.”	Consistent. A Vegetation Management Plan has been completed for BSR, and is included in the Project File. However, Alternative 3 does not include “vegetation management practices.”
<b>WATER AND AQUATIC RESOURCES</b>			
<b>Standards</b>			
3. Snow management, including snowmaking and snow-farming, will be conducted in a manner that prevents slope failures and gully erosion, as well as bank erosion and sediment damage in receiving channels.	Consistent.	Consistent. No snow management practices are proposed (only snow farming and snow fencing) that would contribute to slope failures and gully erosion, as well as bank erosion and sediment damage in receiving channels.	Consistent. PDC would be implemented as needed for consistency with this standard.
<b>WILDLIFE</b>			
<b>Guideline</b>			
1 Provide opportunities to educate visitors about wildlife and habitat.	Consistent.	Consistent. BSR provides such educational signage. PDC that are part of this alternative would include signage to help keep guests out of sensitive, out-of-bounds wildlife habitat.	Consistent. BSR provides such educational signage. PDC that are part of this alternative would include signage to help keep guests out of sensitive, out-of-bounds wildlife habitat.

## APPENDIX C: RESPONSE TO SCOPING COMMENTS

The following table identifies comments received during the scoping process that are not analyzed in the EIS and provides a rationale for their exclusion from detailed analysis.

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>Is then their Purpose and Need really about crowds or is it about marketing? When we asked the WRNF this same question regarding the purpose of the Imperial Express lift, BSR denied that it was to increase numbers, and WRNF simply agreed. Immediately after this lift was built, they marketed this lift across the world. On all of our buses. In every magazine, on the radio, TV. Even one of their higher managers said to me, “Imperial Express is not about ski patrollers or locals, it is about marketing.” They spent thousands and thousands of dollars marketing a lift that was just supposed to simply disperse skiers. But our skier numbers rose, they sold more real estate at Peak 7 and Mountain Thunder. Any publicly traded company is concerned about their bottom line. Please, this time, let’s just cut the chase and make sure that the cumulative effects from marketing an expansion, are addressed ahead of time.</p>	<p>The Forest Service acknowledges and anticipates in its environmental analyses that all ski area permittees will market their ski areas and improvements. Annual skier visits in the 2005/06 ski season (the season when the Imperial Express lift initially opened) did increase at BSR by approximately 10 percent. That same season, annual Colorado skier visits increased approximately 6 percent, Summit County ski areas’ skier visits increased approximately 8 percent, and Copper Mountain skier visits also increased approximately 8 percent. It is difficult to determine the exact reasons for annual increases or decreases in skier visitation. The increase of skier visitation at BSR since the implementation of the Imperial Express lift has remained relatively consistent with the local and State annual visitation averages. BSR markets in a similar fashion as other ski areas and resort communities, including the Town of Breckenridge, within Colorado and the United States.</p> <p>BSR has always marketed their ski area and would continue to market the ski area into the future, no matter what the outcome of this project would be. Over the past 15 years, BSR skier visits have increased approximately 2 percent annually, but have fluctuated year-to-year primarily based on the regional, national and international economy.</p> <p>This FEIS does not analyze the effect of marketing as a separate process influencing cumulative effects of the project; rather it integrates the effects of marketing into the visitation projections analyzed for alternatives 1, 2 and 3 (direct and indirect environmental consequences). The analysis assumes BSR would continue to market past, present and potentially approved projects into the future.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>Many of us ski Breckenridge regularly and have found that there is ample terrain for skiers, even on a busy day. Much of the crowding at Breckenridge is a direct result from the discounted Colorado Pass offered to every local and Front Range resident. It has been said that Breckenridge will probably discontinue this pass in the future. How might this change our weekend crowds?</p>	<p>The discontinuation of the Colorado Pass is not a reasonably foreseeable future action that the Forest Service could accurately analyze; therefore, this concept and action is not analyzed in this FEIS.</p>
<p>How have recent terrain expansions in Summit County affected skier distribution and crowding at area resorts?</p>	<p>A cumulative effects analysis is included in Chapter 3B – Recreation, Mountain Operations and Guest Services that addresses impacts to hike-to terrain and backcountry terrain within SUP boundaries for Summit County ski areas. An assessment of terrain developments and the impact to terrain acreages and ability levels is included in the Project File.</p>
<p>The more desirable terrain below treeline, which travels mostly through our living, healthy forest of spruce and fir is poorly designed and are actually extremely short and flat, flat enough that we would describe some of it as advanced beginner terrain.</p>	<p>The slope angle of the terrain on Peak 6 is not detailed in this FEIS. The 2007 BSR MDP included a slope analysis based on computer modeling and field visits. This FEIS utilizes that slope analysis to quantify terrain by ability level specific to project components for alternatives 2 and 3.</p>
<p>Why not mitigate CCC issues with Buddy Pass blackout dates and/or skier number caps?</p>	<p>The Forest Service does not regulate pass prices, season pass blackout dates or skier visit caps. The Forest’s role is to ensure that facilities on the mountain have sufficient capacities to meet visitation demands (e.g., water supply capacity for on-mountain guest service facilities). However, a conservation goal is included in Chapter 2 that addresses visitation levels and the impact to the Breckenridge community.</p>
<p>The target area should be operated as hike access only for 2-3 seasons prior to installing a lift. During this time of lower volume, snow study theories can be validated and skier traffic patterns can emerge allowing both to be accommodated more effectively and safely.</p>	<p>The Forest Service possesses a sufficient understanding of snow coverage on Peak 6. Without a lift on Peak 6, skier patterns would not be accurate as the appropriate capacity of the Peak 6 terrain would not be realized.</p>
<p>Instead of expanding onto Peak 6, BSR could shorten lift-lines if they first completed some of their past and future promises of upgrading lifts. 6 Chair was supposed to be upgraded under the agreement to build Imperial Express. 5, A and C chair are supposed to be upgraded, do this before Peak 6. Hold the applicant to their past promises.</p>	<p>When the Forest Service approves projects on NFS lands, only if the decision document (in the case of 6 Chair, it was approved as a lift upgrade in a Decision Notice) specifically requires an action (e.g., a mitigation measure to offset anticipated effects), would a project be required to occur. No requirements or agreements are in place between the Forest Service and BSR to install lifts or implement any other past approved projects.</p> <p>Projects considered in this FEIS address the Purpose and Need for the project. Alternative 3 addresses the upgrade of terrain and lifts within the current operational boundary.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>It makes sense to first complete approved lodging at Peak 7 and 8 and see how this impacts our town’s infrastructure: parking, snow removal, watershed impacts, traffic, labor force and then ask if we can handle an expansion on Peak 6?</p>	<p>Lodging at the base of Peak 7 and 8 (Crystal Peak Lodge, Grand Lodge at Peak 7 and One Ski Hill Place, respectively) was permitted by the Town of Breckenridge. Because that project was approved by the Town of Breckenridge, the Forest Service assumes town infrastructure can accommodate such growth and environmental impacts were studied and mitigated, as needed.</p> <p>The action alternatives have separate and distinct actions from the base area projects on private lands. These base area developments are analyzed cumulatively in the cumulative effects analysis in this FEIS.</p>
<p>We ask the Forest Service to ensure that before BSR builds anything on Peak 6, that they first follow through with past promises of improving within their operating boundary. First address their plans of re-locating ski school, of building another lift at the base of 8, and also to encourage skiers from the lower parking lots take the bus to the less crowded Peak 9 and 10. A flashing sign on Park Avenue could give base area lift times, so skiers would know where it is less crowded. A parking garage close to Peak 9 should be considered, not just for the ski area but for the parking issues within town. What is the motive for this expansion, when so much new terrain and lift upgrades could be dealt with within their current operating boundary, without having to impact two new basins and peaks? It seems like a huge expense when it could be done simply within their operating boundary.</p>	<p>When the Forest Service approves projects on NFS lands, only if the decision document (in the case of 6 Chair, it was approved as a lift upgrade in a Decision Notice) specifically requires an action (e.g., a mitigation measure to offset anticipated effects), would a project be required to occur. No requirements or agreements are in place between the Forest Service and BSR to install lifts or implement any other past approved projects.</p> <p>Projects considered in this FEIS address the Purpose and Need for the project. Alternative 3 addresses the upgrade of terrain and lifts within the current operational boundary.</p>
<p>Another issue is that, through the NEPA process, shouldn’t it be the responsibility of the Forest Service to require (and not request) the applicant to apply all other alternatives prior to conducting any negative impacts to our public lands? One alternative that must be addressed is for the Forest Service to require a substantial increase to the price of the Colorado Pass, of which many of us would be willing to pay. Currently at the cheap price of this pass, compared to the price of a day ticket, we the public and the Forest Service are unfairly helping to subsidize ski resorts, especially since VRI doesn’t pay the market value of the land.</p>	<p>It is not the responsibility of the Forest Service to require an applicant to apply all other alternatives prior to implementing projects that may have negative impacts on NFS system lands. However, the Forest Service (not BSR) has developed an alternative to the Proposed Action to ensure that the agency understands the effects of alternative actions before authorizing any new actions at the resort to meet the Purpose and Need for the project.</p> <p>The Forest Service cannot control daily or season pass pricing. The Forest Service cannot legally make a decision that precludes members of the public from accessing public lands due to monetary restrictions. That pricing must be made by the permittee.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>There are numerous other locations within their operating boundary where they could add to their acreage. For instance, the advanced skier (of which Peak 6 has some appeal) could find better skiing if fir and spruce were cut next to the Doors, the Windows, the north side of Peak 10. Because this advanced terrain is in the trees, there wouldn't be a concern with visibility and nasty conditions above timberline. Also this would be a great bonus for the trees - instead of clear cutting vast acres of spruce and fir in two untouched, unspoiled basins of Peak 6, this would be a more acceptable place to cut our remaining living trees. There is also lodgepole next to the Mach which, once dead, could also add terrain for the advanced intermediate skier.</p>	<p>The reader is referred to Chapter 2 – Design Components and Alternatives Considered But Eliminated From Detailed Analysis for a discussion of these alternative concepts to address the Purpose and Need.</p>
<p>Instead of building a lift on Peak 6 which is abundant with wildlife and rarely sees humans, they could instead build a lift within their current operating boundary, up to the Twin Chutes and beyond - most of this already being accessible by a snowmobile ride from patrol, or a short walk on a road. The terrain close to Twin chutes is a great mix of advanced intermediate and advanced terrain, some above treeline and much below - similar to what is supposedly at Peak 6. This lift could even extend towards the summit of Snow White - terrain which is currently inbounds, but not used much because most skiers don't feel like taking the long hike and traverse. A lift to this zone would be a great addition for the intermediate, advanced intermediate and advanced skier. Another thought on a lift is to service the South side of Peak 10 - great terrain that sees very little use, even on weekends because of the long traverse out of there.</p>	<p>The reader is referred to Chapter 2 – Design Components and Alternatives Considered But Eliminated From Detailed Analysis for a discussion of these alternative concepts to address the Purpose and Need.</p>
<p>If you want to provide new “hike-to” terrain, rather than impacting two untouched basins and peaks, you should look into terrain closely connected to your current operating boundary, like the beautiful twenty minute hike from the top of the Falcon/peak 10 chair to the Ballroom. Or, just keep Peak 6 as it is and market it as the best backcountry skiing close to a resort in Colorado, which it is. With the popularity of backcountry skiing showing up on every ski magazine cover, this could be a future marketing tactic with the only investment being occasional avalanche control work done by ski patrol. This is what the “hike-to” skiers are looking for - a true backcountry experience.</p>	<p>The reader is referred to Chapter 2 – Design Components and Alternatives Considered But Eliminated From Detailed Analysis for a discussion of these alternative concepts to address the Purpose and Need.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>Isn't it premature to conduct an Environmental Impact Statement on Peak 6 before we even know the consequences from this [mountain pine beetle] epidemic? Does it make sense to at least wait for the Pine Beetle to run its course, and study the forest, the watershed and wildlife impacts before you conduct an EIS on the Peak 6 expansion?</p>	<p>NEPA requires the use of the best available information. This analysis utilizes a Vegetation Management Plan, prepared by certified silviculturalists, to assess the impacts of MPB within the SUP. The Forest Service has an accurate understanding of potential MPB effects within the SUP. The reader is also referred to Chapter 3J – Forest Health for an analysis of MPB impacts.</p>
<p>Maintain deer and elk habitat effectiveness. As stated in the introduction to this section, the Peak 6 area is good habitat for a variety of wildlife species because it gets so little human visitation. Thus deer and elk may congregate in the area during snow-free periods.</p> <p>According to the Forest Plan, an area beginning a short distance north of the proposed expansion area is an elk calving area. See Forest Plan at 3-64, 3-69. This means that activities should generally be restricted in this area from May 15 to June 20. Plan at 3-62. To maintain habitat effectiveness for deer and elk and other species, summer use of the proposed expansion area must not be encouraged. In other words, the restaurant and lift should not be allowed to operate from about early May through at least early November. Mountain bike use through the resort onto Peak 6 should not be allowed. Roads used for access should be obliterated, or, if needed for maintenance, closed to all motorized use except official use.</p>	<p>Elk habitat and the effects to it from any proposed activities are addressed in Chapter 3I – Wildlife as well as the Biological Evaluation located in the Project File.</p> <p>The restaurant and lift are only proposed to be operated during the ski season. Mountain biking is not proposed in the Peak 6 area. All roads within the ski area operational boundary and roads used for construction would be gated to restrict public motorized access.</p>
<p>EPA is primarily concerned about impacts from this project to the 77-acre Cucumber Gulch Wildlife Preserve. The DEIS should clearly describe how the proposal will avoid, minimize and mitigate for any impacts to this ARNI, and the wildlife that depend on the wetlands and connected upland habitat on Peak 6.</p>	<p>Chapters 3I and 3K analyze impacts to the Cucumber Gulch watershed from a stream health and habitat standpoint.</p>
<p>We gave comments to the Forest Plan and to the Travel Management Plan asking WRNF to conduct a user group study on Backcountry skiing, as well as identifying our main ski destinations, but we still have not had a response.</p>	<p>Chapter 3B quantifies backcountry skiing opportunities with SUP areas in Summit County and discloses the cumulative effects of past, present and reasonably foreseeable future actions.</p> <p>A user group study on Backcountry skiing on the WRNF is beyond the scope of this analysis.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>The route to the summit of Peak 6 is our quickest access for all points to the north. In order for us to ski Peak 5, 4, 3 and the Sky chutes on the western side, we always climb Peak 6 first and then walk along the ridge. If this becomes inbound, and they include all the terrain into the North Fork of South Barton as well, we are losing a major access to our backcountry. The next closest route, will add a significant amount of time. The better access, off of Slalom Drive, does not currently allow for parking, and we would ask the WRNF to look into this since the road does border National Forest. We would love to keep an ascent route to the summit of Peak 6 open to the backcountry skier, keeping the terrain to the north of Peak 6 as out of bounds, makes this more feasible. Maybe a rope line will have to travel up the ridge to the peak.</p>	<p>Chapter 3B analyzes backcountry access and the operational changes anticipated with the action alternatives. Providing a trailhead for backcountry skiers is beyond the scope of this analysis as the action alternatives are not driving additional backcountry use that would necessitate trailhead parking.</p>
<p>We also would like to see more access gates within BSR - the top of Peak 7, top of Peak 8, outside the roped Twin chutes road on Peak 9, the top of the Falcon Chair. Backcountry skiing is booming, and if we lose Peak 6, folks will want the above options as new alternatives for finding terrain.</p>	<p>Chapter 3B analyzes backcountry access and the operational changes anticipated with the action alternatives.</p>
<p>I am not satisfied with how Peak 6 was ultimately included in the boundaries of the ski resort when the forest plan was revised several years ago. My impression was that Peak 6 emerged out of the scoping phase and became the preferred alternative without much public thought or input. Therefore, I challenge the legitimacy of relying on the boundaries in the un-reviewed forest plan to expand to Peak 6.</p>	<p>The 2002 Forest Plan Revision was consistent with forest planning regulations and allowed for adequate public participation and review.</p>
<p>The Forest Service should retract the boundary change between the Nordic Center and Ski Resort, and request public comment on the proposed change, following normal forest plan amendment procedures. Given the fact that this permit boundary adjustment appears integral to the proposed Peak 6 expansion, this analysis should be done as a part of the Peak 6 analysis, including a new NOI with this forest plan amendment as a part of the proposed action.</p>	<p>The SUP boundary adjustment was initially requested by the Breckenridge Nordic Center in 2006, with a subsequent request made by BSR for the area to be incorporated into the BSR SUP boundary. The SUP boundary adjustment was an administrative process documented in a Categorical Exclusion that did not require a decision document (e.g., decision memo) by the Forest Service. The Forest Plan land allocation (Management Area 8.25) boundary did not change and activities occurring in the area are consistent with those described in the WRNF Forest Plan Final EIS and Record of Decision.</p> <p>Actions proposed for this project are analyzed site-specifically in this FEIS where effects are anticipated.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>Protect the Tenmile Roadless Area. Most or all of the proposed expansion area clearly meets the qualifications for a roadless area and potential wilderness areas. See FSH 1909.12, chapter 70. The expansion area could easily be included in the Ten Mile Roadless Area and should be. Indeed, such inclusion appears to have been intended:</p> <p>The [Tenmile Roadless] area is bounded to the north by Frisco, to the east by private property and US (sic) Highway 9, to the west by Interstate 70, and to the south by the Continental Divide and the Pike-San Isabel and White River National Forest boundaries. The Amax mine is located on the southwestern boundary.</p>	<p>The project area is not designated as “Roadless.”</p>
<p>It is hard to quantify what causes skier numbers to rise, and BSR is always reluctant to admit how this happens, but before the Peak 6 expansion continues we need to first see how the completed Peak 7 and 8 development affects Town’s already strained capacity issues.</p>	<p>Lodging at the base of Peak 7 and 8 (Crystal Peak Lodge, Grand Lodge at Peak 7 and One Ski Hill Place, respectively) was permitted by the Town of Breckenridge. Because that project was approved by the Town of Breckenridge, the Forest Service assumes Town infrastructure can accommodate such growth and environmental impacts were studied and mitigated, as needed.</p> <p>The action alternatives have separate and distinct actions from the base area projects on private lands. These base area developments and on-mountain improvements at Peak 7 and 8 are analyzed cumulatively in the cumulative effects analysis in this FEIS.</p> <p>In addition, a Task Force which included members from BSR, the Town of Breckenridge, Summit County, and the Breckenridge business community, was created to discuss comments received by the Forest Service concerning social issues such as: employee recruitment/retention, affordable housing, healthcare and social services, traffic, and parking. For detailed information regarding these social issues refer to Chapter 1, and Chapters 3A, 3C, and 3F.</p>
<p>We would like to see that the comfortable carrying capacity of the town in general is assessed, as well as that of the ski resort, in looking at this proposed expansion.</p>	<p>Town traffic and parking capacities are analyzed in Chapter 3 of this FEIS.</p>
<p>EPA also recommends coordination with local and state highway planning agencies to assure that potential increased traffic associated with or induced by the ski area expansion are addressed in highway planning efforts.</p>	<p>Chapter 3C includes a traffic analysis. Colorado Department of Transportation is included in public and agency outreach for this project.</p>
<p>How is BSR and WRNF going to address the serious issues with I-70?</p>	<p>Chapter 3C analyzes local traffic and Interstate 70 issues.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
<p>Much of the lodgepole in this area is located within Gene Dayton’s proposed New Nordic World. We are also concerned about how his master plan will integrate with the proposal of Peak 6. He wants to build 22 miles of trails within the lodgepole forest here as well as healthy spruce and fir. This zone is currently called the Siberian Loop, and is lightly used both summer and winter, which has let it become great habitat for moose, lion, bear and fox. We believe that since these two expansions share a boundary line, and since one expansion will certainly affect another (degradation of wildlife habitat, loss of solitude on the Siberian Loop which is many a locals favorite escape), these two proposals must be worked out together.</p>	<p>The Nordic Center has not completed a Master Development Plan; therefore, potential future projects are not currently proposed and considered too speculative to accurately analyze in this FEIS.</p>
<p>In a separate public notice dated January 8, 2008, the Forest Service proposes to trade two parcels of land near Breckenridge, “Claimjumper” and “Cucumber Wedge”, to private interests. Housing would be developed on the former, while the latter would be “managed as undeveloped open space”. The EIS for the ski area expansion must disclose the cumulative effects of the land exchange on the parcels involved and on how the ski area expansion facilitates development of these parcels.</p>	<p>The Forest Service has determined that this FEIS would not affect those parcels and vice versa. Therefore, those projects are not analyzed in this FEIS cumulatively.</p>
<p>New Parking for Backcountry Skiers</p>	<p>Providing a trailhead for backcountry skiers is beyond the scope of this analysis. The action alternatives are not driving additional backcountry use that would necessitate trailhead parking.</p>
<p>Study impacts from Imperial Express on Sawmill Gulch/comparison with Peak 6</p>	<p>From a watershed perspective, all past projects within the BSR watersheds are considered part of the existing condition and are fully considered in the FEIS analysis.</p>
<p>Create Mid-Mountain Ski School</p>	<p>A mid-mountain ski school would not reasonably address the Purpose and Need.</p>
<p>Have all lifts open from Christmas on</p>	<p>BSR operates the lifts and trails to meet guest expectations, while taking into account safety concerns. There are many reasons why lifts may not operate on a day to day basis.</p>
<p>Consider lift from south side of Peak 10 to Ballroom, Carter Bowl or a lift up Snow White</p>	<p>The reader is referred to Chapter 2 – Design Components and Alternatives Considered But Eliminated From Detailed Analysis for a discussion of these alternative concepts to address the Purpose and Need.</p>
<p>Increase hike-to terrain above Falcon Chair and Twin Chutes.</p>	<p>The reader is referred to Chapter 2 – Design Components and Alternatives Considered But Eliminated From Detailed Analysis for a discussion of these alternative concepts to address the Purpose and Need.</p>

**Table C-1:  
Response to Scoping Comments Excluded from Detailed Analysis**

Comment	Response
Market Peak 6 as backcountry with ski patrol as guides*	The reader is referred to Chapter 2 – Design Components and Alternatives Considered But Eliminated From Detailed Analysis for a discussion of these alternative concepts to address the Purpose and Need.
Replace 6 Chair warming hut and Peak 7 restaurant before considering Peak 6 restaurant	The Peak 7 restaurant is considered in the cumulative effects analysis. A proposal does not exist to replace the 6 Chair warming hut. However, due to the location of the 6 Chair warming hut, the functions that this facility currently provides would not change. Replacing the warming hut wouldn't reasonably address the Purpose and Need.
Provide additional emergency care clinic at base of Peak 7 or 8	BSR operates emergency care on private lands and is considered beyond the scope of this analysis.
Use of blackout days; “sell out” of lift tickets; Raise price of season pass	The Forest Service does not regulate pass prices, season pass blackout dates or skier visit caps. The Forest's role is to ensure that facilities on the mountain have sufficient capacities to critical to meet visitation demands (e.g., water supply capacity for on-mountain guest service facilities). However, a conservation goal is included in Chapter 2 that addresses visitation levels and the impact to the Breckenridge community.

# APPENDIX D: ALTERNATIVE 2 AND 3 PROPOSED FOREST PLAN AMENDMENT

## A. FOREST SERVICE DIRECTION FOR AMENDING FOREST PLANS

Forest Service requirements for amending forest plans are included in agency regulations and policies. These require that proposed activities be consistent with forest plans and that proposed activities which may be in conflict with the Forest Plan either be denied, modified (so as to be consistent), or that the Forest Plan be amended. Regulations at 36 CFR 219.10(f) direct the Forest Service to consider whether a proposed amendment to a forest plan would be considered a significant change.

The Forest Service is authorized to implement amendments to forest plans in response to changing needs and opportunities, information identified during project analysis, or the results of monitoring and evaluation. The process to consider Forest Plan amendments, review them for significance, document results, and reach a decision is contained in Forest Service Manual (FSM) 1922 and Forest Service Handbook (FSH) 1909.12, Chapter 5. An assessment of a proposed amendment's significance in the context of the larger Forest Plan is a crucial part to the process. It is important to note that the definition of significance for amending a forest plan (36 CFR 219.10[f] and FSH 1922.5) is not the same significance as defined by NEPA. Under NEPA, significance is determined by whether a proposal is considered to be a "major federal action significantly affecting the quality of the human environment," or whether the relative severity of the environmental impacts would be significant based on their context and intensity.<sup>1</sup>

In contrast, the National Forest Management Act (NFMA) requires that proposed Forest Plan amendments be evaluated for whether they would constitute a significant change in the long-term goods, outputs, and services projected for an entire National Forest. Amendments that are not significant may be adopted following disclosure and notification in an environmental document, such as an EA, EIS, or a supplement to one of these documents.

The criteria to analyze the significance of a Forest Plan amendment are summarized below.<sup>2</sup> Each of the four criteria for determining significance of the proposed amendment is responded to directly later.

1. Timing. When the change in the Forest Plan would take place relative to the planning period and scheduled revisions of the plan.
2. Location and size. Location and size of the area affected compared to the size for the overall planning area.

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<sup>1</sup> 40 CFR 1502.3; 40 CFR 1508.27

<sup>2</sup> USDA Forest Service, 1992 Forest Service Handbook 1909.12

3. Goals, Objectives, and Outputs. How, or to what degree, the amendment would affect the long-term relationship between levels of goods and services projected by the Forest Plan.
4. Management Prescription. Whether the change would apply only to a specific situation, or to future situations across the planning area.

## **B. PROPOSED AMENDMENT TO THE WHITE RIVER NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN**

In October 2008 the USDA Forest Service Rocky Mountain Region (R2) issued the Southern Rockies Lynx Management Direction Record of Decision (SRLMD).<sup>3</sup> The new management direction provides one goal, 13 objectives, 7 standards, and 34 guidelines. The SRLMD amended the WRNF 2002 Forest Plan:

*To establish management direction that conserves and promotes the recovery of lynx, and reduces or eliminates potential adverse effects from land management activities and practices on national forest in the Southern Rockies, while preserving the overall multiple-use direction of existing Plans.*<sup>4</sup>

The 2002 Forest Plan states:

*Site-specific project decisions must be consistent with the plan unless it is modified by amendment. Determining whether a project is consistent with the forest plan is based on whether it follows forest wide and management area standards. Projects that do not comply with standards must be found to be inconsistent with forest plan management direction, unless standards are modified through forest plan amendment. In the latter case, project approval and forest plan amendment may be accomplished simultaneously.*<sup>5</sup>

The WRNF has identified aspects of Alternative 2 and 3 that would not be consistent with the WRNF Forest Plan as amended by the SRLMD.

Specifically, Alternative 2 and 3 would not be consistent with Standard ALL S1 that specifies:

*New or expanded permanent developments and vegetation management projects must maintain habitat connectivity in an LAU and/or linkage area.*

The rationale to support this direction is based largely on the current condition of the Lynx Analysis Unit (LAU) that BSR is located within. In general, the current condition of the Swan River LAU limits lynx

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<sup>3</sup> USDA Forest Service, 2008

<sup>4</sup> Ibid.

<sup>5</sup> USDA Forest Service, 2002 p. P-4

habitat availability, effectiveness, and connectivity. Specific characteristics of the Swan River LAU leading to this conclusion include:

- Non-habitat, currently unsuitable habitat, and private lands compose 50% of the LAU;
- Commercial, residential, and ski area developments are located at the center and along the entire, medial, north-south axis of the LAU;
- Alpine zones (non-habitat for lynx that restricts connectivity) occur along three sides of the LAU;
- Low quality lodgepole pine habitat dominates most forested portions of the LAU that has been further degraded by the MPB epidemic;
- There is an excess of unsuitable lynx habitat in the LAU (41% vs. the 30% Forest Plan threshold);
- Higher quality spruce-fir habitat is generally limited to narrow bands around the periphery of the LAU;
- Remaining habitat blocks are fragmented, isolated, and too small by themselves to support a lynx home range; and
- Existing travel distances for lynx crossing BSR during the ski season are near the lower end of the maximum 3- to 6-mile range for movements through the spruce-fir zone.

Habitat conditions are likely to be further impaired by the ongoing mountain pine beetle epidemic without any practicable way of improving habitat connectivity across the ski area. Alternative 2 and 3 would further impair already impaired habitat connectivity across developed BSR ski terrain and through this local portion of the LAU during the ski season.

In light of Forest Service biologists and the Responsible Official determining the BSR SUP area currently does not support the biological function necessary to achieve lynx habitat connectivity, the standard is not a reasonable requirement for a single development within the resort's SUP area under Management Area 8.25 direction. In essence, the Forest Service cannot maintain lynx habitat connectivity if the current landscape does not hold that potential.

The proposed Forest Plan amendment is a non-significant amendment to the WRNF Forest Plan and would exempt Alternatives 2 and 3 from having to achieve habitat connectivity in the Swan River LAU. Because there is potential for habitat connectivity to increase in the long term, this is a one-time waiver that applies only to projects contained in Alternatives 2 and 3 within the BSR SUP boundary. The NEPA planning processes for any future ski area projects developments within MA 8.25 (BSR or other developed winter sports permittees) will evaluate compliance with Forest Plan direction (including Standard ALL S1) on a project-specific basis. The proposed exemption to the Forest Plan's standard within the BSR SUP would take effect following issuance of a Record of Decision for this EIS.

As per FSH 1909.12, the four criteria for determining significance of the proposed amendment are responded to directly.

**1. Timing. When the change in the Forest Plan would take place relative to the planning period and scheduled revisions of the plan.**

This would be a one-time Forest Plan amendment that would exempt the Proposed Action and Alternative 3 from Standard ALL S1. The WRNF is currently not undertaking a formal Forest Plan revision process. Because the completion of the Forest Plan revision process is not imminent, this non-significant Forest Plan amendment is being proposed at an appropriate time.

**2. Location and Size. Location and size of the area affected compared to the size for the overall planning area.**

The WRNF includes approximately 2.3 million contiguous acres in Colorado. This proposed Forest Plan amendment would pertain to NFS lands within BSR's existing 5,756-acre SUP area only, representing approximately 0.25 percent of the Forest.

**3. Goals, Objectives, and Outputs. How, or to what degree, the amendment would affect the long-term relationship between levels of goods and services projected by the Forest Plan.**

Development and utilization of the BSR SUP was anticipated in the 2002 Forest Plan. As a result, exempting the Forest Plan's standard in the manner proposed would help achieve goals and projections of the Forest Plan for recreation use and would not have any overall effect to the general outputs identified in the Forest Plan.

The proposed amendment would be a one-time project specific exemption in the short-term. Long-term goods and services within the LAU would, in time, recover from the MPB epidemic potentially allowing more appropriate applicability of Standard ALL S1. This amendment would not alter the long-term relationship between levels of goods and services projected by the Forest Plan.

**4. Management Prescription. Whether the change would apply only to a specific situation, or to future situations across the planning area.**

The proposed Forest Plan amendment is specific to the Peak 6 project area within BSR SUP boundary and Management Area 8.25. This amendment would not apply to the entire Management Area or any other current or future situations on the WRNF.

## **APPENDIX E: MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF BRECKENRIDGE, SUMMIT COUNTY AND BRECKENRIDGE SKI RESORT**

Included in this section is the Memorandum of Understanding (MOU) between the Town of Breckenridge, Summit County and the Breckenridge Ski Resort (BSR).

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is entered into as of the 21<sup>st</sup> day of July, 2011 and is intended to set forth the understanding of the TOWN OF BRECKENRIDGE ("Town"), SUMMIT COUNTY ("County") and VAIL SUMMIT RESORTS, INC., doing business as Breckenridge Ski Resort ("BSR") with respect to the social and socio-economic impacts identified in connection with the proposed expansion of the Breckenridge Ski Resort onto Peak 6 of the Ten Mile Range. Vail Summit Resorts is also sometimes referred to in this Memorandum as "VSR".

### Background

BSR has submitted to the United States Department of Agriculture, Forest Service ("USFS") a proposal to expand the existing Special Use Permit operating boundary of the Breckenridge Ski Resort ("Boundary") to include ski terrain, an aerial tramway and a potential restaurant on Peak 6, as more fully described and set forth in the project proposal attached as Exhibit A. The USFS has accepted BSR's proposal and is conducting a study of potential environmental impacts of the Peak 6 proposal as required by the National Environmental Policy Act ("NEPA"). As required by NEPA, the USFS has solicited public comments about the Peak 6 proposal, some of which discussed the possible social or socio-economic impacts. To address these comments and provide the USFS analysis that may be useful in connection with its analysis of the Peak 6 proposal under NEPA, BSR, the Town and the County formed a task force to study potential social and socio-economic impacts on the Town and County of the Peak 6 proposal. After extensive public meetings, the task force issued its Summary of Key Findings and Guiding Principles dated July 1, 2009 ("Summary"). The Summary provided that a memorandum of understanding would be prepared to ensure that BSR, the Town and the County were in general agreement on actions to be taken by each relative to the findings and recommendations of the task force.

## Understandings

The parties understand and agree as follows:

1. Quality of Life.

(a) BSR agrees that it will not apply for or undertake any residential or commercial development on or at the base of Peak 6, except for skier service facilities approved by the USFS.

(b) BSR agrees that it will not apply for or undertake any expansion of the Boundary beyond the Peak 6 expansion, unless requested by the Town and County in response to potential future community considerations.

2. Housing.

(a) The goal is to avoid negative impacts on the employee housing supply currently available in the Upper Blue River Basin from BSR employees added to operate Peak 6. An increase in the occupancy of residential housing owned or controlled by BSR will not be deemed a negative impact on employee housing supply. The Upper Blue River Basin generally includes the area of Summit County (including the Town of Breckenridge) between the south of end of Lake Dillon and Hoosier Pass.

(b) BSR owned or controlled employee housing at Breckenridge Terrace ("BSR Housing") currently has the capacity to accommodate the estimated number of additional employees required to operate Peak 6. To maximize the capacity of the BSR Housing, BSR will manage the BSR Housing to reduce vacancy and turn over times when BSR employees are seeking housing in BSR Housing.

(c) If BSR does not project that the BSR Housing will be filled by BSR employees, BSR will work with other employers in the Upper Blue River Basin to make such excess capacity available for rental by their employees.

(d) Upon completion of each phase of the development of the Peak 6 Improvements, BSR will notify the Town and County of the actual number of additional employees required initially to operate that phase of improvements and will restrict by covenant units in BSR Housing at least equal to 40% of such number of employees times 350 square feet. In addition, such covenant will restrict the units so as to be permanently affordable at 50% AMI. Affordability shall be determined by using the same methodology as is provided for in already existing covenant(s) restricting the rental rates of certain units of BSR Housing, but adjusting for the 50% AMI provided for above.

3. Social Services.

(a) The goals are to avoid negative impacts on the availability of health and human services resulting from BSR employees added to operate Peak 6 and to provide a framework to identify, discuss and take agreed upon actions in response to the broader demands/impacts of BSR employees on agencies and entities providing health and human services in Summit County.

(b) BSR will work with the Summit C.A.R.E. Council and local government to:

- (i) identify the demands, if any, that Peak 6 employees place on governmental agencies and non-profit entities providing health and human services in Summit County;
- (ii) discuss, establish and implement agreed upon actions to meaningfully limit the impacts of the Peak 6 operations on the provision of health and human services in Summit County; and
- (iii) determine and report on the status and need for health and human services in Summit County, with an emphasis on those services impacted by additional BSR employees required for operation of Peak 6. BSR will take into account such reported status and needs and any such reported impacts when making decisions on levels and areas of charitable support.

(c) BSR, through its charitable giving programs including Vail Resorts Echo, already provides substantial support to social service and nonprofit organizations in Summit County and will continue to provide support regardless of whether the Peak 6 project is constructed.

(d) The parties recognize the limited scope of BSR's Peak 6 proposal and certain task force discussions, nonetheless, BSR has volunteered that this Memorandum will provide a

framework to identify, discuss and take agreed upon actions in response to the broader demands/impacts of BSR employees on governmental agencies and non-profit entities providing health and human services in Summit County. To that end, BSR has agreed, first, to have a representative participate on the Summit C.A.R.E. Council and, second, to have a senior executive of BSR meet with the Care Council twice per year, and BSR intends to continue to do so regardless of whether the Peak 6 project is constructed. Through its participation on the CARE Council, BSR will fulfill the purpose not only of discussing, identifying and taking agreed upon action in response to impacts directly related to the Peak 6 expansion and cumulative affects of growth at BSR but will also participate in discussions of broader impacts to social and human services in Summit County.

4. Parking and Transportation.

(a) The goal is to avoid additional days when the principal roads and intersections of the Town are operating at Level of Service F as a direct result of increased traffic from the Peak 6 project.

(b) BSR is already working and will continue to work with the Town, County and local community to address parking and transportation issues, including such things as: (i) coordination of BSR's bus program with the Summit Stage and the Town, including by participation with the Town in updating the integration of Town and BSR transit systems portion of 2001 Transportation, Circulation and Main Street Reconstruction Plan for the Town of Breckenridge; (ii) development of comprehensive, long term strategies in cooperation with the Town for transportation demand management to include transit and parking tools or mechanisms geared toward achieving the goal set forth above, as well as to reduce environmental impacts and to increase efficient use of parking lots; and (iii) annually addressing the results of such coordination and strategies as part of the process already provided for in the Cooperation Agreement between BSR and the Town dated March 9, 2004, which requires BSR executives to meet with Town executives after the end of each winter season to identify problem solving strategies to be implemented for the next winter season. As part of the negotiations of the proposed business issues agreement related to the Gondola Lots Master Plan, the Town and BSR also intend to identify and address parking and transportation issues related to the full terrain

expansion of the ski mountain within the Breckenridge Ski Resort, including, without limitation, the Gold Rush parking lot.

(c) BSR will continue to allow free parking on its pay lots after 3:00 p.m. during the winter season as a means of alleviating congestion on Town streets and demand for Town parking.

5. USFS Process.

(a) The Town and County acknowledge that the USFS is responsible for the approval, any conditions to approval, or the rejection of BSR's proposal for the Peak 6 expansion based on the USFS standards and guidelines as well as the analysis under NEPA. The foregoing does not constitute a waiver or limitation on any existing or future review authority, jurisdiction or responsibility of the Town or County regarding the proposed Peak 6 expansion, including any development or impacts related thereto.

(b) The Town and the County acknowledge that the potential social and socio-economic issues identified as relating specifically to the Peak 6 project have been identified and discussed through the task force process. This Memorandum provides a framework to address the Peak 6 project impacts specifically and for the identification, discussion and future implementation of actions in response to broader impacts within Summit County resulting from BSR operations. The Town and County recognize and appreciate BSR/VSR's ongoing charitable giving program efforts within Summit County, which has significantly helped to mitigate negative social and socio-economic impacts in Summit County. In regards to the mitigation of the social and socio-economic issues relating to the Peak 6 Project, the Town and County support the project and the implementation of this Memorandum provided that all other aspects of the Peak 6 project are deemed acceptable or otherwise adequately mitigated to the satisfaction of the Town and County.

Definition and Conditions

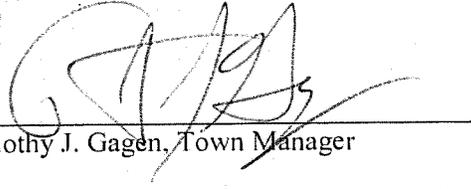
A. Negative Impacts. Negative impact as used herein means that the impact must have a material adverse effect on the service, facility or function contemplated.

B. No Disqualification. The thoughts, concerns and opinions of those Town Council members or County Commissioners who participated in the task force process or participate in the approval of this Memorandum, or any future agreement contemplated by this Memorandum, may not be construed or interpreted for any reason as a pre-judgment of any actual agreement or application which may hereafter be subject to approval by the Town or County and may not form the basis of any claim that any Town Council member or County Commissioner should be disqualified from reviewing any agreement or subsequent application.

C. Documents Submitted. Any documents submitted to the Town or the County by BSR/VSR in connection with this Memorandum shall become public documents subject to the provisions of the Colorado Public (Open) Records Act (Article 72 of Title 24, C.R.S.). BSR/VSR waives any claim of confidentiality with respect to any such documents. However, the Town and the County acknowledge that certain information they may request may be proprietary in nature and/or subject to restrictions on public disclosure. In such cases, the parties will establish a mechanism or mechanisms, which may include confidential review by mutually acceptable independent professionals, for the submission of any such requested information in order to insure that it does not become "public record". Further, the Town and the County agree that any such mechanisms will include a provision requiring the Town and the County to give BSR/VSR reasonable notice and an opportunity to secure, at its own expense, such protective orders as may be available to prohibit or limit disclosure.

D. Condition on BSR Commitments; Enforcement. BSR/VSR's obligations to perform its agreements and commitments provided for in this Memorandum will be specifically enforceable by the Town or the County, except that BSR/VSR's obligations to perform its agreements and commitments provided for in Sections 1(a), 1(b), 2(b), 2(c), 2(d), 3(b), 3(c) and 3(d) of this Memorandum are specifically conditioned on Town and County support of the Peak 6 project and construction of the first phase of improvements for Peak 6 as described in Section 5(b).

TOWN OF BRECKENRIDGE

By:   
Timothy J. Gagen, Town Manager

SUMMIT COUNTY

BOARD OF COUNTY COMMISSIONERS

By:   
~~Robert H.S. French, Chairman~~  
Karn Stiegelmeier

VAIL SUMMIT RESORTS, INC.

By:   
Pat Campbell, Senior Vice President and  
Chief Operating Officer of the Breckenridge  
Ski Resort

Exhibit A to Memorandum of Understanding  
(see attached)

(b) (5) - ACP

(b) (5) - ACP

Mr. Rick Newton, District Ranger  
Dillon Ranger District, WRNF  
PO Box 650  
680 Blue River Parkway  
Silverthorne, CO. 80498

6/18/07

Dear Rick,

Breckenridge Ski Resort is requesting the Forest Service to accept this proposal for the permitting of Peak 6. With annual visits topping 1.6 million last year, Breckenridge is the 2<sup>nd</sup> most visited resort in North America. The need for additional terrain due to continued growth in skier visits was anticipated in both the WRNF plan which included Peak 6 with the BSR permit boundary and the updated Breckenridge Ski Resort master plan of 2007 which provides a conceptual plan for Peak 6. Since the last terrain addition in 2001 skier visits have grown by 200,000 visits annually. The additional terrain which consists of approximately 200ac of intermediate skiing and an additional 200ac of "hike to" expert skiing will allow Breckenridge to stay within accepted industry norms for utilization of terrain.

Peak 6 lies on the East flank of the Tenmile Range in Summit County Colorado. It is contiguous to the operational boundary on the north side of Peak 7. Skiing would take place from elevation of 10,450' to the ridgeline at 12,575', The lift would run from 10,700' to 12,275'. The ridgeline would be accessed as gated "hike to" skiing in the same manner as upper Peak 7.

Proposed improvements would include; 1. Trail clearing. 2. Lift construction. 3. A warming/patrol hut at the top of the lift. 4. Improvements to existing F.S. logging roads. 5. A road extension to the top of the lift. 6. Power to the top and bottom of the lift. 7. An F&B facility at the bottom of the lift capable of seating approximately 150 people.

With regard to timing BSR would like embark on the appropriate level of analysis as soon as feasible so as to be able to assemble an ID team, embark on scoping, and work in the coming field season. Additionally BSR is ready to meet with you and your staff to chose a 3<sup>rd</sup> party contractor to coordinate the work flow and documentation.

Sincerely,



Rick Sramek  
VP Resort Operations

## **APPENDIX F: FEDERAL, STATE, AND LOCAL AGENCY COMMENT LETTERS ON THE DRAFT EIS**

Included in this section are comment letters from federal, state, and local agencies received on the DEIS.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

AUG 25 2011

Ref: 8EPR-N

Mr. Scott G. Fitzwilliams, Forest Supervisor  
c/o Roger Poirier  
White River National Forest  
P.O. Box 948  
Glenwood Springs, CO 81602

RE: EPA Comments on Draft Environmental  
Impact Statement, Breckenridge Ski  
Resort Peak 6 Project; CEQ #20110179

Dear Mr. Fitzwilliams:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the June 2011 Draft Environmental Impact Statement (DEIS) for the Breckenridge Ski Resort (BSR) Peak 6 Project. This DEIS was prepared by the Dillon Ranger District of the U.S. Department of Agriculture Forest Service (USFS) White River National Forest to analyze potential environmental impacts associated with the proposed new lift, terrain, and guest facilities.

### **Project Description and Background**

The BSR Peak 6 Project Area is located in the White River National Forest adjacent to the town of Breckenridge in Summit County, Colorado. The proposed project includes development to increase the comfortable carrying capacity (CCC) of the ski resort to slightly greater than 16,000 guests (25% of core season visitation already exceeds 16,000 daily skier visits) in an effort to better accommodate current daily visitation levels. In addition, a non-significant Forest Plan amendment is proposed to eliminate the applicability of a Canada lynx standard for this project.

A summary of the three alternatives analyzed in the DEIS follows.

- Alternative 1 (No Action) would be a continuation of existing management practices without changes, additions, or upgrades to existing conditions.
- Alternative 2 (Preferred Action) would include 550 acres of traditional downhill and hike-to skiing on Peak 6 to be accessed by a new lift. In addition, two new guest service facilities would be built. The ski resort's CCC would increase by 1,110 to accommodate 16,020 guests. This alternative would result in approximately 58 acres of tree removal and 28 acres of grading.
- Alternative 3 would include 326 acres of downhill and hike-to terrain on Peaks 6½, 7, 8, 9, and

10 – accessed by a new Peak 6 ½ lift and upgrades to three existing chairlifts. No new guest facilities are proposed. The CCC would increase by 1,490 to accommodate 16,410 guests. This alternative would result in 120 acres of full or partial tree removal and 41 acres of grading.

### **Key Issues Identified by EPA**

In a March 18, 2008 letter, EPA provided scoping comments for this project. We appreciate that many of our comments were addressed in the DEIS. As a result, our concerns with the June 2011 DEIS have been narrowed to these remaining issues: (1) aquatic resources and (2) air quality. These concerns are the basis for EPA's "EC-2" rating discussed at the conclusion of this letter.

#### **(1) Aquatic resources in the proposed project area should be fully disclosed and mitigated.**

EPA considers protection of aquatic resources, including water quality, hydrology, wetlands, and riparian areas, to be among the most critical issues to be addressed in any NEPA analysis for projects in mountain areas where shorter growing seasons and low night time temperatures contribute to difficult mitigation of alpine impacts. Generally, the DEIS provides a thorough characterization of existing aquatic resources and baseline conditions in the proposed project area. We recommend expanding the analysis to include existing water quality data and additional mitigation measures, where possible.

Water Quality Data: In addition to the physical and biological data examined in the Stream Health evaluation, analysis of baseline water quality data is critical given the numerous streams in the project area, as well as downstream waters which are tributary to the Blue River and Dillon Reservoir. These tributaries are included on the State's list of Clean Water Act Section 303(d) impaired waterbodies. To provide a baseline for future monitoring of impacts and evaluating of potential influence on downstream water quality, we recommend the Final EIS (FEIS) provide a summary of available monitoring data on water quality for the project area. Critical parameters include heavy metals and nutrients. Cadmium and zinc, in particular, may be of concern in downstream waters. In addition, nutrients are of interest given that State control regulations are in place to control nutrient loading to Blue River and Dillon Reservoir. Identification of any significant gaps in data also would be a valuable addition to the Stream Health evaluation and may be helpful in developing the project monitoring plan. Finally, we recommend that mitigation or restoration activities be included to reduce existing sources of pollution and to offset or compensate for pollutants generated.

Wetlands: We appreciate the inclusion of Project Design Criteria (PDC) and Best Management Practices (BMPs) to protect sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. The DEIS notes that project design modifications were made to avoid wetlands; therefore, there are no permanent impacts and negligible temporary impacts to these areas. However, from EPA's site visit with you in July, it appears that adverse impacts to adjacent wetland hydrology are likely due to cut and fill slopes associated with the top terminal lift construction under Alternative 3. Accordingly, we recommend impacts to wetlands be more fully evaluated for Alternative 3 and disclosed in the FEIS to include permanent, indirect impacts to supporting wetlands hydrology resulting from construction activities.

We recommend expanding the PDCs and BMPs to ensure that wetlands are protected to the greatest extent possible. Such measures may include the following:

- Re-vegetate with removed shrubs and mats of herbaceous cover (carefully stockpiled on-site) and appropriate high altitude wetland seed species as soon as possible after the disturbance. Monitor for five years to ensure successful re-vegetation of any impacted montane wetland areas.
- Use bulkheads/box structures to minimize disturbance area from side casting and trench width.
- Use fabric or hay layers to protect existing vegetation from stockpiled dredged material and to mark existing contours.

It appears that the preferred alternative would include the connection of utilities to a mid-station guest services facility. We recommend that the FEIS disclose surface disturbance impacts related to installation of this system including:

- the location and amount of pipe proposed in wetlands (if applicable);
- width and depth of the necessary trenches;
- location on which the soil from the trench would be temporarily stored;
- amount of wetland soil compaction expected from related installation equipment; and
- identification of fill material that would be placed in the trench to promote drainage (e.g., gravel).

We understand that some clearing of vegetation may occur adjacent to streams during ski slope construction. We recommend avoiding aquatic resources that are considered “difficult to replace” under EPA’s and the U.S. Army Corps of Engineers’ Final Rule for Mitigation for Losses of Aquatic Resources [33 CFR Parts 325 and 332; 40 CFR Part 230 (73 FR 19594, April 10, 2008)]. The rule emphasizes the need to avoid and minimize impacts to these “difficult-to-replace” resources (i.e., fens and streams) and requires that any compensation be provided by in-kind preservation, rehabilitation, or enhancement to the extent practicable.

**(2) Air quality impacts from increased air emissions associated with the proposed project should be fully evaluated.**

The town of Breckenridge and several mandatory Class I Federal areas, including Eagle’s Nest Wilderness Area, are located near the proposed project area. In addition to health-based standards to protect ambient air quality, the Clean Air Act requires special protection of visibility in Class I Federal areas.

Baseline Data: We are pleased that the DEIS provides a qualitative discussion and some data regarding existing ambient air quality in the area. To more fully characterize baseline conditions, we recommend that the FEIS also include the following:

- Identification of sensitive receptors (such as population centers and Class I and Sensitive Class II areas in the vicinity);
- Identification of lakes and streams in the area sensitive to acid deposition effects; and
- Additional ambient air quality data including air quality trends at the nearby Class I areas over the past several years. Such data are readily available from the Colorado Department of Public Health and Environment (CDPHE) and/or the EPA AirExplorer web site (<http://www.epa.gov/airexplorer/>). Information regarding current conditions will be an important tool for monitoring the impacts of the various project activities implemented in the future.

Emissions Inventory: The DEIS notes that no long-term air quality impacts are expected as a result of the proposed project and short-term impacts such as fugitive dust would be addressed through BMPs for

dust control. We recommend the FEIS include an emissions inventory of predicted emissions that may result under the various alternatives so the decision-maker and the public can better understand the **magnitude (large or small)** of air quality impacts resulting from project construction activities and any increased traffic resulting from project build-out.

We note that the Traffic, Parking and Ski Area Access analysis addresses traffic volume, but the Air Quality analysis does not quantify associated emissions. We suggest expanding the analysis to include a discussion of likely vehicle miles traveled associated with increased visitor capacity, as well as the related mobile source emissions inventory. We recommend estimating mobile source emissions with EPA's MOVES2010a mobile sources emission model and re-entrained road dust emissions with use of EPA's Compilation of Air Pollutant Emission Factors (AP-42). If total emissions are substantial, then an air impact analysis presenting direct, indirect, and cumulative impacts on sensitive receptors would be a reasonable next step.

We support the PDCs and BMPs related to traffic, parking, and dust control. To reduce air quality impacts, we recommend consideration of additional measures including the following:

- Expand free shuttle services for skiers and workers;
- Prohibit unnecessary idling of construction vehicles;
- Use low-sulfur or alternative fuels in construction vehicles; and
- Require prompt re-vegetation of disturbed areas and monitoring for five years to ensure success.

## **Other Issues**

Visitation rate assumptions must be adequately explained and justified given the associated implications for resource impacts.

The DEIS indicates that the proposed project would not result in an increase in annual visitation beyond a Forest-wide projection of a 2% growth rate annually, as determined by population growth and consistent with past average annual growth at BSR. Further, the DEIS notes that peak day visitation would not increase, but there could be an increase in the number of peak days per season.

If the proposed expansion could attract additional visitors beyond the Forest-wide projection described in the DEIS, then more skiers and related daily vehicle trips could potentially result in more resource impacts. We recommend that the FEIS expand discussion on the USFS rationale that the addition of terrain, lift and guest facilities would not result in increases in peak day visitation or in annual visitation (beyond the Forest-wide projection based on population growth).

Documentation of the U.S. Fish and Wildlife Service's recommendations will be a valuable addition to the FEIS.

The DEIS identifies the Canada lynx, an Endangered Species Act-listed threatened species, as likely to be adversely affected by the proposed project. The project area occurs within the Swan River Lynx Analysis Unit (LAU). As directed by the Southern Rockies Lynx Amendment (SRLA) of 2008, the USFS determined the proposed project would impact lynx habitat (86 acres under Alternative 2 and 168 acres under Alternative 3), including winter forage habitat and diurnal security habitat, and would impair winter habitat connectivity across the ski area. In addition, the DEIS identifies the need for a non-

significant Forest Plan amendment to remove applicability of one SRLA standard to this project.

The DEIS includes PDCs to reduce impacts to Canada lynx winter forage habitat and diurnal security habitat. We recognize that USFS will discuss these determinations and PDCs with the U.S. Fish and Wildlife Service (USFWS). Documentation of USFWS's consultation and recommendations for PDCs, mitigation, and monitoring will be a valuable addition to the FEIS, as will full disclosure of USFS rationale for the proposed Forest Plan amendment and coordination efforts with USFWS in determining its need.

### **EPA's Rating and Recommendation**

Consistent with Section 309 of the CAA, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, EPA is rating this DEIS as Environmental Concerns – Insufficient Information (EC-2). The "EC" rating indicates that EPA review has identified environmental impacts that need to be avoided in order to fully protect the environment. The "2" rating indicates that EPA has identified additional information, data, analyses, or discussion that we recommend for inclusion in the FEIS. A full description of EPA's rating system is enclosed.

We appreciate the opportunity to review and comment on this DEIS and hope that our comments will assist you in further disclosing and reducing the environmental impacts of this project. If we may provide further explanation of our comments, please contact me at 303-312-6925, or your staff may contact Amy Platt at 303-312-6449.

Sincerely,



Suzanne J. Bohan  
Director, NEPA Compliance and Review Program  
Ecosystems Protection and Remediation

Enclosure

## U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

### Definitions and Follow-Up Action\*

#### Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

#### Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 109 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment February 1987



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Denver Federal Center, Building 67, Room 118  
Post Office Box 25007 (D-108)  
Denver, Colorado 80225-0007



August 2, 2011

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Scott Fitzwilliams  
Forest Supervisor  
White River National Forest  
P.O. Box 948  
Glenwood Springs, Colorado 81602-0948

Dear Mr. Fitzwilliams:

The U.S. Department of the Interior (Interior) has reviewed the Draft Environmental Impact Statement (DEIS) for White River National Forest's Breckenridge Ski Resort Peak 6 Project and provides the following comments for your consideration.

## GENERAL COMMENTS

The Council on Environmental Quality (CEQ) regulations state that, among other things, the environmental impacts of the proposal should "include appropriate mitigation measures not already included in the proposed action or alternatives,"<sup>1</sup> and that environmental consequences shall include discussions of "means to mitigate adverse environmental impacts (if not fully covered under § 1502.14(f))."<sup>2</sup> "Mitigation measures discussed in an EIS must cover the range of impacts of the proposal," and "all relevant, reasonable mitigation measures that could improve the project are to be identified."<sup>3</sup>

The U.S. Fish and Wildlife Service (USFWS) is concerned in general that analyses of effects and the mitigation measures of DEIS Alternative 2 and Alternative 3 for Canada lynx (*Lynx canadensis*) do not meet the standards set forth in the CEQ regulations and guidance. Both Alternatives 2 and 3 would result in loss of valuable lynx habitat in the ski area and in the Swan River lynx analysis unit (LAU); however, the DEIS does not discuss mitigation for loss of these lynx habitats for either alternative. The USFWS recommends that the DEIS be modified to address mitigation for this lost habitat.

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<sup>1</sup> 40 CFR § 1502.14(f)

<sup>2</sup> 40 CFR § 1502.16(h)

<sup>3</sup> CEQ: NEPA's Forty Most Asked Questions, #19

Secondly, as described in the DEIS, forests in the Swan River and adjacent LAUs have been heavily impacted by the mountain pine beetle epidemic. It will likely take 30-40 years for areas of dead and dying forest to regenerate to provide year-round functional lynx habitat. Additional losses of forest habitat that will result from the proposed ski area development will have a cumulative negative effect on lynx conservation. The proposed action would cause permanent loss of lynx habitat at a period of time when remaining, functional, forest habitats may be necessary both for lynx reproduction for the population as a whole and for lynx survival in the LAU. The USFWS therefore recommends that the cumulative effects analysis of project impacts on lynx incorporate effects of ski development as a cumulative impact on the amount and quality of habitat and the resultant ability to support lynx.

The USFWS does not believe the project design criteria and best management practices described in the DEIS will be adequate to offset potential impacts to lynx diurnal security habitat and winter forage habitat. The Forest Service's efforts to prevent skier use of wildlife habitats within ski areas of WRNF (e.g. Breckenridge and Vail Ski Area) have not been shown to be entirely successful, and no information presented in the DEIS leads us to believe that those same measures for this project would necessarily be adequate. In other words, no information is given to suggest that those practices would be either effective or adequate to mitigate indirect adverse effects associated with Action Alternatives 2 and 3.

Finally, the Southern Rockies Lynx Amendment (SRLA) was designed to conserve lynx across the Southern Rocky Mountains Ecosystem. The Forest Service has stated that the SRLA standard "All S1" for habitat connectivity is not currently being met, and has further determined that neither DEIS Alternative 2 or 3 will meet this standard. Interior is concerned that the Forest Service activities accomplished through implementation of the proposed project be compatible with success of the SRLA.

In a number of instances, the general conclusion in the DEIS that lynx habitat connectivity has been severed is contradicted by statements and the actual information presented in the DEIS text. (See our Specific Comments enclosed.) Interior recommends that the discussion in the DEIS concerning the status of lynx habitat connectivity be clarified.

### **Wetlands**

Both of the DEIS Action Alternatives describe temporary effects to wetlands. However, the DEIS does not describe mitigation measures to minimize or mitigate effects to wetlands. The document should describe the measures, taken by the Forest Service, to repair the damage associated with temporary impacts. In addition, Alternative 3 describes permanent impacts to wetlands, without a description of avoidance or mitigation measures. We recommend that the Forest Service closely coordinate with the US Army Corps of Engineers to appropriately mitigate all unavoidable impacts consistent with the CEQ regulations (stated above)

### **Migratory Birds**

As stated in the DEIS, Memorandum of Understanding (#08-MU-1113-2400-264) between the Forest Service and USFWS provides for conservation of migratory birds. For the proposed

action, the Forest Service has accomplished many of the conservation activities described in the MOU framework. However, specific measures under section D (3) (c) of the MOU do not appear to have been addressed in the DEIS. We recommend that those measures for this project be specified in the final EIS.

## **SUMMARY**

Considering the existing conditions of lynx habitat within the area, the proposed impacts of the action alternatives and insufficient mitigation for all trust resources, the USFWS recommends that the Forest Service either select an alternative that has less impact on lynx, or one that incorporates appropriate minimization and mitigation measures for the alternative being selected. USFWS also believes that other alternatives may exist that do not require additional impacts to relatively undisturbed lynx habitat, and is willing to work with the Forest Service on developing alternatives, minimization and/or mitigation measures to coincide with the overall direction provided in the SRLA.

The USFWS believes that additional discussion on standard "All S1," including the existing conditions and what constitutes adequate conditions of the habitat quality/connectivity is needed. Such discussions would also likely facilitate completion of interagency consultation under the Endangered Species Act.

Thank you for the opportunity to review the DEIS. If you have questions regarding these comments, or for further assistance in project planning, please contact Susan Linner in the USFWS' Ecological Services Field Office in Lakewood, Colorado, at (303) 236-4774.

Sincerely,



Robert F. Stewart  
Regional Environmental Officer

Enclosure – Specific Comments

cc: Roger Poirier, Project Leader  
Joe Foreman, Winter Sports Permit Administrator

Enclosure 1  
U.S. Department of the Interior Comments on the  
White River National Forest's Breckenridge Ski Resort Peak 6 Project  
Draft Environmental Impact Statement

**SPECIFIC COMMENTS**

Page 3-206 of the DEIS states, "...at baseline, the SRLA [Southern Rockies Lynx Amendment] standard *All SI* is not being met (maintain habitat connectivity), and currently unable to be met in the future." However, the DEIS only presents information (see discussion below) that the east slope of the Tenmile Range may be *impaired* in regards to habitat connectivity and lynx foraging, not that connectivity is entirely severed.

Information presented in the DEIS suggests that the habitat connectivity is at some level being met. "With respect to landscape-level habitat connectivity across the ski area and through this portion of the Tenmile Range/LAU, impaired connectivity is largely an issue only during the ski season, not so much by the developed ski terrain as by the obstacles/restrictions presented by skier presence and activity during operating hours."

The DEIS also states that dead standing forest caused by mountain pine beetle epidemic contributes to impaired habitat connectivity. However, available information indicates that although dead standing forests may influence movement of foraging lynx, it does not create barriers to movement. Lynx have been reported utilizing standing dead timbered areas as cover for movements as long as high quality foraging areas are present within the landscape (Koehler et al. 2008).

Likewise, other DEIS indicate some functional connectivity and the *All SI* standard likely still exists:

- 1) Page 3-214, Lynx Use of the East Slope of the Tenmile Range --This section describes lynx use of the area, including portions of the Breckenridge Ski Area. "Lynx have been relatively uncommon along the east slope of the Tenmile Range, which may be used as a movement corridor. Several relocations and sightings (of lynx) have been made in the central portion of the Tenmile Range support such use."
- 2) Page 3-215 states, "It is likely that the east slope of the Tenmile Range has been or could be used by lynx as a movement corridor and any such landscape level movement would almost certainly extend through the ski area."

The DEIS at Page 3-221, Lynx Habitat Connectivity across BSR section contains the following statement: "The discussion of movement of a transient/dispersing lynx represents the worst case scenario regarding lynx movement across a landscape, and that movement within a home range is a subset of such movements." The USFWS disagrees with this conclusion. The literature suggests that from a vegetative aspect, movements of resident lynx within their home range are more significantly influenced by prey availability, within high quality foraging patches, than by

cover for movements (Koehler et al. 2008, Maletzke et al. 2008, Squires et al. 2010). We believe that dispersal/exploratory movements are less influenced by high quality habitat conditions, based on telemetry data collected through the Colorado lynx reintroduction.

#### Literature Cited

Koehler G.M., B.T. Maletzke, J.A. Kienast, K.B. Aubry, R.B. Wielgus, and R.B. Naney. 2008. Habitat Fragmentation and the Persistence of Lynx Populations in Washington State. *Journal of Wildlife Management* 72(7):1518-1524.

Maletzke, B.T. G.M. Koehler, R.B. Wielgus, K.B. Aubry, and M.A. Evans. 2008. Habitat Conditions Associated with Lynx Hunting Behavior During Winter in Northern Washington. *Journal of Wildlife Management* 72(7):1473-1478.

Squires, J.R., N.J. Decesare, J.A. Kolbe and L.F. Ruggiero. 2010. Seasonal Resource Selection of Canada Lynx in Managed Forests of the Northern Rocky Mountains. *Journal of Wildlife Management* 74(8):1648-1660.



## COLORADO PARKS AND WILDLIFE

1313 Sherman Street, Room 618 • Denver, Colorado 80203

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### Hot Sulphur Springs Area Office

P.O. Box 216, 346 County Road 362, Hot Sulphur Springs, CO 80451

Phone (970) 725-6200 • Fax (970) 725-6217

August 26, 2011

Scott Fitzwilliams, Forest Supervisor  
White River National Forest  
Dillon Ranger District  
PO Box 620  
Silverthorne, CO 80498

Re: Breckenridge Ski Resort Peak 6 Project

Dear Mr. Fitzwilliams,

Thank you for the opportunity to comment for the Breckenridge Ski Resort (BSR) Peak 6 project. This project is designed to address growth of recreational skier demand, accommodate daily skier visitation and to maintain the quality of the skiing experience within the terrain capacities. The draft environmental impact statement (DEIS) includes three alternatives. Colorado Parks and Wildlife (CPW) has reviewed the draft environmental impact statement and submits the following comments for your review.

Alternative 1, the no action alternative maintains the status quo of the current BSR boundaries, lifts and ski runs. It is used primarily as a baseline to analyze the effects of alternatives 2 and 3. The no action alternative has the least impact to wildlife. CPW understands that it does not address the stated purpose and need of the proposed project.

Alternative 2 encompasses approximately 550 acres of skier access. This area is currently accessible to back country skiers. Of the 550 acres it will include 82 acres of clearing and grading. This alternative includes one additional lift, seven ski runs, 9,300 feet of reconstructed road and a 500 square foot ski patrol hut and a 1,800 square foot guest services building. Of the 550 acres included, there are 143 acres of hike to terrain further north of the proposed patrolled boundary.

Alternative 3 proposes to develop within BSR's currently developed lift and terrain network. It would increase skiable terrain by 326 acres. 153 acres of vegetation are slated for clearing and grading. This alternative includes one new chairlift, and upgrades to 3 existing chairlifts, and 14 new trails. Alternative 3 includes an increase in 41 acres covered by snowmaking. To accomplish the increase in snowmaking 30 acre feet of water would be diverted. Alternative 3 includes an increase in 46 acres of hike to terrain. Alternative 3 concentrates activity in the currently developed area of BSR.

Alternative 2 and 3 would include removal of mixed conifer, mixed lodgepole and the spruce/fir forest type. Both alternatives 2 and 3 will reduce the availability of certain habitat types. All of the BSR permit area contains habitat utilized by a variety of species including, but not limited to, elk, black bear, moose, mule deer, mountain lion, American marten, boreal owl and ptarmigan. It is also considered potential habitat for lynx.

It is difficult to judge the impacts for wildlife regarding alternatives 2 and 3. These two alternatives will have impacts on wildlife. Some wildlife species will benefit from the clearing of the forest types and

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#### STATE OF COLORADO

John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources

Rick D. Cables, Director, Colorado Parks and Wildlife

Parks and Wildlife Board: David R. Brougham • Gary Butterworth, Vice-Chair • Chris Castilian

Dorothea Farris • Tim Glenn, Chair • Allan Jones • Bill Kane • Gaspar Perricone • Jim Pribyl • John Singletary

Mark Smith, Secretary • Robert Streeter • Lenna Watson • Dean Wingfield

Ex Officio Members: Mike King and John Salazar

opening of the understory. Others will be negatively impacted as cover and their specific habitat is reduced. Alternative 2 increases the footprint of the BSR and reduces the area of undeveloped forest in the middle of the Ten-mile range. On a landscape level, this alternative reduces habitat linkages and contiguous undeveloped areas. Alternative 3 reduces the in-area size of available habitat for species occupying the current ski area in the winter. The alternative 3 increase in grooming and snowmaking will impact nighttime activities of species currently occupying the BSR. Additionally, the in-area development will impact runoff and in-stream flows.

Due to the harsh winter and high elevation, many animal species migrate out of the Peak 6 area. In the summer months the Peak 6 area currently provides suitable habitat for a number of animal species. Summer visitation is not a goal of the Peak 6 project. Relative to human activities in the Ten-mile range the area between Peak 1 and Peak 6 is less disturbed by summer human visitation. As stated in the DEIS the ski area does receive heavy year-round recreational use. Summer use includes 4 x 4 tours, guided and unguided hiking, biking, horseback riding and the Peak 8 fun park. CPW recommends that BSR not develop any additional summer trails in the area. An increase in hiking and bike trails in the Peak 6 area could change or eliminate wildlife movement. Increased summer activities will push many species out of the area and potentially into lower elevation developed areas creating more human-wildlife conflicts. CPW also recommends that BSR not market or develop any additional summer activities in the Peak 6 area.

CPW agrees with the USFS assessment that Alternative 2 and 3 is likely to adversely affect lynx in the BSR. CPW has data indicating that lynx have travelled through and denned near the BSR. Although CPW lynx research has focused on the San Juan Core Area, the BSR and surrounding habitat in Summit County contain important lynx habitat and potential movement corridors for local populations. There are unknown effects to lynx and snowshoe hares occurring across the landscape due to the mountain pine-beetle epidemic and associated forest management activities on and around BSR. The BSR-DEIS repeatedly mentions the crepuscular and nocturnal habits of lynx and lack of overlap with BSR primary operational hours. However, snowmaking and grooming activities do coincide with the crepuscular and nocturnal activities of lynx. Additionally, preliminary data collected by the White River National Forest using GPS collars on lynx documented lynx activity in Summit County occurring throughout the day and evening hours.

The USFS has developed two lynx conservation goals stated in the Peak 6 project. Generally, the goals are to improve connectivity within southern Summit County and actively cooperate with stakeholders; and offset habitat loss through forest restoration/enhancement activities. Colorado Parks and Wildlife would like to participate in planning and implementing specific actions to achieve those goals. Further information is needed on base prey data in BSR and specific projects regarding mitigation efforts to offset habitat loss in southern Summit County. CPW recognizes the important work of the USFS study on the interactions of lynx and winter recreation in the Vail Pass area.

CPW recommends against the building of the guest services building found in alternative 2. CPW understands that the BSR has removed the guest service building in the alternative 2 proposal in public comments.

Alternative 2 and 3 add to the cumulative impact of habitat conversion to ski area development. CPW is concerned with the cumulative impacts of ski area development in Summit County. This development continues to reduce and fragment the alpine and sub-alpine habitat in southern Summit County. Landscape level habitat linkages and contiguous areas provide crucial habitat for wildlife in Colorado. CPW encourages the USFS and BSR to concentrate any future expansion of the BSR within its currently developed area.

With all things being considered, the least amount of impact to local wildlife populations will occur with Alternative 1 because of the nature of it being a no action alternative. Realizing that with the goals of BSR

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and the USFS for developing multiple use on USFS land we would recommend for alternative 3 because with this alternative because it concentrates development where the development has already taken place.

Colorado Parks and Wildlife thanks the United States Forest Service for the opportunity to comment on this proposal. If you have any questions, you can contact Sean Shepherd at 970-485-2922 or [sean.shepherd@state.co.us](mailto:sean.shepherd@state.co.us).

Sincerely,

Lyle H. Sidener  
Area Wildlife Manager

Cc.: Ron Velarde-Regional Manager (CPW)  
Shannon Schwab-District Wildlife Manager (CPW)  
Michelle Cowardin-Biologist (CPW)

[Type text]



## Board of County Commissioners

970-453-2561  
fax 970-453-3535

208 East Lincoln Avenue  
Post Office Box 68  
Breckenridge, Colorado 80424

August 26, 2011

Mr. Scott Fitzwilliams, Forest Supervisor  
c/o Joe Foreman, White River National Forest  
P.O. Box 620  
Silverthorne, CO 80498

**Re: Submission of Comments on Breckenridge Ski Resort Peak 6 Project Draft Environmental Impact Statement (DEIS)**

Dear Mr. Fitzwilliams:

With this letter, the Summit County Board of County Commissioners hereby respectfully submits our comments and recommendations on the Peak 6 DEIS. Recognizing the significant implications that the proposed ski area expansion will have on our community, the County has spent considerable time analyzing this proposal, and we ask that our comments and suggestions be thoroughly evaluated and seriously considered by the USFS. The BOCC would also like to acknowledge that the Town of Breckenridge has worked extensively to analyze the impacts of the proposed Peak 6 ski area expansion, in light of the many implications that the proposed expansion would have on the Town. The BOCC has had an opportunity to review the Town's analysis and resulting recommendations, and would like to emphasize our support for the Town's comments on the DEIS.

The County and the Town of Breckenridge have spent a considerable amount of time meeting with BSR representatives to develop strategies to address off mountain impacts to the community, which are associated with the expansion. These strategies have been developed by the Peak 6 Task Force and are memorialized in a Memorandum of Understanding (MOU) between the County, Town of Breckenridge and BSR. The BOCC supported the use of the Peak 6 Task Force and MOU process as a means to evaluate the many social and socioeconomic impacts associated with the proposed Peak 6 ski area expansion. However, we understand that other federal agencies evaluate social and socioeconomic impacts as standard practice in an EIS. Therefore, the BOCC would like to request that, for all future EIS processes, social and socioeconomic impacts should be addressed as part of the regular EIS process that is overseen by the USFS, rather than deferring the analysis and mitigation of these impacts to the County and Town, to be addressed through a separate process using a Task Force and Memorandum of Understanding. The BOCC acknowledges that this comment is outside the scope of the Peak 6 DEIS review. Nevertheless, the Board would like to make the Forest Supervisor aware of this request, and has included the request in this letter to document the need for a separate conversation between the USFS and the BOCC on this topic.

### **Specific BOCC Comments on the Peak 6 DEIS:**

The BOCC has chosen to make general comments on the DEIS rather than selecting a preferred alternative or tailoring comments to apply specifically to one alternative or another. It is our intention

that these comments will help provide the USFS with general feedback on BSR's expansion proposal and the specific issues that should be taken into consideration as the USFS continues to analyze the impacts of the proposed expansion and develop a more refined preferred alternative in the EIS. Accordingly, the BOCC's comments are as follows:

- **Social Issues Memorandum of Understanding (MOU)** – Chapter 1, Section G of the DEIS includes a discussion of the Peak 6 Task Force and the MOU being developed between BSR, the Town of Breckenridge and Summit County Government to formalize the findings of the Task Force and provide options to address social concerns within the community. This section of the DEIS states that the MOU will ultimately serve as a reference document for the Forest Service. The BOCC supports the Forest Service's plans to utilize the MOU as a reference document. Accordingly, the BOCC recommends that the MOU be attached to the Record of Decision (ROD) as a reference document, to be used as a mechanism to address the additive social impacts imposed on the community as a result of the selection of an action alternative.

Within Chapter 2 of the DEIS, the section on 'Project Design Criteria Incorporated into Alternatives 2 and 3' sets forth a goal to address impacts to the community due to Peak Day skier visits by developing a joint agency and resort management response process to limit and better accommodate anticipated visitation at BSR. The BOCC supports USFS implementation of this goal, with 1) the MOU serving as the "road map" for the topics to be addressed in the joint agency and resort management response process, and 2) a requirement that BSR participate in the process on an ongoing basis. As documented in the MOU, the County's primary concerns to be addressed through such a process center on identifying and mitigating cumulative impacts to the County's social services, public health and community non-profit service providers.

- **Protection of Spruce / Fir Forest and Legacy and Old Growth Trees** – The healthy spruce / fir forest in the Peak 6 area is a valuable natural resource that should be protected. With the devastation of the Upper Blue Basin's extensive lodgepole forest in the wake of the pine beetle epidemic, the spruce / fir forest on Peak 6 represents some of the only healthy forest left in the area. This forest provides some of the best available habitat for a number of wildlife species, including lynx. Accordingly, disturbance of the spruce / fir forest should be minimized to the greatest extent possible, and any ski runs that may be approved should avoid these areas of healthy forest. Similarly, the BOCC recommends that the removal of legacy and old growth trees should also be avoided, even if it means that any approved ski runs need to be reconsidered, removed or realigned. It is important to acknowledge that, in order to avoid disturbance of the healthy spruce / fir forest and preserve legacy and old growth trees as recommended, the number of skiable acres approved as part of the ski area expansion may need to be reduced (e.g., construct narrower runs or construct fewer runs than currently planned).
- **Lynx Habitat and Movement** – The BOCC supports the protection of lynx habitat and movement corridors and questions the justification for the proposed exemption from the lynx standard and corresponding amendment to the USFS plan. Additional lynx studies should be completed or, at a minimum, the data that has been collected in Summit County during the first year of the Colorado Lynx Winter Recreation Study should be evaluated, and an analysis of these studies' data should precede any decision on expansion.
- **Project Purpose & Need – Improving Access to Intermediate Terrain** – One of the most critical considerations in decision making on an EIS is whether the proposed project meets the purpose and need. To ensure that the project meets the identified need for access to additional intermediate and advanced-intermediate terrain, the BOCC recommends that any approved project provides direct access to intermediate and advanced-intermediate terrain from the

proposed ski lift(s), without requiring skiers to navigate across expert terrain and without damaging the alpine ecosystem (e.g., damage by constructing new cat walks to provide intermediate access).

- **Identification and Mitigation of Cumulative Environmental Impacts** – The EIS provides an analysis of the environmental impacts that would result from the action alternatives, but then dismisses these impacts as insignificant rather than discussing thoughtful ways to minimize environmental impacts and requirements for mitigating whatever impacts will be created. The BOCC requests that requirements for actual environmental mitigation steps be addressed in the EIS, which go beyond simply using best management practices (BMPs) during construction.
- **Infrastructure improvements within the existing Ski Area Boundary** – The BOCC encourages BSR to complete infrastructure improvements within the existing boundary of the ski resort, in order to move people more efficiently around the existing terrain and mitigate congestion at already known “choke points”. This includes prioritizing lift, trail and restaurant improvements and additional glading within the existing footprint of the Ski Area.
- **Comfortable on-mountain capacity** – The BOCC recommends that management practices be explored to help regulate the skier demand to maintain a comfortable carrying capacity at BSR. The BOCC recommends that a defined daily mountain capacity be identified to serve as a target for the Ski Area not to exceed. The methods utilized to stay below that target could then be developed by the Ski Area and the Forest Service as appropriate.
- **“Bottom Drive” Lift** - Any new lift developed on Peak 6 should be a “bottom drive” lift to avoid creating additional ground disturbance for roads and utility lines associated with “top drive” technology.
- **Best management practices** – Minimizing potential resource impacts from construction and the implementation of any approved projects is very important. The Project Design Criteria identified in the DEIS should be verified on the ground for proper implementation and regularly monitored for effectiveness throughout the term of the construction activity and beyond as may be appropriate (for issues such as noxious weed control, storm water runoff and water quality, etc.).
- **Illegal parking at the Peaks trail head and the Green Gate** – The current situation with unauthorized parking in these two areas is unacceptable. Illegal parking in these two locations by BSR skier guests is displacing parking for the backcountry skiers and other trail users it was intended for. The BOCC requests that the Forest Service and BSR take necessary steps to eliminate the existing parking problems in these areas.
- **Backcountry Access** – Backcountry access to the north of the expansion area should be accommodated with gates provided from within the ski area boundary and possibly from the Peak 7 neighborhood. To provide access from the Peak 7 neighborhood, the BOCC recommends that the USFS work with the County and the Town of Breckenridge to investigate the possibility of creating public access onto National Forest System land with public trailhead parking in a location jointly determined to be feasible and appropriate.
- **The proposed restaurant on Peak 6** should be clearly and formally deleted from the proposal in the ROD, since the ski area has removed this restaurant from their proposal. The BOCC supports removal of the restaurant from the proposal and encourages BSR to complete planned restaurant

improvements within the existing ski area boundary (e.g., the Peak 7 restaurant) before proposing to construct a restaurant facility on Peak 6. However, should a restaurant be included in the final EIS and record of decision, we ask that it be designed to very high environmental standards, including a LEED or LEED equivalent rating, that the building be designed with exterior materials make it blend into the natural background as much as is feasible, that site disturbance associated with the building and its construction be minimized to the greatest extent possible, and that storm water runoff be accommodated by water quality control features of a high performance standard.

We thank you for your consideration of our comments and suggestions, and we look forward to communicating with you further during your process to evaluate public comments and finalize the Peak 6 EIS and ROD.

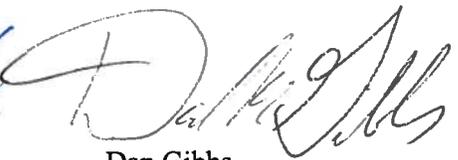
Sincerely,



Karn Stiegelmeier  
Chairperson



Thomas C. Davidson  
Commissioner

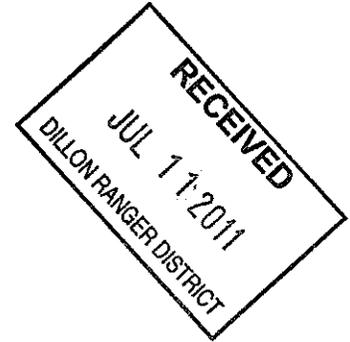


Dan Gibbs  
Commissioner



June 28, 2011

Forest Supervisor Scott Fitzwilliams  
900 Grand Avenue  
Glenwood Springs, CO 81602-0948



Dear Mr. Fitzwilliams:

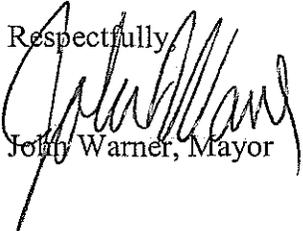
The Breckenridge Town Council respectfully requests that the public comment period extension to the Draft Environmental Impact Statement for the Breckenridge Ski Resort proposed Peak 6 Project be extended until August 26, 2011.

An extension to August 26 would be beneficial for the following reasons:

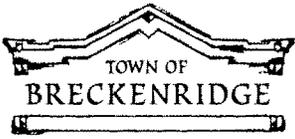
1. As illustrated by the USFS staff, the DEIS and supporting documentation for the Peak 6 project is a 600-page document with a tremendous amount of detail to be reviewed and synthesized by Council members, Town staff and the general public.
2. The recently extended 60-day public comment period will be problematic from a scheduling standpoint, because the Breckenridge Town Council as a body meets only twice monthly. An additional 17-day review period would allow us to schedule and hold a public input meeting to more effectively solicit public input and provide the USFS with a well-reviewed and well-reasoned response from public input. The Breckenridge Town Council is unanimous in its desire to hold a public input meeting.
3. The recommendations from the Peak 6 Task Force on social carrying capacity issues need to be fully integrated into the decision regarding the proposed Peak 6 expansion. Without additional time to review the task force recommendations with respect to the DEIS, the results from the task force will be compromised and poorly integrated into the decision.
4. This is our chance to get the proposed Peak 6 expansion concept right. Given the interrelationship between the Town and the ski area, this decision is very important to the Town Council and Breckenridge citizens. Let's take the time to make sure we make the right decision.

Thank you for the opportunity to comment on this project, and to request an extension to the review and comment period. The members of the Breckenridge Town Council appreciate the cooperative relationship we have with the USFS staff. We hope that this extension request is granted and we have ample opportunity to help gather public input regarding this important project.

Respectfully,

  
Jody Warner, Mayor

[www.townofbreckenridge.com](http://www.townofbreckenridge.com)



Scott Fitzwilliams, Forest Supervisor  
c/o Joe Foreman, White River National Forest  
P.O. Box 620  
Silverthorne, CO 80498

August 25, 2011

RE: Peak 6 Draft Environmental Impact Statement Comments

Dear Mr. Fitzwilliams:

Thank you for working with the Town of Breckenridge to extend the public comment period on the DEIS for the proposed Peak 6 expansion, and for making your staff accessible to help us understand the many complex issues involved in making this decision. The extra time has enabled us to get a better understanding of the issues and the opinions of the residents of Breckenridge.

The proposal to expand ski terrain at the Breckenridge Ski Area is of great importance to the Town for many reasons. Because of that the Town and Summit County have spent a considerable amount of time meeting with representatives of the Ski Area to work out solutions to off mountain impacts to the community that are associated with the expansion. Those solutions are memorialized in an MOU between those three parties.

This set of comments is the Town Council's expressed concerns which take into account verbal and written input from the community. Even though there are varying Breckenridge Town Council opinions on which alternative is best, these comments represent a consensus position of the Breckenridge Town Council. Many of the issues of concern are common to more than one alternative, thus they are grouped according to three differing combinations of alternatives. Those comments are as follows.

**Comments pertaining to Alternatives 1, 2 and 3**

1. On mountain capacity – there should be a defined daily mountain capacity which serves as a target for the Ski Area not to exceed, which in turn will lessen in-Town capacity impacts on peak days. The methods utilized to stay below that target should be developed by the Ski Area (and the Forest service as appropriate). We believe mountain capacity is regularly exceeded given various anecdotal evidence in Town (e.g., documented parking at the Airport Road satellite lot that frequently exceeds the allotted 500 parking spaces).
2. Illegal parking at the Peaks trail head and the Green Gate – The current situation with unauthorized parking in these two areas is unacceptable and will be exacerbated by additional skiers attracted by an expansion onto Peak 6 terrain. Illegal parking in these two locations by alpine skier guests will displace parking for the Nordic and back country skiers it was intended for. Consider relocating the Peaks trail head possibly to the Town owned MBJ property or other similarly located USFS property that is not so convenient to access the Peak 7 base facilities.
3. Prioritize the lift improvements within the existing footprint of the Ski Area (A Chair, C Chair, 6 Chair, and the Colorado Super Chair) as a means to meet the purpose and need of reducing waiting times for lifts on the mountain and complete infrastructure improvements within the existing ski area boundary. We believe this will help move people more efficiently around the existing terrain and mitigate congestion at known “choke points”.

4. In order to meet the purpose and need for the expansion, it is important that the ski area use best practices so terrain is managed in such a way as to be open early in the day on a daily basis, and that a grooming plan be implemented that further accomplishes purpose and need goals of providing intermediate ski terrain.

**Comments pertaining to Alternatives 2 and 3**

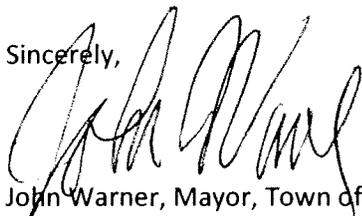
5. Social Issues MOU – this document should be attached to the Record of Decision (ROD) as a reference document corollary to the ROD, and used as a mechanism to address the additive social impacts imposed on the community as a result of the selection of an action alternative. The MOU should be the “road map” for discussion topics addressed in the “joint agency and resort management response process to limit and better accommodate anticipated visitation at BSR”, that is called for in the DEIS, (Chapter 2 Description of Alternatives Project Design Criteria). The mitigation of identified impacts in the MOU generated by the Peak 6 expansion on social services and transportation and parking are especially well suited for this process. It should be a requirement of the ROD that BSR fully participate as a principal member in that process.
6. Legacy and old growth tree cutting – Do not cut legacy trees and old growth forest, even if it means that some of the proposed ski runs need to be realigned.
7. Best management practices – Minimizing potential resource impacts from construction and the implementation of any approved projects is very important. The Project Design Criteria identified in the DEIS should be verified on the ground for proper implementation and regularly monitored for effectiveness throughout the term of the construction activity, and beyond as may be appropriate (for issues such as noxious weed control, stormwater runoff and water quality, etc.).
8. Lynx habitat compatibility should be evaluated against the data and findings generated to date in the Colorado Lynx and Winter Recreation Study currently being undertaken.
9. Back country access to the north of the expansion area should be accommodated. Gates should be provided from the expansion area, and the Peak 7 neighborhood (more specifically, in the immediate vicinity of Slalom Dr.).
10. Any new lift developed on Peak 6 should be a “bottom drive” lift, and thereby avoid creating additional ground disturbance for roads and utility lines associated with “top drive” technology.

**Comments pertaining to Alternative 2**

11. The proposed restaurant on Peak 6 should be clearly and formally deleted from the proposal in the ROD.
12. The new lift on Peak 6 should unload at a location that is immediately accessible to intermediate terrain.
13. Terrain expansion should be limited to those areas on Peak 6 generally south of the proposed lift alignment (please see attached map) to better meet the purpose and need of providing intermediate and advanced intermediate terrain (terrain to the north is predominantly expert).

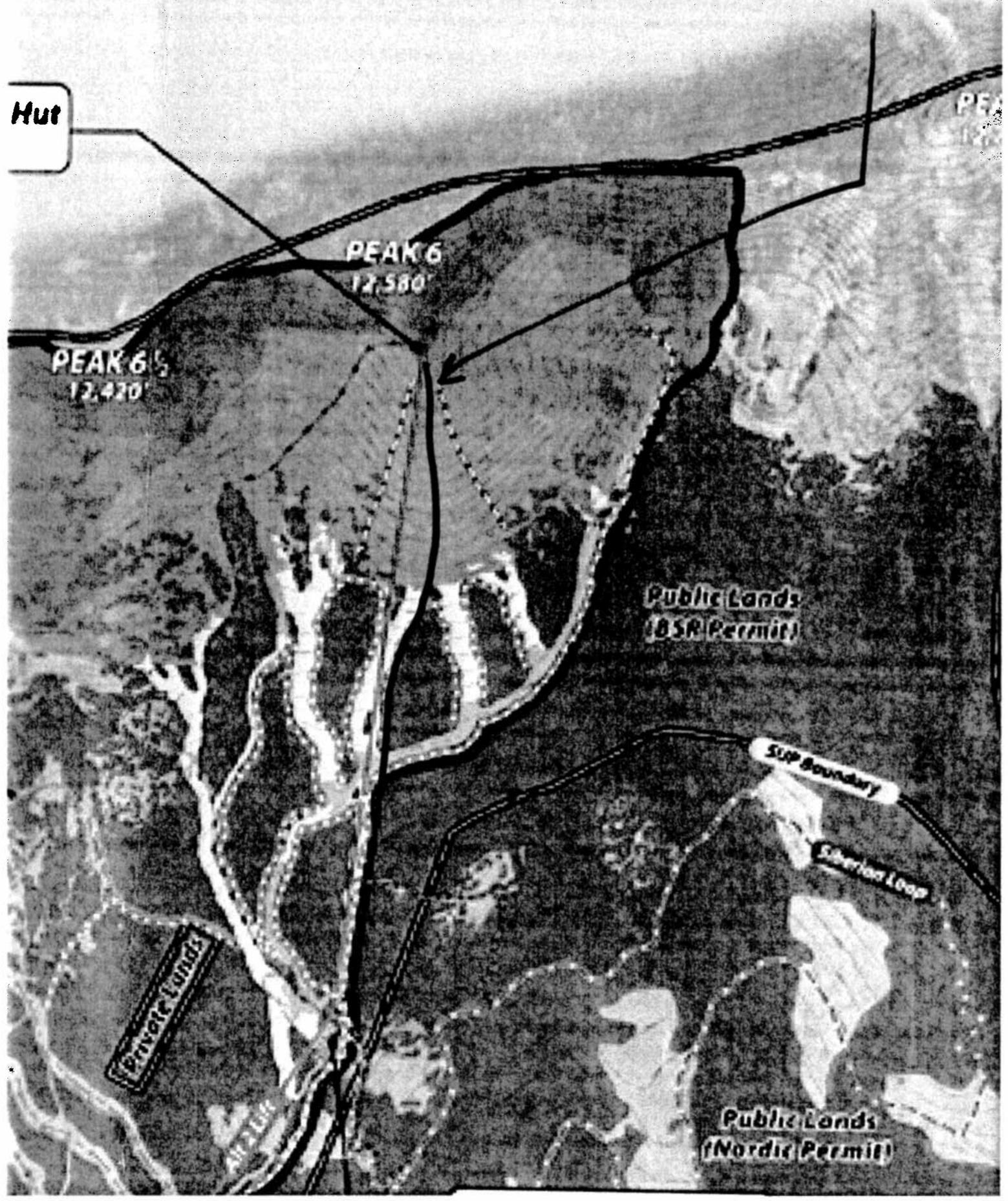
On behalf of the Town Council of Breckenridge, I would like to express our appreciation to you and your staff for giving consideration to our comments. Town staff will be available to clarify issues and answer related questions that you may have.

Sincerely,



John Warner, Mayor, Town of Breckenridge

Town of Drackennidge: Approximate suggested northern boundary of Peak 6 terrain expansion



# **APPENDIX G: U.S. FISH AND WILDLIFE SERVICE BIOLOGICAL OPINION**

Included in this section is the U.S. Fish and Wildlife Service Biological Opinion.



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
764 Horizon Drive, Building B  
Grand Junction, Colorado 81506-3946

IN REPLY REFER TO:

ES/CO: FS/WRNF/DillonRD  
TAILS 06E24100-2012-F-0132  
65413-2009-B-0008  
ES/GJ-6-CO-12-F-003

July 23, 2012

Scott Fitzwilliams  
Forest Supervisor  
White River National Forest  
P.O. Box 948  
Glenwood Springs, Colorado 81602-0948

Dear Mr. Fitzwilliams:

This letter responds to your January 31, 2012, request for formal consultation under section 7 of the Endangered Species Act (ESA) of 1973, as amended, for Breckenridge Ski Resort's (BSR) proposed Peak 6 Improvement project. We agree with the determination contained in your biological assessment (BA) that the proposed actions may affect and are likely to adversely affect the Canada lynx (*Lynx canadensis*) (lynx). The proposed action is located on the Dillon Ranger District, White River National Forest (WRNF), Colorado. We received your request on February 3, 2012.

### CONSULTATION HISTORY

On August 20, 2008, we issued biological opinion number ES/LK-6-CO-08-F-024 (BO) on the effects of the Southern Rocky Mountains Lynx Amendment (SRLA) in accordance with section 7 of the ESA of 1973, as amended (16 U.S.C. 1531 et seq.). The BO was identified as the first-tier of a tiered programmatic consultation framework, with the review of subsequent projects that may affect lynx as being the second-tier of consultation. For projects that result in insignificant or discountable effects to lynx, the Fish and Wildlife Service (Service) will provide a concurrence letter. For projects that will result in adverse effects to lynx and are consistent with, and fully analyzed under, the first-tier BO, we will provide a letter that confirms that the project complies with the first-tier BO. For projects that result in adverse effects to lynx but were not fully analyzed in the first-tier BO, a second-tier BO will be prepared.

#### I. PROPOSED ACTION

The proposed action is an authorization by the Forest Service, to allow BSR to expand skiing terrain within their existing permit boundary. The expansion encompasses approximately 550 acres of traditional downhill and hike-to skiing accessed by a two lift configuration (Fig. 3-2 in the

BA). The action will expand the existing operational boundary onto Peak 6 (Ten Mile Mountain Range). The proposed action includes, a ski patrol/warming hut at the top of the upper lift, and a restroom facility with composting toilets at the junction of the two proposed lifts (mid-way point). Additional components of the proposed action include snow fencing, and backcountry access points to facilitate access beyond the operational boundary. The proposed action will facilitate development of seven below treeline trails. The BA provides detailed descriptions of project components, and placement of the components on the landscape (Figure 3-2 in the BA). The action area associated with the proposed action consists of the Swan River lynx analysis unit (LAU) that contains BSR, and the Herman Gulch, Loveland Pass, Officer's Gulch, Vail Pass, Hoosier Pass, and Kenosha Pass lynx landscape linkages.

In addition to the proposed physical features, the proposed action includes an increase in the comfortable carrying capacity of BSR from 14,920 to 16,170 guests.

To accommodate the ski area expansion, the Forest Service proposes a site specific Forest Plan Amendment, because the action would not otherwise be consistent with the WRNF Forest Plan. Specifically, the Forest Service proposes to set aside the following standard from the SRLA: *"New or expanded permanent developments and vegetation management projects must maintain habitat connectivity in an LAU and/or linkage area."* (All S1)

### **Conservation Measures**

Conservation measures - are actions to benefit or promote the recovery of listed species that are included by the Federal agency as an integral part of the proposed action. These actions will be taken by the Federal agency or applicant, and serve to minimize or compensate for, project effects on the species under review. These may include actions taken prior to the initiation of consultation, or actions which the Federal agency or applicant have committed to complete in a biological assessment or similar document.

To reduce potential impacts to lynx diurnal security habitat (DSH) and winter Forest habitat (WFH) outside of the proposed Peak 6 terrain network, BSR will establish a continuous line of bumblebee rope (yellow and black rope) along the left side of the Peak 6 trail pod collector trail to discourage skiers from exiting the proposed ski area boundary and skiing through the trees north and east of the developed terrain to the Siberian Loop of the Nordic system (Fig. 3-2 in the BA). This roped line represents the new ski area operational boundary. The conifer stands below the egress trail contain lynx foraging habitat and DSH. Wildlife closure signs (see sign message in BA) will be installed approximately every 100 feet along the length of the boundary. Forest Service regulations permit skiers to leave and return to the operational part of ski areas only through designated backcountry access points. No access point is available below tree line in the peak 6 expansion area.

Colorado Revised Statute (CRS) 33-44- is consistent with these regulations. Under the CRS 33-44-109), it is a violation for skiers to enter any trail or area that has been closed by the ski area operator with a rope and/or "Closed" sign, within or adjacent to the ski area. Other than skier access through the backcountry access point that would be developed for access north of the proposed BSR operational boundary (i.e., north of the Peak 6 terrain proposed to be developed), skiers ducking the signed rope closure constitutes an illegal activity. Bumblebee rope will be installed/removed shortly before the start/end of each ski season to avoid

entanglement of antlered big game.

On June 13, 2012, the Forest Service provided a letter from Vail Resorts (parent company to BSR) to the National Forest Foundation (NFF) (appendix A) that outlines additional conservation measures that are considered part of the proposed action under consultation. The letter provides details regarding the establishment of a lynx and wildlife conservation fund to be administered by the NFF. The intent is to establish a fund that can be used for habitat improvements in Summit County, Colorado and as voluntary mitigation for the Peak 6 project (pending project approval). Vail Resorts anticipates that the fund will become self-sustaining, available for contribution by others, and be able to fund additional lynx and wildlife conservation projects. Potential projects include purchase of conservation easements, matching funds for grants, habitat improvements, additional studies, and education efforts.

The letter described a voluntary monetary contribution (by Vail Resorts) of \$300,000, paid to the fund over the course of four years. Vail Resorts anticipates earmarking \$200,000, of the funds for specific projects, and the balance of the funds allocated to future projects. The proposed earmarked funds are \$100,000, for road decommissioning projects approved in the Forest Service's travel management plan, and \$100,000 for completion of the Forest Service's on-going lynx/recreation study.

## **II. STATUS OF THE SPECIES**

The status of the species for this BO tiers to the SRLA BO and included here by reference.

The lynx is a medium-sized cat with long legs; large, well-furred paws; long tufts on the ears; and a short, black-tipped tail (McCord and Cardoza 1982). Individual lynx maintain large home ranges reported as generally ranging between 12 to 83 square miles (Koehler 1990; Aubry et al. 2000; Squires and Laurion 2000; Squires et al. 2004; Vashon et al. 2005a) (cited in SRLA BO). The size of lynx home ranges varies depending on abundance of prey, the animal's gender and age, season, and the density of lynx populations (Koehler 1990; Poole 1994; Slough and Mowat 1996; Aubry et al. 2000; Mowat et al. 2000; Vashon et al. 2005a) (cited in SRLA BO).

In 1999, each National Forest within the range of lynx was advised to begin mapping lynx habitats in coordination with respective Service field offices. Specific tasks included the preparation of maps of lynx habitat on National Forests, and the delineation of Lynx Analysis Units (LAUs) (as recommended in the Lynx Conservation Assessment and Strategy (LCAS) (Ruediger et al. 2000)) within mapped lynx habitat. Lynx analysis units are intended to provide the fundamental or smallest scale with which to begin evaluation and monitoring of the effects of management actions on lynx habitat (Ruediger et al. 2000). Lynx analysis units do not depict actual lynx home ranges, but their scale should approximate the size of area used by an individual lynx (Ruediger et al. 2000). Using this scale allows land management agencies to monitor the additive effects of actions within lynx habitat, which translates to effects to individuals of the species.

In the SRLA BO, we provided information about lynx in Colorado, including the reintroduction of 218 lynx into the state. We documented sources of mortality for those reintroduced animals, reproduction, and evidence of lynx born in Colorado giving birth to kittens. The evidence suggests that lynx in Colorado have the capability to reproduce, and we assume continue to provide recruitment of lynx into the population. What is not demonstrated is whether Colorado can support sufficient recruitment to offset annual mortality for a viable lynx population over time (Shenk, 2009). Colorado Parks and Wildlife (CPW) (formerly Colorado Division of Wildlife), documented “ that if the population would repeat the reproduction and mortality patterns documented over the last 10 years, the lynx population would continue into the future at sustainable numbers” (Shenk 2010).

### Critical Habitat

On February 25, 2009, we designated critical habitat for lynx. We did not designate critical lynx habitat within Southern Wyoming, and Colorado (74 FR 8616-8702).

### Recovery Outline

In 2005, the Service, along with representatives from the Forest Service, completed a Recovery Outline for the Contiguous United States Distinct Population Segment of the Lynx (recovery outline) (U.S. Fish and Wildlife Service 2005). This recovery outline serves as an interim strategy to guide recovery efforts until a final recovery plan is completed. The outline identifies core, secondary, and peripheral areas for lynx, and preliminary recovery actions.

## **III. ENVIRONMENTAL BASELINE**

The environmental baseline consists of the past and present impacts of all Federal, State, or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone formal or early section 7 consultation, and the impact of State or private actions which are contemporaneous with the consultation in process (50 CFR § 402.02).

### Status of the Species within the Action Area

The Peak 6 expansion and improvements at BSR fall within the Swan River lynx analysis unit (LAU). In addition, the increased comfortable carrying capacity will affect baseline traffic on area highways that pass through the lynx linkages identified previously. We consider the LAU (Figure 4-1 in BA) and the lynx linkages (described in the BA) affected by increased traffic included in the action area.

The environmental baseline for lynx is generally evaluated against vegetation standard one (VEG S1) of the SRLA. We use this standard as a means for determining whether the LAU contains sufficient lynx habitat in a suitable (functional) condition to support survival (feeding) and reproduction of lynx. Our current understanding of lynx home ranges suggests that at least 70 percent of the lynx habitat within a LAU should be in a suitable (functioning) condition to support a resident lynx year-round. Additional information received from the Forest Service on

February 28, 2012 (Table 1), displays habitat statistics for the Swan River LAU. These statistics document the high incidence of habitat in the stand initiation structural stage (SISS) (also referred to as habitat in unsuitable condition). The high incidence of SISS conditions is a result of the mountain pine beetle (MPB) epidemic, which has killed large numbers of *Pinus contorta* (lodgepole pine) trees within the LAU. The Swan River LAU contains 37.8 percent of the lynx habitat in the SISS condition (62.2 percent suitable), resulting in degraded baseline habitat conditions for lynx. Based on the existing condition of the LAU, we believe lynx productivity (reproduction) may be impaired at this baseline condition due to limited prey availability within the LAU.

Table 1. Current environmental baseline statistics of lynx habitat in the Swan River LAU, reflecting the results of the MPB epidemic.		
Habitat Description	Acres of Habitat in LAU	% of all Lynx habitat in LAU
Winter Foraging	10,758.2	29.5%
Denning	3,837.3	10.5%
Other	8,048.1	22.1%
Currently Unsuitable	13,766.3	37.8%
Total Lynx Habitat <sup>a</sup>	36,410.0	100%
Non-habitat	25,273.7	-
USFS Acres in LAU	61,683.7	78.1%
Private Acres in LAU	17,324.9	21.9%
Total Acres in LAU	79,008.6	100%

<sup>a</sup> On NFS land, =  $\sum$  WFH + denning + other + currently unsuitable.

In addition to degraded habitat conditions described above, the presence of skiers within and adjacent to the developed portion of BSR, has likely degraded the inherent value of lynx habitat in proximity to BSR. Beyond the current development boundary, undeveloped timbered areas likely experience some level of skier intrusion, which may degrade the value of these areas for lynx as foraging and security areas. It is currently unclear what effect tree skiing has on habitat effectiveness of inter-trail islands and the presence of snowshoe hare (*Lepus americanus*) in these stands. However, monitoring data in our files from Blue Sky Basin (Vail Resort), and unpublished data from Winter Park Resort (Brock McCormick, 2010, pers comm.), suggests that snowshoe hares do not appear to use inter-trail islands that experience heavy skier use. McCormick (2012, pers comm.) suggested that even light to moderate skier intrusion into high quality habitats may eliminate use by snowshoe hares, rendering the habitat non-functional, at least during winter months. Therefore, we conclude that although high quality lynx habitat may occur adjacent to the ski area, its functionality may be degraded due to human intrusion into the habitat resulting in a lack of prey within disturbed areas. At this time, it is unclear if prey use these areas during the summer months when human disturbance is minimal. However, during the snow free period, lynx may use a wider variety of prey and travel greater distances in search of prey.

In addition to degraded habitat conditions within the LAU, a portion of Colorado State Highway 9 (Highway 9) follows the Blue River along the east side of the Ten-mile Mountain Range. The LAU also contains the communities of Blue River, and Breckenridge, and numerous unincorporated residential developments along the Blue River. These human developments fragment lynx habitat within the LAU and limit the ability of lynx to move freely within the LAU. The presence of Highway 9, may influence lynx behavior due to high traffic volumes, and

represents a source of mortality to lynx occupying this LAU, or lynx traversing through the area and attempt to cross.

### Traffic

Interstate-70, Colorado Highway 9, and US Highway 285, are high speed, high volume highways that bisect lynx habitat within the action area, and significantly inhibits landscape level lynx movement within Colorado. In addition, these highways pass through the lynx landscape linkages within the action area. Table 2 displays traffic data recorded by the Colorado Department of Transportation (CDOT) within or near the linkages. As stated in the BA, traffic numbers are within or well above the 2,000-5,000 vehicles per day (VPD) documented to impair lynx movements, and significantly increase risk of mortality. As noted in the BA, four lynx were killed attempting to cross the I-70 corridor, including two within the Vail Pass linkage, and two within the Herman Gulch linkage. Lynx have successfully crossed the I-70 corridor (Ivan 2012), but the corridor likely represents a significant impediment to lynx movement, and a source of mortality risk (unpublished data in our files). In 2008, a lynx was killed attempting to cross Highway 9, between Breckenridge and Frisco, Colorado, where traffic volumes range from 18,000 VPD to 22,000 VPD average annual Daily Traffic (AADT) (CDOT, 2012). Traffic volumes between Breckenridge and Hoosier Pass range from 12,000 VPD to 4,000 VPD (CDOT, 2012). Traffic volume of this magnitude represents significant impediment to lynx movement within the LAU (Ruediger 2000), and represents a mortality risk to a resident lynx, and any lynx attempting to cross Highway 9, within the LAU.

Highway, Monitoring Point	CDOT Ref. Pt.	Traffic Volume
I-70, Herman Gulch LLA <sup>a</sup>	216.185	27,000
I-70, Loveland Pass LLA <sup>a</sup>	205.423	29,000
I-70, Officer's Gulch LLA <sup>a</sup>	195.258	22,000
I-70, Vail Pass LLA <sup>a</sup>	179.866	19,000
Colorado Hwy 9, Hoosier Pass LLA	71.307	4,000
US Hwy 285, Kenosha Pass LLA	220.612	4,400

<sup>a</sup> LLA = Lynx Linkage Area.  
<sup>b</sup> Data in table does not represent the Section 7 environmental baseline. See text below.  
 Source: CDOT website, Aug. 8, (CDOT, 2011)(cited in BA).

### Habitat Connectivity

The east slope of the Tenmile Range is continuously forested below treeline with the exception of the fragmentation associated with the ski area and recent clearcuts to the north of the ski area. The BSR project area is located in the middle of the east slope of the Tenmile Range (north-south), within a relatively narrow band of forest extending between the alpine and the valley bottom development along the length of the range. Preliminary data suggest that lynx are avoiding ski areas during daylight and nighttime hours during the winter operating season (Roberts 2012, pers comm.). Due to the existing habitat fragmentation from human developments in the LAU, the existing habitat conditions and the presence of BSR, habitat connectivity is degraded during the ski season by a combination of developed ski terrain, and skier presence and activity during operating

hours. Habitat connectivity through the lodgepole and mixed conifer zones along the eastern slope of the Tenmile Range may be relatively unaffected while dead trees remain standing, but may impair movement when the overstory canopy cover is below 10 percent (Koehler, et al., 2008). However, if prey availability within the lodgepole/mixed conifer zone is limited or nonexistent, habitat connectivity could be severed if travel distances for finding sufficient prey are too great.

Although it is not clear what effect the MPB epidemic has had on lynx use of the Swan River LAU, recent evidence from collared animals indicates that three lynx have been using southern portions of the Tenmile Range. Several lynx have used both the east and west slopes of the Ten Mile Range, crossing alpine areas seasonally in portions of a home range (Roberts, 2011, pers comm. (cited in BA)).

It is likely that the east slope of the Tenmile Range has been or could be used by lynx as a dispersal movement corridor and any such landscape level movement likely extends through the ski area. The location of the lynx killed on Highway 9 suggests that, despite the presence of BSR and other habitat fragmenting features, lynx movement across the ski area has likely occurred. However, developed BSR terrain likely impairs the ability of lynx to move across the ski area during the winter ski season (mid-November to mid-April, 5.25 months), and adversely affects habitat effectiveness and connectivity through the middle portion of the Tenmile Range's east slope. Lynx can be active at any time of the day, and lynx have been observed on active BSR ski terrain (one observation), and on other Colorado ski areas during operating hours. However, we consider these daytime sightings within active portions of the ski area an exception rather than normal behavior for lynx.

#### **IV. EFFECTS OF THE ACTION**

The effects of the proposed action tier, in part, to our analysis of effects contained in the SRLA BO. Specifically, the SRLA BO describes the effects of ski area development and the indirect effect of increased traffic volume resulting from base area developments or increases in comfortable carrying capacity.

##### **Effects of Recreational Activities on Lynx**

The effects of recreational activities on lynx populations have not been well studied (Ruggiero et al. 2000). Prediction of effects due to recreation is based largely on known lynx ecology, preliminary habitat use data from Colorado's reintroduction effort, ecological concepts, the cautious application of anecdotal accounts (e.g., Roe et al. 2000), and best professional judgment. Recognizing the limited data on lynx and recreational activities, Ruggiero et al. (2000) concluded "limited anecdotal observations do not support the hypotheses that snowmobiling, ski touring, or hiking [i.e., dispersed recreation] result in significant behavioral disturbances to lynx." However, this statement is unqualified with respect to the intensity of these activities. Preliminary data suggests that lynx avoid areas of intense dispersed recreation (e.g. Vail Pass Winter Recreation Area, and Copper Mountain) (Roberts, 2012, pers comm.).

With respect to developed recreation effects on lynx (relevant to the proposed action), Ruediger et al. (2000) indicated "to date, most investigations of lynx have not shown human presence to

influence how lynx use the landscape. Intuitively we assume that some threshold exists where human disturbance becomes so intense that it precludes use of an area by lynx.” “High intensity recreational use, such as that occurring at ski areas, may provide a level of disturbance that effectively precludes lynx use (at least temporarily) of otherwise suitable habitat” (Ruediger et al. 2000). They go on to state that “lynx may be able to adapt to the presence of regular and concentrated recreational use, so long as critical habitat needs are being met.” Such use by some lynx has been observed at some ski areas, including some in Colorado (e.g., Thompson and Halfpenny 1989, Thompson 2006). However, preliminary data suggests that lynx avoid ski areas (i.e. Copper Mountain Resort and Vail Resort) during daytime and nighttime hours during the ski season (Roberts, 2012, pers comm.). Therefore, recreational activities in combination with human development (resorts, subdivisions, and communities), and highways (e.g. Highway 9) may negatively influence habitat connectivity and habitat effectiveness.

### Ground Disturbing Activities

The effects of the ground disturbing components of the proposed action including, additional ski runs, construction of the two lifts, and other infrastructure development, fall within the range of impacts described in our first-tier BO. However, these impacts were not fully analyzed or quantified in our first-tier BO. Development of ski runs will result in permanent habitat loss of approximately 81 acres of lynx habitat within the Swan River LAU. In addition, we anticipate functional loss through reduction or elimination of snowshoe hares in the inter-trail islands resulting from skier encroachment into these areas (tree skiing). The reduction or elimination of snowshoe hares results in lower productivity of lynx within its home range, and may reduce occupancy and reproduction of lynx within the LAU. Total habitat loss from direct and indirect effects within the immediate project area totals approximately 340 acres within the Peak 6 development area.

As stated in the BA, skiers who egress from the ski area through a signed closure/ ski area boundary are in violation of the Colorado Skier Safety Act (CRS 33-44-109). However, we conclude that while an individual may violate CRS 33-44-109, and the violation is beyond the discretion and control of the action agency, our regulations require we analyze all direct and indirect effects of the proposed action even when we cannot exempt any take that may result from the illegal activity. Therefore, we believe that some skier encroachment of the area beyond the Peak 6 project area will occur, and such encroachment is likely to result in negative effects (as described above) to lynx security and foraging habitat. We anticipate that these indirect effects will occur on approximately 100 additional acres within the permit boundary. However, we recognize that impacts may extend into the 356 acres of undisturbed habitat remaining on the north end of the BSR permit boundary.

As stated above, the Swan River LAU contains less than 70 percent of the lynx habitat in a suitable (functioning) condition. We conclude that, by itself, this LAU may not be able to support occupancy and reproduction at this time. Additional lynx habitat loss will have an additive effect on lynx where sufficient prey may not be available to support occupancy and/or reproduction, translating to further impairment of reproduction and feeding within this LAU. Effects on female lynx may include the following: 1) abandonment of their home range in search of adequate food to survive (i.e. become nomadic), 2) die of starvation, and/or 3) fail to complete

a pregnancy or would be less successful in finding adequate food resources needed to ensure maximum survival potential for kittens.

### Traffic

The Forest Service anticipates that the proposed action will increase traffic volume through the action area linkages and Highway 9. The increase in comfortable carrying capacity results in additional guests at BSR, which translates into higher traffic volume on area highways within the lynx linkages (action area). The Forest Service's authorization for BSR to expand onto peak 6 and increase the resort's comfortable carrying capacity will contribute to the increasing effects to lynx from traffic.

Highways and their continued expansion into mountain towns and resorts located in mountain valleys increase the amount of fragmentation occurring in these long, linear landscapes. This fragmentation further erodes the potential for lynx to effectively cross some of these potential barriers (Ruediger et al. 2000). High-speed, high-volume highways can result in lynx road-kills, fragment and restrict lynx habitat use, impair home range effectiveness, inhibit local and dispersing movements that may lead to reduced habitat connectivity and the decline of some wildlife populations and species over time due to genetic isolation (Forman and Alexander 1998, Service 2000, 2003; Alexander et al. 2005; Clevenger et al. 2002; Forman et. al. 2003) (cited in SRLA BO).

With respect to highway traffic volumes and wildlife impacts, 2,000-3,000 VPD are problematic and  $\geq 4,000$  VPD are more serious threats to mortality and habitat fragmentation (Ruediger et al. 2000). Movement is impaired for carnivores, including lynx, when winter traffic ranges from 300-500 VPD (winter average daily traffic), where snow-free period traffic volume on road segments in the study area were 3,000-5,000 VPD AADT (Alexander et al. 2005). The aggregation of species into guilds (e.g. carnivores) provides the most generous interpretation of traffic disturbance. In other words, permeability (across highways) could appear higher because of more crossings by tolerant species within the guild (Alexander et al. 2005).

Increased traffic volume resulting from the proposed action translates into a small contribution (relative to baseline traffic volume within the lynx linkages) to further impairment of lynx reproduction and feeding, because some individuals seeking mates and/ or prey may be unwilling to cross highways due to higher traffic volume. In addition, increased traffic volume generated by the proposed action will contribute to mortality risk (vehicle collisions) on area highways (i.e. Highway 9), and within the lynx linkages. However, the anticipated traffic generated by the proposed action, (up to 73 VPD within the Herman Gulch and Loveland Pass linkages), represents a small fraction (up to 0.400 percent at Hoosier Pass) of overall traffic. It is not possible to determine the increased risk attributable to the proposed action, since traffic volumes within the action area are well beyond levels known to affect lynx.

### Habitat Connectivity

As stated in the proposed action, the Forest Service proposes a site-specific Forest Plan Amendment, because the expansion of operations onto Peak 6 would not otherwise be consistent

with the WRNF Forest Plan. Specifically, the environmental baseline describes degraded habitat connectivity along the east slope of the Tenmile Mountain Range. We anticipate that during the winter, the expansion of ski area operations, terrain development, and skier presence will isolate the northern portion of the east slope of the Tenmile range, and will likely result in a barrier to lynx movement of an individual occupying a home range within the action area. The barrier effect may prevent a lynx from accessing high quality foraging patches north of the BSR's permit boundary. We believe the proposed action will have an additive effect on lynx within the Swan River LAU, where sufficient prey may not be available to support occupancy and/or reproduction, translating to further impairment of reproduction and feeding. The additive effect of expansion of the ski area could result in, 1) abandonment of home range in search of adequate food to survive (i.e. become nomadic), 2) die of starvation, and/or 3) fail to complete a pregnancy or would be less successful in finding adequate food resources needed to ensure maximum survival potential for kittens.

Landscape-level habitat connectivity differs from habitat connectivity within a home range. What may serve as a barrier to movement within a home range may merely represent an obstacle for a dispersing lynx, or a male seeking a mate. For example, a resident lynx within its home range may be unwilling to cross openings as described by Koehler, et al. (2008), but may traverse areas of more open terrain while dispersing or exploratory movements (Squires and Oakleaf 2005). Therefore, the proposed action is unlikely to impact dispersal movements of an individual traversing the east slope of the 10-mile Range, and is unlikely to deter an animal from making exploratory movements through the project area.

#### Effects of Conservation Measure

As stated above, skiers frequently "duck" rope closures both within ski areas, and where rope closures mark the operation boundary. As stated in the BA (page 59) the Forest Service established a three skier per week threshold to protect DSH values (i.e. three skiers per week within DSH essentially eliminate DSH value). In addition, even minimal skier intrusion into high quality habitat adjacent to established ski runs virtually eliminates snowshoe hare presence within the habitat block (McCormick, 2012, pers comm.). We recognize that the proposed rope closure may deter some skiers from "ducking" the boundary rope, but a sufficient number of skiers could ignore the closure and ski through adjacent habitat blocks, significantly reducing the conservation benefit of the proposed closure.

We conclude that, despite the conservation measure, the proposed action will alter the narrow band of habitat along the east side of the Tenmile Range, effectively eliminating the area north of the ski area for lynx during the winter months.

Although a definitive agreement has not been reached between Vail Resorts and NFF, we acknowledge that establishment of the conservation fund could provide long-term benefits to lynx and other wildlife. Although the Forest Service, through the Travel Management Plan (TMP), have committed to completion of road decommissioning within Summit County, the monetary contribution may allow the Forest Service to complete road decommissioning sooner than originally anticipated by the TMP. Road decommissioning may result a variety of effects. The short-term effects depend on the decommissioning activity. If the road is closed using an

obstruction, the initial disturbance may be minimal or non-existent. However, if the road is ripped and recontoured, there may be a localized human presence and machinery noise, which lynx may avoid. As the road prism begins to regenerate, habitat fragmentation will be lower, providing larger blocks of contiguous habitat. Some road decommissioning may result in larger geographic areas becoming isolated from motorized travel, which likely eliminates the frequency, and duration of motorized disturbance within lynx habitat. A single decommissioned road may eliminate motorized travel within a relatively large area, provided there is no other motorized vehicle access into that area.

Completion of the lynx/recreation study should provide land managers with a better understanding of the effects of recreational activities on lynx. The results of the study may help guide lynx conservation efforts near heavy recreation use areas.

## **V. CUMULATIVE EFFECTS**

Cumulative effects include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the action area considered in this BO. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA.

As of 2009, the Town of Breckenridge, the Town of Blue River, and unincorporated areas around Breckenridge were approximately 78 percent built-out. Summit County planners anticipate construction of up to approximately 13,955 more units in these areas. The majority of this additional development would occur over many years, well beyond full build-out of the Proposed Action (Year 2015). All of this development would occur on private lands, so LAU statistics would be unaffected. Most of the anticipated developments would be in-fill projects, where additional residences are built on vacant lots within existing subdivisions. Most of these subdivisions are not in primary lynx habitat and most are within existing development areas outside of lynx habitat. However, some of this future development, particularly those in unincorporated areas, has the potential to affect the margins of lynx habitat. Potential additive effects include habitat conversion and fragmentation, and reduced habitat effectiveness and habitat connectivity. Some of these effects and additional risk factors will extend onto adjacent Forest Service lands, further impairing habitat effectiveness and habitat connectivity and the ability of the Swan LAU to support a lynx home range.

We acknowledge that private land development within the described action area could contribute additional traffic to area highways, specifically within the lynx linkages, and result in increased risk of mortality of lynx. However, many of these developments require permits, approvals, etc., that provide a Federal nexus. We are unable to specify those actions that do not have a Federal nexus and contribute to cumulative effects within the action area. Future actions that have a Federal nexus are subject to section 7 consultation and are not considered cumulative effects in this context.

## **VI. CONCLUSION**

After reviewing the current status of Canada lynx, the environmental baseline for the action area,

the effects of the proposed action, and the cumulative effects, it is the Service's BO that the proposed action is not likely to jeopardize the continued existence of lynx within the contiguous United States distinct population segment. No critical habitat has been designated for this species in Colorado, therefore none will be affected.

This project level BO tiers to the SRLA BO, which concluded that the Forest Service actions addressed in the SRLA BO are not likely to jeopardize the continued existence of the lynx. The SRLA BO specifically states: "Other project types that are likely to adversely affect lynx, such as recreation development, are constrained by standards mandating maintenance of connectivity (the major adverse impact) and affect a relatively small proportion of lynx habitat within the SRLA area." The anticipated take described below represents a small portion of the lynx distinct population segment.

Lynx are present within all of the rangewide geographic areas as documented in the SRLA, and we assume that recruitment is at least similar to lynx in Colorado. We have no evidence to suggest that lynx populations have significantly declined in any of the geographic areas. We therefore conclude that take of one individual, resulting from the proposed action, is not expected to, directly or indirectly, reduce appreciably the likelihood of both the survival and recovery of the lynx distinct population segment in the wild by reducing the reproduction, numbers, or distribution of lynx

## **INCIDENTAL TAKE STATEMENT**

Section 9 of the ESA and Federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined as an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the ESA provided that such taking is in compliance with the terms and conditions of an incidental take statement.

In general, an incidental take statement anticipates the amount of any incidental taking of endangered or threatened species. It also provides reasonable and prudent measures that are necessary to minimize the impacts of the take and sets forth terms and conditions that must be complied with in order to implement the reasonable and prudent measures.

### **Amount or Extent of Take Anticipated**

The extent of the Swan River LAU represents a single lynx home range. Due to the already

degraded condition of the LAU, the direct habitat loss, and indirect effects of the proposed action is likely to contribute to significant disruption of normal behavior patterns, specifically feeding. This impact rises to the level of injury for lynx. Therefore, we anticipate take of one lynx from significant habitat modification as a result of the proposed action.

### **Effect of Take**

Take anticipated from habitat loss resulting from the proposed action is more a function of the degraded baseline condition of the LAU resulting from the MPB epidemic than the extent of the habitat loss from the proposed action itself. The forested areas within the Swan River LAU impacted by MPB will recover to provide year-round habitat for lynx in approximately 30-40 years. However, the development footprint of the proposed action, and the effects of skier presence within lynx habitat on BSR, will remain in perpetuity. Therefore, we believe that, at least during the winter months, the northern portion of the east side of the Tennile range may become non-functional for lynx during the winter ski season. The combined effects of the degraded baseline condition and the new recreational development may result in the following: 1) potential abandonment of home range in search of adequate food to survive (i.e. become nomadic), 2) adult lynx may die of starvation, and/or 3) a female may fail to complete a pregnancy or would be less successful in finding adequate food resources needed to ensure maximum survival potential for kittens.

In the accompanying BO, the Service determined that this level of anticipated take is not likely to result in jeopardy to the species.

### **Reasonable and Prudent Measures**

We have determined that measures to minimize the anticipated take resulting from the proposed action are not available. Discussions with the Forest Service, and past experience at other ski areas (e.g. Vail Resort) has led to a consensus between the agencies that measures to minimize take within a ski area permit boundary is not cost effective, and specific measures (i.e. rope closures, signage, education) do not deter skiers from entering closed areas. Any action outside of the ski area's permit boundary requires additional National Environmental Policy Act (NEPA) documentation and decisions, and additional section 7 consultation (i.e. separate action).

### **Terms and Conditions**

To be exempt from the prohibitions of section 9 of the ESA, the Forest Service and project proponent (applicant) must comply with the following terms and conditions, which implement the reasonable and prudent measures and outline reporting and monitoring requirements. These terms and conditions are non-discretionary. However, since we have determined that there are no reasonable and prudent measures, there are not implementing terms and conditions. Although there are no implementing terms and conditions, the exemption from the prohibitions of section 9 of the act still applies to this proposed action.

## Monitoring

*In order to monitor the impacts of incidental take, the Federal agency or any applicant must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement. The reporting requirements will be established in accordance with 50 CFR 13.45 (50 CFR 402.14 (i) (3)).*

We have determined that through direct and indirect effects of the proposed action, snowshoe hares use within the project area, and the undeveloped timbered acres within the permit boundary, will be effectively eliminated due, in part, to human intrusion (tree skiing) into snowshoe hare habitat within and adjacent to the proposed development boundary.

In order to meet the conditions in 50 CFR 402.14 (i) (3), the monitoring and reporting shall include:

1. The Forest Service shall, develop a snowshoe hare monitoring plan to track to anticipated impacts of the proposed action. The monitoring plan shall include habitat inventory of the proposed development area below tree line, and the area between the new development boundary and the permit boundary below tree line, winter tracking surveys, and summer pellet counts to estimate snowshoe hare population density.

Winter tracking will provide skier intrusion pattern and frequency, presence/absence of snowshoe hares, and activity trends during pre- and post-implementation.

Summer pellet counts shall incorporate sound scientific methods for estimating population density within the monitoring area. Summer pellet counts will provide information about whether habitats impacted during the winter months become repopulated during the spring and summer.

2. The monitoring plan shall be initiated one season prior to beginning ground disturbing activities and continue for at least 5 years beyond full operation within the new development area. After 5 years, the Forest Service and the Service will, assess the monitoring data. If no conclusion can be reached based on the initial five year monitoring period, the monitoring period may be extended for an additional five year at discretion of the Forest Service and the Service.
3. The Forest Service shall, provide the Service with an annual report, no later than March 31, of each year, consistent with 50 CFR 13.45. The report shall provide the initial sampling and data collected for each year. At the end of the first five-year monitoring period. The Forest Service shall provide the Service a written report of its findings. If additional monitoring is required, similar reporting shall be required and reported as during the initial monitoring period.

## **Dead and Injured Individuals**

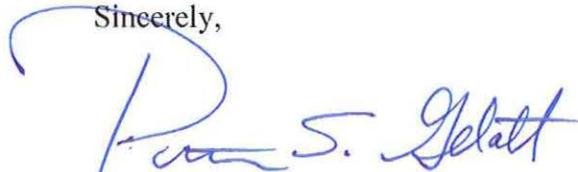
In the event a lynx or any other federally-listed species is killed or injured during project activities, the Colorado Field Office of the Service in Lakewood (303-236-4773) or Grand Junction (970-243-2778) should be contacted within ten (10) days.

## **REINITIATION REQUIREMENT**

As provided in 50 CFR 402.16, reinitiation of consultation is required where discretionary Federal agency involvement or control over the action has been maintained (or is authorized by law) and if: (1) the amount or extent of incidental take anticipated in the first-tier BO is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in the first-tier BO or this consultation document; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the first-tier BO or this consultation document; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease, pending reinitiation.

We appreciate your efforts to ensure the conservation of threatened and endangered species. If you have questions or comments related to this issue, please contact Mr. Kurt Broderdorp at 970-243-2778, extension 24.

Sincerely,



Patricia S. Gelatt  
Western Colorado Supervisor

## **LITERATURE CITED**

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# VAIL RESORTS

EXPERIENCE OF A LIFETIME

June \_\_, 2012

Mr. Bill Possiel  
National Forest Foundation  
Building 27, Suite 3  
Fort Missoula Road, Missoula, MT 59804

Dear Mr. Possiel:

On behalf of Vail Resorts, our Company has long enjoyed our ongoing partnership and successful collaborative efforts around forest health programs with the National Forest Foundation (NFF). We are very excited to now be in discussions with you about an entirely new program.

This letter serves to confirm conversations that Vail Resorts has had with Kim Langmaid, NFF Colorado Program Director, regarding the establishment of a lynx and wildlife conservation fund to be administered by the NFF.

Through our involvement in environmental analysis in connection with the Breckenridge Peak 6 Project and as a participant on the inter-agency Colorado Lynx Task Force, it has become clear that a landscape level approach to management and conservation is the preferred approach. Consequently, we are interested in establishing a fund that can be used for habitat improvements in Summit County and as mitigation for the Peak 6 Project, should it be approved and built. In addition, with our initial contributions as an anchor, we hope that the fund will become self-sustaining, available for contribution by others and to fund additional lynx and wildlife conservation projects, such as purchase of conservation easements, matching funds for grants, habitat improvements, additional studies and education efforts.

As we have discussed with Kim, we would contribute \$300,000 over the course of four years. About \$200,000 of the funds would be earmarked for specific projects and the balance of the funds would be allocated to newly identified projects. The earmarked projects would be: \$100,000 for road decommissioning projects approved in the USFS travel management plan; and \$100,000 for completion of the USFS lynx/recreation study currently in its third year.

We intend to begin working directly with Kim on a definitive agreement that would specify that our obligation to fund is conditioned on Peak 6 Project approval and construction and set parameters for disbursement and oversight of the funds. At a minimum, we would expect that funded projects (other than those already identified) be approved by USFS, USFWS, and Colorado Parks and Wildlife. We would also expect to have some input in disbursement of funds, along with local community stakeholder groups.

While there are still many details and conditions to work through, I believe we are off to a great start and we look forward to working with you in the future on lynx conservation in Summit County.

Regards,

Blaise Carrig  
President – Mountain Division



# **Response to Comments**

**BRECKENRIDGE SKI RESORT  
PEAK 6 PROJECT**

**FINAL ENVIRONMENTAL IMPACT STATEMENT**

**RESPONSE TO COMMENTS  
ON THE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**AUGUST 2012**

USDA FOREST SERVICE  
ROCKY MOUNTAIN REGION (R2)  
WHITE RIVER NATIONAL FOREST  
DILLON RANGER DISTRICT

Summit County, Colorado



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## RESPONSE TO COMMENTS RECEIVED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

A Notice of Availability for the 2011 Breckenridge Ski Resort Peak 6 Project Draft Environmental Impact Statement (DEIS) was published in the Federal Register on June 10, 2011. The comment period on the DEIS extended through August 26, 2011, yielding approximately 900 public and agency comment letters—both oppositional and supportive. Some comment letters had multiple names attached.

All comment letters were reviewed for substantive comments, and contact information for each commenter was entered into a master database. These substantive comments provide the foundation for which this Response to Comments is based.

Depending on the resource or context, substantive comments were organized into 23 categories. Similar comments were combined to be representative of common themes that were expressed by numerous individuals. Comments that resulted in an update to a particular component of the analysis between the DEIS and Final Environmental Impact Statement (FEIS) are indicated as such.

Names and affiliations of people who submitted comments on the DEIS are provided here. Per Forest Service Handbook 1909.15, Chapter 24.1(3), copies of comment letters received by tribes, federal, state and local agencies and elected officials are included as Appendix F of the FEIS.

Gretchen Abernathy	Tim April	Gordon Beckhart
Arthur Abplanalp	Barbara Arbuckle	Raymond and Susan Becks
David Abraham	Graeme Armstead	Katie Behnke
Ashley Adams	David Auerbach	Carla Behrens
Brendon Adams	Svetlana Avakova Geary	Brigette Bell
David Adams	Laura Avant	Andrew Bellay
Mike Adams	Reb Babcock	Jeff Bellay
Pamela Adams	Don Bachman	Cynthia Bellini
William Adams	T. Baciqalupi	Steve Benasso
Steve Adelman	Valerie Baker-Easley	Jay Benson
Kevin Ahern	Matt Ballay	Tyler Berg
Bruce Allen	Kyle Ballew	Jeffery Bergeron
Jim Altree	Andy Banas	Ray Bernhardt
James Anderson	George Barker	John Bisbee
Tom Andrews	Helen Barker	Joel & Mern Bitler
Lisa Annaheim	Nora Barth	John Blackshire
Matthew Antush	Susan Beckett	Al Bockhahn

## Response to Comments

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Scott Boe	Gary L. Burton	Rich Cook
Suzanne Bohan	Deirdre Butler	Dan Cooney
Michael Bond	Kathleen Butler	Daniel Cooney
Paula Bourgeois	William Butler	John and Wendy Cooney
Michael Bowen	James Button	Preston Cooper
Dawn Box	Thomas Byledbal	Shanan Cox
Jeff and Emily Boyd	David Cain	Richard Creswell
Sheila Boyle	Kieran Cain	Matthew Croft
Siobhan Boyle	Sherrie Calderini	Michael Crouch
Barbara Brattin	Marslyn Campbell	Lawrence Crowley
Jack Bredar	Pat Campbell	Brenda Crozier
Sam Brede	Dino Canton	Jill Culotta
Rolf Brekke	Christy Ann Carello	David Cunningham
Brendan McGuire	Jeff Carlson	Kevin Czerwinski
Sharla Brenning	Robert Cartelli	Mary Dahl
Kevin Brennly	Laura Cary	Eryn Dahlstedt
Austin Breunig	Regina Casey	Kim Daly
J. Breunig	Tom Castrigno	Diane Danby
Ben Brewer	Lee Chandler	Susan Proper and Donald Dankner
Tom Briggs	Bethany Jane Christian	John D'Antoni
Shaun Brooks	Darrick Christodaro	Kelley daSilva
Melanie & Kent Brown	Adam Christopher	John Davis
Stan Brown	Chad Christy	Dave Day
Jon Brownson	Robert Ciao	Tom Day
Charlotte Brunton	Tom Clancy	Robert Deal
Cassidy Brush	Elizabeth Clark	Megan Deas
Logen Bubzier	Jerry Clark	Don DeFord
Betty Buckley	Cynthia Cleveland	Kathy Deleon
Lynne Buhlig	Jenney Coberly	John DeSisto
David Bullis	Carl and Family Cocchiarella	Kari Devine
Adam Buna	Brian Cocco	Robin Dewey
Andy Burgess	A. Colleen True	Martha and Donald Dick
David Burns	Sylvia Conway	Brad Dickerson
Kevin Burns	Nathan Cook	Tom Dickinson

Kelli Dillon	Georgia Findlay	Robert Girvin
Kevin Diviness	Michael Findlay	Reed Glenn
Erin Donohoue	Scott Fischer	James Goad
Mary Dorais	Jessica Fishman	Susan M. Golden
Michael Dorsey	Kaye Fissinger	Ben Goodin
Beth Ann Dperromg	Terry Fix	Ellen Gordman
Elke Dratch	Dr. Theo Fleisch	Robert Gordman
JoAnn Dufty	Marty Foreman	Todd and Sherilyn Gourley
Chantil Dukart	Lynda Fortier	Kate Grattan
Stacey Dunahay	David Fox	Wendell Gravley
Steve Dundorf	Erica Fox	Andy Greenawalt
Alison Dunlap	Shawna Frank	Kathryn Greeson
Daniel Dunn	Brenda Frazzini	Derek Greiner
Wesley Duran	Shannon Fritts-Penniman	Ginny Griffin
Todd Eastman	James Froning	Guevara
Carl Ecklund	Lindsey Fussenegger	Susan Gunnin
Kristyn Econome	Maureen Gall	Pearl Gurule
Bill Egbert	Gary Gallagher	Richard Gutfreund
Brett Ellen	John Galligan	Julie Gutierrez
Susan Elliott	Lisa Gamber	Dennis and Linda Gutzman
Stassie El-sayed	Beth Ganz	Laurie Haak
Glen Eriksson	Teresa Garcia	Richard Hague
Kimberly Eytel	Walter Garnsey Jr.	Rick Hague
Danny Ezrol	Jim Garofalo	Mary Hahn
Susan Fairweather	Greg Gerloff	Julie Hanan
Tiffany Fancis	Dan Gettman	Karl Hanzel
David Faragher	Barbara Gibbs	Patricia Harding Walker
Audrey Faulkner	Erin Gigliello	Richard Harpstrite
Timothy Faust	John Gilbert	Robert Hasselbrink
Mark Felber	Susan Gilbert	Martha Hauer
Lisa Ferguson	Mary Ellen Gilliland	Gretchen Healey
Beverly Findlay	Allen Gipson	Richard Healy
Caroline Findlay	Janice Girocco	Jane Hendrix
Gary Findlay	Leigh Girvin	John Hendryson

## Response to Comments

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Karen Henry-Morningstar	Joe Irwin	Andrew Kowles
E Henworth	Alex Iskenderian	Misty Krawczyk
Jo Ann Hess	James Ittner	Jonathan Kriegel
Stephen Hicks	Ellen Jacobson	Mark Krieski
Bryan Hile	Suez Jacobson	Sandra Krieski
Dianne Hitchingham	Sheila and Steve Jagentenfl	Randy and Ellen Kurvers
Paul Hitzhusen	Don Janklow	Shawn Lachance
Jeff Hjort	Jolynn Jarboe	Tina Lamers
Deb Hochhalter	Jose Jaurigue	Joe Larkin
Christopher Hoffman	Dawn Jazowski	Steve Larson
J. Ross Holbrook	Bill Jenkins	Kieran Lasater
Vera Holeckova	Eva Johanos	Joseph Layton
Ellen Hollinshead	Alex Johnson	Barry Lazarus
K Holmdahl	Candice Johnson	Peg LeClair
Robert Honish	David & Beverly Johnson	Leo Lehrburger
Clay Horiuchi	Karla Johnson	Bob Leighton
Hugh Horne	Kelly Johnson	Robert Leighton
Nick Horton	Marshall Johnson	Mark Lemke
James Hoskinson	Robert Johnston	Erica Lennertson
Marissa Hough	Brien Jones-Lantzy	Leanne Lestak
Sue Howell	Scott Jorgensen	Kathryn Lester
Shara Howie	Michael Junius	Rob Levine
Sally Huerta	Louis Kaufman	Leo Lewis
Kyle Huffman	Tylar Keese	John Licht
Richard Hughes	Allison Kent	Kenneth Lind
Sam Hughes	Cindi Kestrel	Melissa Locher
Phyllis Hugins	Dawn Kimble	Robert Loewen
Emiko Hull	Amie King	Lanelle Lovelace
Stephanie Huntington	Michael King	Jessie Lozano
Matthew Huppert	Susan King	Brenda Lueker
J Hurel	Catherine Kleinsmith	Craig Lukos
Shirley Huss	Britt Klepper	Dawn Lukos
Maureen Hyland	Stephen Kneller	Taylor Lynch
James Hyman	Elmer Koneman	Kelly Lyon

Heath Mackay	Dustin McIntire	Gordon Murrell
Terrence Madden	Jen & Bob McIntosh	Dominic Muth
Jesse Mallory	Richard McKee	Robert Naeser
Dan Markley	Chris McKinney	Erik Nelson
Ann-Marie Marquis	Mark McKinnon	Kenneth Nelson
D. Scott Martinez	Michael and Gail McManus	Larry Nettles
Richard Masica	Peter McMullen	Paul Niesen
Beth Mason	Joe McPhee	Scott Noble
Howard Mason	Ed Means	Ben Novy
Mark Mason	Greg Mears	Craig Oberg
Richard Mason	Shannon Meckley	Keith Odza
Betina Mattesen	F Meek	William Ollar
Georgia Mattingly	Arn Menconi	Sherry Olson, Ph.D.
Lynn Mattson	Jeanmarie Mendesh	Devon O'Neil
April Matzenbacher	Jim Merrick	Glenda O'Rourke
Jon Mauch	Monique Merrill	Monica Owens
Dominic Mauriello	Marcia Mielke	Matt Partis
Warren Mayhew	Ray Miller	Olga and James Pass
Robert Maynard	Susan Milligan	Susan Peirce
Gary & Cindy Mays	Todd Misk	C. Louis Perrinjaquet
Kaitlyn Mazurczyk	Rita Mohler	Josh Perry
Charlie Mc Cormick	Cynthia Molinero	Cathy Peterson
Marilyn McBirney	Daniel Monaco	Jesse Peterson
Greg McCallum	John Moon	Mike Peterson
Forrest McCarthy	Curtis Moore	Cary Piccoup
Kyle McCarthy	Vicki Morgan	Doug Pierini
Robert McClain	Edward Morrison	John Pinezich
Charlie McCormick	Sandra Morrison	Cindiman Pinneke
Mike McCoy	Joel Morrow	Denis Pirio
Gordon McCulloch	Michael Moschetti	George Popish
Karen McDonough	Allyn Mosher	Bob Portmann
Joanne McGrew	Robert Mullins	Chad Prince
Kent McGrew	Bobby Murphy	David & Carol Pugh
Sarah McGuire	M Murphy	Denise Queen

## Response to Comments

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John Quigley	John Rossman	James Shingles
John and Jan Quigley	Heidi Ruckriegle	Ann Shipley
D. Quinn	Janet & Thomas Ruehle-Hokel	Charity Showalter
Peter Raich	Lydia Ruyle	Lyle Sidener
Dena Raitman	Jean-Yves Sabot	Carol Sidofsky
Andrea Rand	Loyd Saenger	Mary Siekman
Austin Randal	Karin Sahlman	Sharon Siler
Carrie Rauch	Dominick Saia	Annette Simon
Theodore Raun	Robert Salazar	Eric Simon
Marcia and John Raushenbush	James Sample	Merritt Singer
Bill Rawsky	Robert Sasick	Patrick Smallwood
Chris Ray	John Satter	John Smeaton
Gilbert Rayhill	Rebecca Savage	Christopher Smith
Wrendy Rayhill	Kori Schell	Heather Smith
Dave Raymond	Andrew Schelling	Nick Smith
Nancy Redner	Donna Scherer	Rocky Smith
Robert Reilly	Caroline Schiller	Lynnette K. Solomon
Gary & Gail Renick	Mike Schilling	Adele Sommer
Crystal Reser	Gabriel Schirm	John Sovell
Lou Reynolds	Andrew Schoeneman	Jon Spar
James Richardson	Kim Anne Schreiber	Rick Spear
Erickson Richmond	Sam Schuman	Patrice Spitz
Trey Riley	Marge Schweri	Kirsten Springer
William Rivers	Emily Schwier	Anne St. Clair
Katelyn Robert	Cathy Scott	Stephen Standring
Ingrid Rochester	Raeann Scott	Susan Stantejsky
Josh Roe	David Scull	Laurel Starr
Svein and Beth Rognerud	Lisa Seaman	John Steele
Kathryn Rose	Jacob Sedillo	Jahnavi Stenflo
Aaron Rosenbaum	Eric Seidel	Robert Stewart
Melissa and Michael Rosenbloum	Douglas Semack	Gary Stieffer
Leslie Ross	Joe Setticase	Karn Stiegelmeier
Laura Rossetter	John Shaw	Bill Stiles
	AJ Shelley	Bob Stinchcomb

Nick Stites	Chad Van Dam	Susan Williams
Nancy Stocker	Daniel Vasti	Jim and Denise Wilson
Nora Stombock	Rachel Vento	Elaine Wind
William Storms	Jason Vigorita	Sarah Witherell
Kelly Strohm	Mary Vogel	Barbara Wolitzky
Kristin Strohm	Stan Wagon	Judy Wood
Kris Stromgren	Tavares Waldner	Susan Worthman
Andrew & Laura Sukawaty	Jack Waldrip	Mark Youker
Summit County Board of County Commissioners	Becky Walker	Chad Zanca
Heidi Swarzloff	Greg Walker	Norman Zettel
Nissa Szabo	Patricia Harding Walker	Jeff Zimmerman
Ann Tagawa	Starnes Walker	Dustin Zvonek
Debra Taylor	Janice Wallenburg	Stephanie Zvonek
Mark Taylor	Betty Walters	Sandra Zwingelberg
Lisa Teman	John Warner	
Sandra Thomas	Richard Warren	
Matt Thompson	Elisabeth Webber	
Blair Thorpe	Kevin Weber	
Sam Thurston	John Weides	
Patricia Tjaden	Eric Weidman	
Barry Todd	Anita Weise	
Patricia Todd	Jerry Weiss	
Mark Travers	Tara Welles	
Michael Travers	Rick Wells	
Robert Trester	Rosemary Wentzell	
James Trisler	Jordan Weyand	
Sheila, Willie, Henry and Oliver Trowbridge	Malaya Whetzel	
A. Colleen True	Jason White	
Creed Tucker	Glenn Whiteside	
Charles Tyler	Jody Wier	
David Tyrrell	Pamela Wigdahl	
Sarah Vaine	A. Wilhelmi	
Jan Van Ackeren	Michelle Wilkes	
	Larry Willhite	

## 1. PURPOSE AND NEED

**1.1** *Expanding the skiable terrain at the Breckenridge Ski Resort (BSR) to Peak 6 will benefit tens of thousands of skiers each season. We further believe that the best use of the currently undeveloped land at BSR would be additional expansion of the skiable terrain to the full limit of the permitted area. The proposed expansion will benefit skiers and riders throughout the season. On non-peak days – the vast majority of days during the ski season – Alternative 2 directly benefits skiers at BSR by providing additional terrain options that should improve their skiing experience.*

The DEIS and FEIS do not consider full development of the Special Use Permit area (e.g., development of Peak 5 is not considered). This alternative would meet the stated Purpose and Need; however, would not respond to resource issues that drive the creation of alternatives to the Proposed Action.

**1.2** *The purpose and need for the Peak 6 expansion states a need for additional terrain due to the large skier volume in a relatively small amount of acreage compared to some of the larger ski resorts in the west. Some of which are over twice the size of Breckenridge while doing less than half the amount of skiers Breckenridge does. The additional acreage on Peak 6 will make a marked difference in overcrowding within the boundaries of the Breckenridge Ski Resort. Creating additional terrain will allow the guests to spread out on an additional 550 acres thus, easing some of the congested areas within the existing resort.*

The Purpose and Need stated in the DEIS and FEIS (FEIS pp. 1-4 through 1-6) concurs with this comment. In addition, the Recreation analysis in the DEIS and FEIS discloses a decrease in skier densities as a result of the Proposed Action on trails, with the exception of *Monte Cristo* trail, which would be a primary egress trail.

**1.3** *I believe that the USFS has made a compelling case that, by adding new terrain on Peak 6, Alternative #2 has the greatest potential to: accommodate current visitation levels (Purpose #1); reduce skier congestion on existing intermediate and advanced intermediate terrain (Purpose #2), and; reduce lift-line wait times (Purpose #3). Alternative #2 accomplishes these outcomes by increasing ski terrain with an eye towards the type of intermediate terrain that is most needed at Breckenridge. Additionally the terrain increases are located in such a way as to encourage ski crowds to better disperse across the mountains of Breckenridge.*

See Response to Comment #1.1.

**1.4** *I support Alternative 2 because adding 191 acres for intermediate skiers (versus Alternative 3 only adding 75) much better meets the resort's purpose and need statement within the DEIS. The resort exceeds 16,000 daily visits on 25 percent of "core season" days. My family and I have witnessed how this leads to significant skier congestion. The expanded terrain onto Peak 6 will spread this congestion.*

See Response to Comment #1.1. In addition, the DEIS and FEIS (FEIS p. 1-6) state a Purpose and Need of "Reduced skier congestion on BSR's existing Intermediate and Advanced-Intermediate terrain network and associated lifts." The Recreation, Mountain Operations and Guest Services section of Chapter 3 in the DEIS and FEIS analyzes skier densities and compares the existing condition with Alternatives 1, 2 and 3 (FEIS Table 3B-12 p. 3-60).

**1.5** *Peak 6 will allow intermediate and advanced-intermediate skiers to ski high-alpine, above-timberline bowls. Many people who previously found above timberline areas of the mountain like Imperial Bowl, Horseshoe Bowl, and the T-bar too difficult will be able to ski Peak 6.*

Correct. The DEIS and FEIS (FEIS p. 2-4) state, Alternative 2 would provide 182 acres of Intermediate and 62 acres of Advanced-Intermediate lift-served terrain.

**1.6** *Previously-approved grading on the Lower Silverthorne trail would widen one portion of a beginner trail by only 65 feet. DEIS, Appendix A, at A-II. Alternative 3 addresses lift wait time by including upgrades to three lifts: the Colorado Superchair, the C-Chair, and the A-Chair, and installation of a new Peak 6 1/2 lift. Though the proposed upgrades may reduce wait times and increase comfortable carrying capacity, the upgrades in many cases do not enhance service to the Intermediate and Advanced-Intermediate terrain or reduce skier congestion on the Intermediate and Advanced-Intermediate terrain as discussed in the Purpose and Need.*

The DEIS and FEIS disclose decreases in lift line wait times as a result of Alternative 3. With respect to trail densities and skier congestion, the FEIS (FEIS p. 3-93) states, "...what the density model cannot predict are the new trail intersections that would be created on Peak 8."

**1.7** *Alternative 3 proposes only limited terrain enhancements (the trail connectors between Brian Rose and Sizzler) on terrain serviced by the A-Chair Lift. The upgrades to the A-Chair may serve only to increase the congestion and decrease the skier experience on the trails served by the A-Chair. The A-Chair Lift primarily services novice to low-intermediate terrain, not the Intermediate to Advanced-Intermediate terrain described in the Purpose and Need.*

The primary goal for upgrading A-Chair would be to reduce lift line wait times and improve skier circulation. The guests using this lift would continue to be those at the skier ability level that the terrain services, i.e., Novice and Low-Intermediate.

**1.8** *Though Alternative 3 would increase Intermediate and Advanced Intermediate acreage (i.e. the short trail connectors between Briar Rose and Sizzler, Doublejack and Cimmaron and the connector from the top of the Falcon Superchair to the Upper Lehman trail), none of the proposed lift enhancements will increase the ease with which Intermediate and Advanced-Intermediate skiers can access those trails. DEIS at 2-9. Thus, while the density of skiers on the trails may decrease, Alternative 3 will not disperse skiers across the terrain or increase the amount of lift-served terrain for Intermediate and Advanced-Intermediate skiers, and could result in even longer wait times at the Falcon Superchair Lift - the only lift accessing that terrain.*

The DEIS and FEIS disclose an increase in the ability levels the commenter has referenced (Intermediate and Advanced-Intermediate). The commenter is correct that lift upgrades that service Peak 10 are not proposed. Qualitatively, the addition of new trails on Peak 10 could attract additional demand within the current daily visitation that could contribute to a longer lift line wait time at the Falcon SuperChair.

**1.9** *Projects at BSR that have been previously-approved, but not yet implemented, see Appendix A at A-11-13, will similarly not address the Purpose and Need. Though several of the projects would decrease wait time at certain lifts, none of the previously-approved projects would otherwise improve skier experiences (e.g., by reducing skier congestion) on the terrain network, particularly for Intermediate and Advanced-Intermediate terrain. Id. Similarly, none of the projects would increase hike-to access for advanced skiers. Id. In fact, without expanding the*

*skiable terrain or providing enhanced hike-to access, upgrades to or addition of the previously-approved ski lifts would only serve to increase skier congestion on the existing terrain. Implementation of previously-approved projects would not meet the purpose and need.*

Although, several of the previously-approved projects (FEIS p. 1-6) at BSR could contribute to meeting components of the Purpose and Need (FEIS p. 1-4), as the DEIS and FEIS state, on their own, the previously-approved projects would not comprehensively meet the Purpose and Need.

***1.10 Peak 6 is ideally situated for developed skiing. Peak 6 is in a “wind shadow,” giving it ideal conditions when other portions of the mountain may be experiencing difficult weather.***

The DEIS and FEIS (FEIS p. 3-47) state, “Based on data collected, the mean wind speed on the summit of Peak 8 is approximately 26.6 mph. On the Peak 6 shoulder the mean wind speed is 12.0 mph. For comparison, the average wind speed on the T-Bar line is 14.9 mph. Mean wind speed on the Peak 6 shoulder is approximately 45 percent of the Peak 8 Summit, indicating that the Peak 6 shoulder is in a wind shadow much of the time.”

Nevertheless, the Forest Service would anticipate the upper Peak 6 lift to close—infrequently—due to high wind speeds.

***1.11 The expansion area lacks legitimate intermediate terrain in sufficient amounts to adequately meet the purpose and need. The intermediate skier addressed in the purpose and need won’t utilize the upper parts of the expansion terrain often, or at all, during the inclement weather that is common and will instead go back to the already overcrowded slopes of Peaks 7 and 8.***

The DEIS and FEIS (FEIS p. 2-4) disclose that Alternative 2 includes 182 acres of Intermediate terrain. Intermediate terrain ranges from 25 to 45 percent slopes. This analysis utilizes digital mapping based on 10 foot contour intervals to determine accurate slope angles and corresponding ability levels. Figure 6 in the DEIS and FEIS displays the locations of the Intermediate terrain that would be lift-served by the Peak 6 lifts. In March 2012 the Forest Service conducted a site visit to measure slope angles on the above treeline terrain of Peak 6. Through the use of clinometers and GPS, slope angles were measured and are consistent with slope angles presented in the DEIS and FEIS. Additional information is presented in Response to Comment #1.22, below.

The Forest Service acknowledges that there are days at BSR with inclement weather. However, the Forest Service and BSR anticipate that during the vast majority of the ski season, the Peak 6 lifts and terrain network would provide a high-quality guest experience. By providing a positive guest experience on the majority of days, the analysis presented in the Recreation, Mountain Operations and Guest Services section of the DEIS and FEIS would be accurate (i.e., improved skier circulation, reduced lift line wait times and reduced trail densities).

***1.12 The purpose and need will not be satisfied consistently with the Peak 6 expansion because of the cold, windy, challenging, whiteout and avalanche prone conditions that often exist in the area. As with other chairlifts that are in avalanche prone and poor weather terrain within the resort, there is no guarantee that the chairlift can run during days of overcrowding and thus will not consistently satisfy the purpose and need.***

See Response to Comment #1.10. In addition, with weather events there are no guarantees, and the Forest Service acknowledges this fact. This analysis cannot and does not analyze every day of the season and every weather event. This project was proposed by BSR and analyzed by the Forest Service to address the majority of the season and the majority of busy days at BSR to address the Purpose and Need. The analysis discloses that Alternative 2 would address the Purpose and Need.

Regarding avalanche concerns, the Peak 6 area would be subject to BSR’s winter operating plan and would undergo appropriate control work to open and maintain lifts and trails.

***1.13 Dangerous avalanche conditions on Peak 6 will often necessitate a late opening of the lift while control work is done.***

An avalanche assessment was conducted for the DEIS and FEIS. As stated in Response to Comment #1.11, the BSR winter operating plan will include management of Peak 6. BSR’s draft winter operating plan anticipates control work starting prior to the ski area opening each day with a separate team of patrollers controlling the Peak 6 area. BSR and the Forest Service anticipate the Peak 6 lifts will open concurrently with the existing base area lifts, with control work occurring to open additional terrain within the operational boundary both north and south of the lift in stages. Therefore, BSR patrol will operate a series of gates north and south of the upper lift top terminal as terrain receives clearance for avalanche risk.

***1.14 In order to meet the purpose and need for the expansion, it is important that the ski area use best practices so terrain is managed in such a way as to be open early in the day on a daily basis, and that a grooming plan be implemented that further accomplishes purpose and need goals of providing intermediate ski terrain.***

The Forest Service has informed BSR of this comment. A winter operating plan will be reviewed by the Forest Service to identify how avalanche control work would be conducted (see Response to Comment #11 and 12) and the amount of grooming scheduled on a daily basis. The Forest Service desires a successful operation of this terrain by BSR.

***1.15 Another part of the need for expansion is to provide “[a]dditional hike-to access to service advanced ability levels” (DEIS at 1-6), for which there is a growing demand (id. at 3-74). In fact, this type of terrain is said to be “a critical component of BSR’s terrain offerings”. DEIS at 3-40. It is highly ironic that this is part of the need. As the DEIS admits and many people bemoan, the proposed expansion would eliminate the existing hike-to terrain on Peak 6 (DEIS at 3-19, 3-74).***

The commenter has correctly quoted the DEIS, with the exception of the final reference to DEIS pp. 3-19 and 3-74). Pages 3-19 and 3-74 are referring to backcountry terrain, not hike-to terrain. These terrain types are differentiated in the DEIS and FEIS (FEIS p. 3-42). The DEIS and FEIS disclose that the

development of Peak 6 would be a loss, or impact, to backcountry terrain on Peak 6. Hike-to terrain (terrain that is within a ski area's operational boundary and is controlled and maintained by ski patrol) is growing in popularity and the Forest Service and BSR see a need to provide this type of experience within the BSR SUP boundary.

***1.16 Much of the new hike-to terrain would not be utilized. Very few would utilize the 'hike-to' terrain to the north since most of this is just a huge cornice, and very few turns would be realized because a skier would quickly intercept the terrain used by lift-served skiers.***

The Forest Service and BSR anticipate this terrain to be as popular as similar hike-to terrain within the BSR operational boundary. All hike-to terrain will be subject to avalanche control activities that will manage the cornice and ridgeline within the operational boundary. Hike-to terrain north and south of Peak 6 would be similar to terrain on Peak 8, including Lake Chutes.

***1.17 Part of the need for the proposed expansion is to reduce congestion on intermediate and advanced intermediate runs and reduce lift times... more people would ski at BSR, which would in turn increase the crowding, or at a minimum, negate any gains achieved through the installation of a new lift and new ski runs.***

The intent of Alternative 2 is to disperse the present visitation levels. The recreation analysis discloses visitation increases of up to 2 percent annually. This is commensurate with the current visitation trends. However, BSR and the Forest Service are taking proactive steps to manage daily visitation in the future with a visitation management conservation measure (FEIS p. 2-19). Furthermore, BSR initiated "black-out" days during the periods projected to be peak days during the 2011/12 season. The Forest Service and BSR will evaluate the effectiveness of this action and determine the most appropriate course of action for subsequent seasons. The goal is to meet the Purpose and Need into the future for BSR.

***1.18 A need for expansion is for "[e]fficient dispersal of Intermediate and Advanced Intermediate skiers across the entire skiable terrain network". DEIS at 1-6...However, the proposed new Peak 6 pod would provide very little of that. Most of the terrain there would be advanced, as the terrain north of Peak 6 is certainly advanced, as is most of the terrain to the south.***

See Response to Comment #1.10 regarding acreages by terrain ability level. By providing additional Intermediate and Advanced-Intermediate terrain, those ability level skiers will disperse over a greater acreage. Also, refer to Response to Comment #1.16 regarding the management of daily visitation into the future.

***1.19 The expansion will not satisfy the overcrowding that exists at Breckenridge - it will compound it. The principle goal here (despite what the resort has said) is to attract more people to the resort, not disperse those who already visit. If they wanted to disperse their current numbers, they'd have ALREADY done the upgrades in Alternative 3 (which increases carrying capacity more than Alt 2!), like replacing their old double chairs. And they wouldn't keep shrewdly turning all their groomers into black-diamond runs!***

The Forest Service understands that an underlying outcome of Alternative 2 is to attract additional skiers. This is disclosed in the DEIS as continuing the current average annual skier visitation increase by 2 percent. Refer to Response to Comment #1.16 for more information on visitation management.

Upgrading chairlifts in Alternative 3 would decrease lift lines and improve skier circulation. Alternative 3 would not decrease trail densities to the extent Alternative 2 would (FEIS Table 3B-12 p. 3-60).

The DEIS and FEIS (FEIS pp.1-11 and 1-12) disclose the changes to ski trail ability levels in the last several years.

***1.20 More visitation thus likely means more crowding, or at least an increase in the number of days each season with crowding. Notably, lift waiting times would not decrease at all on peak use days (DEIS at 3-71, 3-72). Even on “design days” when the visitation is around 16,000 guests (DEIS at 3-28), lift wait times would be unchanged on six of 11 lifts evaluated, and would be only minimally reduced (one to three minutes each) on the remaining five lifts. Id. There would also be no decrease in the density of skiers on trails during egress periods DEIS at 3-78.***

The commenter has accurately referenced the Alternative 2 analysis in the DEIS. With that being said, the analysis focused on the “Design Day” of 16,000 and the Peak Day. The commenter’s final sentence in this comment is referencing analysis of a Peak Day. On days with 16,000 skier visits, the guests would recognize a decrease in lift line wait time, skier densities and circulation. In addition, the Proposed Action would also create a positive guest experience for all days within the “core season” below 16,000 skier visits, which accounts for 75 percent of the core season.

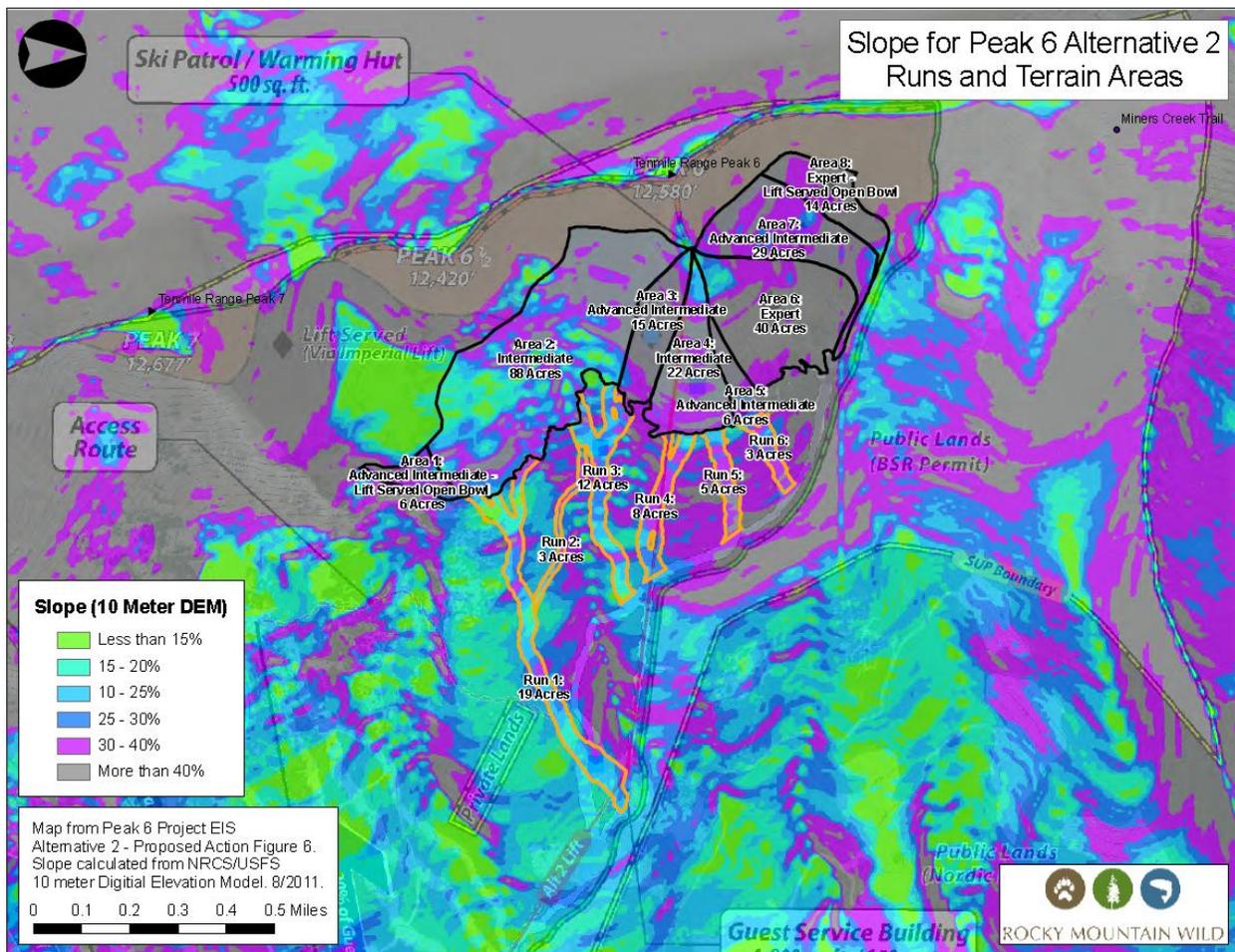
***1.21 There supposedly is a need to have “[s]ufficient infrastructure in pods to serve guests”. DEIS at 1-6. This includes restaurants. A new restaurant has already been approved, but not yet built on Peak 7.***

Correct. This previously-approved restaurant on Peak 7 was analyzed in the cumulative effects section of the Recreation, Mountain Operations and Guest Services analysis of the DEIS. The reader is referred to Response to Comment #2.1. In addition, the FEIS has been updated (FEIS pp. 2-2 and 2-3) to describe the change in infrastructure at this location.

***1.22 One of the most critical considerations in decision making on an EIS is whether the proposed project meets the purpose and need. To ensure that the project meets the identified need for access to additional intermediate and advanced-intermediate terrain, the BOCC recommends that any approved project provides direct access to intermediate and advanced-intermediate terrain from the proposed ski lift(s), without requiring skiers to navigate across expert terrain and without damaging the alpine ecosystem (e.g., damage by constructing new cat walks to provide intermediate access).***

Since the initial proposal was scoped to the public in 2008, the proposal was modified to provide lift access directly to Intermediate terrain, rather than requiring an access trail. As disclosed in the DEIS and FEIS, to access Intermediate terrain on Peak 6 guests would ski Intermediate trails on Peak 7, ride the upper Peak 6 lift and ski Intermediate trails on Peak 6. The analysis of whether the terrain on Peak 6 is correct slope angle for the corresponding ability level is discussed in Response to Comment #1.10 and 1.22.

1.23 Refer to Attachments 2 and 3: Area 8 is (45%) expert, and our personal experience would agree...Area 7 (29 acres) (39%) this is given the ‘advanced-intermediate’ description. Given that it is only 1 percent less (39%) of our expert rating of 40%, this seems to make sense that it would be bumped up to expert. While maybe a majority of Area 7 falls into the advanced intermediate 30-40% range, this run does become much steeper halfway down and this is definitely expert terrain – it’s steeper than 28 degrees and could require avalanche control work. Also, an intermediate skier couldn’t stop halfway down this run and head back to the lift...Area 6 (48%)– this part of area 6 is correctly labeled Expert....Other than the initial flats on the ridge of Peak 6, all of this terrain [areas 3, 4 and 5] switches to expert for a majority of the upper portions of each of these areas. (Attachment 3)...Area 5 (Advanced Intermediate) - following BSR’s new guidelines, Area 5 will be switched to expert, which makes sense since this is steep terrain. Please refer to Attachment 3 and notice how the majority of the slope in this parcel is 40%.(expert)...How these parcels were divided the way they were on DEIS Figure 6 doesn’t make much sense given the topography of Area 5-3. You just would never ski Area 5 as it suggests on this map. Why is the similar Area 7, 39%, labeled advanced intermediate but Area 4 is just intermediate?



(Commenter’s Map)

The commenter's data is based on 10 meter digital elevation model (DEM). The data used for the DEIS and FEIS is based on 10 foot contour, which is more precise. The Forest Service appreciates the commenter's analysis and will consider the area knowledge the commenter possesses; however, the Forest Service will utilize the more accurate mapping data in analyzing terrain ability levels. In addition, the Forest Service conducted a site visit in March 2012 to measure slope angles of the proposed terrain. The major difference between the commenter's information and the Forest Service's data is the commenter identifies any slope greater than or equal to 40 percent as expert terrain. For this analysis, the Forest Service based ability levels on the following: Intermediate ability level terrain ranges from 35 to 45 percent, and Advanced-Intermediate ability level terrain ranges from 45 to 55 percent.

- “Area 8” – Figure 6 of the DEIS and FEIS labels this area as Expert.
- “Area 7” – Figure 6 of the DEIS labels this area as Advanced-Intermediate with a Blue/Black indicator. Figure 6 of the FEIS has been updated and labels this area with a Black indicator and would correspond with BSR's rating of “Most Difficult.” Area 7 has an average slope of 29 percent and a maximum slope of 55 percent. The slope percentages used for this analysis identifies Advanced Intermediate as 45 to 55 percent, and Expert as terrain above 55 percent. “Intermediate” skiers would not be encouraged to ski this terrain.
- “Area 6” – Figure 6 of the DEIS and FEIS labels this as Expert, as the commenter has identified.
- “Area 5” – Figure 6 of the DEIS labels this area as Advanced-Intermediate with a Blue/Black indicator. Figure 6 of the FEIS has been updated and labels this area with a Black indicator and would correspond with BSR's rating of “Most Difficult.” Area 5 has an average slope of 43 percent and a maximum slope of 49 percent. The slope percentages used for this analysis identifies Advanced Intermediate as 45 to 55 percent, and Expert as terrain above 55 percent. “Intermediate” skiers would not be encouraged to ski this terrain. This polygon was analyzed in this manner because an Advanced-Intermediate guest could ski Area 4 and continue into Area 5, then ski Run 6, as depicted on the commenter's map.
- “Area 4” – Area 4 has an average slope of approximately 39 percent and maximum slope of 46 percent. Given the nature of the terrain, the Forest Service and BSR anticipate Intermediate ability level guests using this terrain. The Forest Service field-verified the slope angle as approximately 43 percent at a location approximately at the mid-point between the top terminal and treeline and 100 feet north of the proposed lift line. The slope percentages used for this analysis identifies Intermediate as 36 to 45 percent. Figure 6 of the DEIS and FEIS labels Area 4 as Intermediate.
- “Area 3” – Figure 6 of the DEIS labels this area as Advanced-Intermediate with a Blue/Black indicator. Figure 6 of the FEIS has been updated and labels this area with a Black indicator and would correspond with BSR's rating of “Most Difficult.” Area 3 has an average slope of 40 percent and a maximum slope of 50 percent. The Forest Service field-verified the slope angle at

four different locations in Area 3. The slope angles measured in Area 3 ranged from 44 percent to 55 percent. The slope percentages used for this analysis identifies Advanced Intermediate as 45 to 55 percent. Figure 6 of the DEIS and FEIS labels Area 3 as Advanced-Intermediate.

- “Area 2” – Figure 6 of the DEIS and FEIS labels this area as Intermediate with a Blue indicator. In this analysis Area 2 has several measured fall lines all within the Intermediate ability level range. Average slopes range from 23 to 30 percent and maximum slopes range from 32 to 46 percent. The Forest Service field-verified the slope angle at five different locations in Area 2. The slope angles measured in Area 2 ranged from 34 percent to 52 percent. The 52 percent was measured for approximately 200 feet above a location 100 feet south of the proposed power line. Below this sample point, the slope angle measured 40 percent. The four other points taken ranged from 34 percent to 45 percent. It is important to note that for open bowl skiing, a maximum slope above the range should not necessarily increase the ability level classification. The Intermediate ability level slope range is 35 to 45 percent; and, due to the information provided herein (even though one measurement was above the 45 percent threshold), the FEIS retains Area 2 as Intermediate ability level terrain.
- “Area 1” – Figure 6 of the DEIS labels this area as Advanced-Intermediate with a Blue/Black indicator. Figure 6 of the FEIS has been updated and labels this area with a Black indicator and would correspond with BSR’s rating of “Most Difficult.”

***1.24 A winter field visit along with this GIS Data is the only way to get a more accurate perception of this slope and this is absolutely necessary for Area 4. Please invite all interested parties to this site visit...***

As indicated in Response to Comment #1.22, the Forest Service conducted a site visit in March 2012 to measure slope angles on Peak 6. Those findings are presented in Response to Comment #1.22 and does not change the determinations in the FEIS regarding the categorization of ability levels and the project meeting the identified Purpose and Need. The Forest Service determined prior to the site visit that this was a data collection and verification process that did not require noticing this activity to the public.

***1.25 Area 2 – (88 acres) (Attachment 2 and 3). This is the heart of the intermediate terrain lift served from Peak 6. But please look carefully at these maps. Most, if not all of Area 2 from the top of the lift, is within the 40% slope gradient right from the top of the lift, especially where it is adjacent to Area 3 and this is comparable to numerous other expert runs at BSR.***

The reader is referred to Response to Comment #1.22 for a discussion on Area 2.

**1.26** *You need a field visit this winter to explain how it will work for an intermediate skier to traverse further south away from the predictably crowded groomed SE gully. This gully is “concave” and on it’s southern side is a high band of rock which rarely holds snow. Even if it did hold snow with snow fencing, if you follow the lift-served boundary line delineated on Figure 3, this would be a sideways uphill traverse to get out of the concave gully, across an always present rocky tundra exposed mound, and finally onto the more southerly ‘intermediate’ terrain. We believe that a more realistic delineation of this lift-served southern boundary line would be to drop that hike-to/lift-served boundary line a hundred feet or so in elevation to the east.*

Regarding the request for a site visit, the reader is referred to Response to Comment #1.23. Figure 3 of the DEIS and FEIS displays the area of lift-served, above treeline terrain in a blue shade. The upper boundary of the lift-served, above treeline terrain is delineated at a 10 percent (downhill) slope to a location that would be roped down the fall line (as the commenter has indicated) to avoid the run out from the north facing Peak 6½ chutes. Once a skier avoids the chutes, the ropeline, as delineated on Figure 3 would return to a 10 percent slope to the south. This boundary (avoiding the chutes) was drawn in response to public feedback during the preparation of the DEIS.

**1.27** *Area 1 – another advanced intermediate parcel which should be switched to black. Although this one has a lower advanced intermediate rating than others at only 36 %, (see spreadsheet) this is one area that does avalanche.*

The reader is referred to Response to Comment #1.22 for information on Area 1. The area will be controlled by BSR ski patrol for avalanche conditions.

**1.28** *Runs 6-4 (16 acres) (through beautiful spruce fir) cannot be accessed by intermediate skiers since none of the terrain above, Area 5, 4 and 3, is truly intermediate.*

See Response to Comment #1.22 for the ability levels of Areas 3 through 5. The below treeline runs (4 to 6 on the commenter’s map) could all be accessed from Area 4 on the commenter’s map, which, as disclosed in Response to Comment #1.22, Area 4 is categorized as an Intermediate ability level area.

**1.29** *Run 1 – (19 acres) This is advanced intermediate terrain, (36% on spreadsheet) but for the intermediate skier coming off of the lift and then traversing all the way over to reach the lower flanks of Area 2 to then ski run 1 – this is a lot of work for not much vertical drop, and a skier would more likely end up too low and on runs 3-2. It just would require a lot of awkward sideways skiing and poling, and is it really worth the amount of forest cut for this effort from off the lift? Actually Run 1 is really just the exit run for expert skiers descending from Peak 6 ½. Expert skiers do not need a cut run and can use the naturally gladed terrain to return southwest back to the Independence Chair. Expert skiers can also ski Peak 6 ½ and still easily get to Run 3-2. We know this from years of skiing back into the resort after backcountry skiing Peak 6.*

The Forest Service and BSR anticipate Run 1 to be used by Intermediate, Advanced-Intermediate and Expert ability level guests. There are examples across BSR where guests of Intermediate through Expert ability levels will traverse to access terrain (e.g., Expert – south side of Peak 10 which includes the egress back to the Falcon, traverse from top of Imperial to *Whale’s Tail*; Advanced-Intermediate – traverse from Colorado to *Frosty’s Freeway*; Intermediate – traverse from Rocky Mountain to *Claimjumper*).

Furthermore, the traverse could be similar to what is formed north of the T-Bar top station, which resembles a snow bench.

***1.30 The DEIS (2-3) states that Alternative 2 gives 182 acres of intermediate terrain. With our conservative estimate that 78 acres is not intermediate, we believe Alternative 2 really offers a total of 104 acres of intermediate skiing. With the 56 acres of advanced intermediate terrain being switched to black, now the expert terrain will increase to 219 acres!***

The reader is referred to Response to Comment #1.22 regarding terrain ability levels for the Proposed Action. The Advanced-Intermediate terrain disclosed and analyzed in the DEIS is still within a percent slope range (45 to 55 percent). This range would continue to be used by a portion of BSR guests that have the capabilities to enjoy this type of terrain, regardless of whether it is signed as “Blue/Black” or “Black.” The FEIS did not update the acreage of ability levels, but did update the “Blue” and “Black” classification.

***1.31 This proposed action will not adequately “provide additional hike-to access servicing advanced ability levels.” All the proposed lift served terrain in Alternative 2 and 3 are currently some of the most popular backcountry/hike-to terrain available to Breckenridge residents and visitors.***

The Proposed Action would provide an additional 143 acres of hike-to terrain that would be controlled and maintained by BSR ski patrol. The DEIS and FEIS (FEIS p. 3-42) provide additional information and a description of “hike-to” terrain. The DEIS and FEIS do not describe the existing conditions on Peak 6 (currently outside the BSR operational boundary) as “hike-to” terrain.

***1.32 Alternative 2’s hike-to terrain to the top of Peak 6 really doesn’t offer much at all. Hiking to the summit of Peak 6 is like hiking to the summit of Imperial Bowl. Sure, you will be able to ski five to ten turns, but because you so quickly intercept the lift-served terrain, it’s not worth it. So if you did hike to the summit of Peak 6 and headed south, the main goal would be to exit out the gate where it is now only hike-to terrain below and ski that terrain. Once again though, this DEIS doesn’t show where this rope will be, and if we go by Figure 3, the hike-to terrain between the north faces of Peak 6 ½ and Peak 6 is hardly worth it if skiers are traversing below.***

Currently, approximately 20 percent of those riding Imperial Express hike to the summit of Peak 8. Therefore, the Forest Service interprets this data as a successful hike-to experience by guests of BSR. A similar percentage, perhaps slightly less due to the differences in guest ability level ridership of the proposed Peak 6 lifts, is anticipated to hike to the summit of Peak 6. The ineffectiveness of hike-to terrain expressed by the commenter is opinion based.

Final management, including rope lines within the operational boundary of the Peak 6 area would be reviewed by the Forest Service in BSR’s Winter Operating Plan.

***1.33 When the weather is windy and cold, Peak 6 skiing will be uncomfortable at best and dangerous at worst. These common conditions work against the goals of dispersing skiers to Peak 6 trails, and thus an expansion will not alleviate current crowding as claimed. In fact, it will likely worsen current crowding conditions on these days.***

The weather conditions presented by the commenter currently occur at BSR, yet BSR experiences more skiers per acre across its entire operational boundary than any other ski area in Colorado. Under the Proposed Action, guests are anticipated to disperse onto the proposed terrain, lift-served and hike-to. The Forest Service understands that on occasion, weather conditions will render parts of BSR unattractive to

guests; however, the vast majority of the Core Season (as defined in the DEIS and FEIS [FEIS p. 3-29]) will be improved by the Proposed Action with respect to the Purpose and Need.

***1.34 The DEIS did not adequately defend how this expansion will “better accommodate daily visitation levels.” The obvious first question is then, what are the daily visitation levels? Why aren’t these numbers included in the DEIS? We also continue to hear that the main justification for Peak 6 is because BSR receives 1.6 million skier visits – but that seems a little too vague, too general. Couldn’t these significant daily visitation numbers have been summarized in some way in this document or at least have been included in an Appendix of the DEIS? But these revealing numbers aren’t present, and given that this is the heart of why Breckenridge Ski Resort (BSR) wants this expansion, we would’ve hoped they were listed in some fashion...What days does BSR exceed the CCC? How many days does BSR exceed the CCC? Is it just weekends? Given the DEIS claims that people stay longer after or before weekends, what are the numbers on weekdays? And by how much are we exceeding the CCC number on each day throughout the entire season? So what are the numbers like several days prior to peak days since this seems to be the repeated justification for this Peak 6 expansion?***

The DEIS and FEIS (FEIS p. 1-4) state, “The proposed projects were specifically planned to better accommodate existing daily visitation levels, and maintain the desired skiing experience with comfortable terrain capacities. It is not anticipated that the proposal would elicit increases in Peak Day visitation.” The Proposed Action includes the development of 550 acres of additional terrain and additional chairlift capacity. The DEIS and FEIS disclose how the alternatives analyzed in detail in the analysis would address the Need for, “Better accommodation of current daily visitation levels” in numerous locations throughout the document. The DEIS and FEIS (FEIS Table 2-5 p. 2-32) provides a summary analysis of how Alternative 2 (Proposed Action) would be quantifiably different from Alternatives 1 and 3. The results of the indicators analyzed for the Recreation resource disclose how each alternative would “better accommodate visitation levels.” The information in the Table 2-6 (FEIS p. 2-34) is a summary of the analysis found in Chapter 3 of the FEIS.

The DEIS and FEIS (FEIS p. 3-34) states, “BSR daily skier visit data was examined in the preparation of this analysis, but is considered proprietary information and is not provided herein...As presented in the Scope of the Analysis for this section, several different visitation days are analyzed within this EIS. The existing CCC for BSR is 14,920 guests. As stated above, CCC is a planning tool, but does not reflect actual visitation. In the 2009/10 season, BSR exceeded the existing CCC approximately 27 percent of the Core Season days. The “Design Day” of 16,000 skiers is considered to be the level of visitation that is commonly experienced at BSR (approximately 24 percent of the Core Season).”

The DEIS and FEIS (FEIS p. 1-4) discloses, “It is not anticipated that the proposal would elicit increases in Peak Day visitation...This analysis makes this assumption based on: a review of past visitation data; the current guest experience on these peak days being diminished; Interstate 70 and constraints to weekend day skiers; and weekday flexible work schedules increasing mid-week visitation.” In addition, BSR and the Forest Service are taking proactive steps to manage daily visitation in the future with a visitation management conservation measure (FEIS p. 2-19).

***1.35 The DEIS did offer the following data: “town reaches capacity about 20 days per year” and “10th busiest day is 18,000 guests.” (3-4) We can assume then from this data that for at least 10-20 days a season, Peak 6 won’t have much of a positive effect since it only increases the Comfortable Carrying Capacity (CCC) to 16,000.***

As it relates to quality of life, the DEIS and FEIS (FEIS p. 3-4) states, “The Town is capable of accommodating typical weekday and weekend use at levels which most people feel is acceptable. However, when the Town reaches capacity (approximately 20 days per year) some residents and visitors feel the resulting congestion in traffic, parking, and use of public facilities is undesirable.”

The DEIS and FEIS (FEIS p. 3-30) states, “...for BSR, the tenth busiest day is approximately 18,000 guests.” The DEIS and FEIS (FEIS p. 3-30) also states, “Approximately 75 percent of BSR’s annual visitation occurs between these dates [December 20 to March 31], which accounts for approximately 60 percent of operating days. Another factor of this analysis is when the majority of visitation occurs at BSR. The primary visitation days at most ski areas in the United States, including BSR, include: Christmas through the New Year holiday (extending from December 20–January 7), Martin Luther King, Jr. Day holiday weekend (typically four days in January), President’s Day holiday weekend (typically four days in February), and Spring Break (a two- to three-week period in March). Several other weekends have become major visitation weekends, including: Ullr Fest (typically three days in January) and the Snow Sculpture competition weekend (typically three days in January). In total, these events amount to 53 days during the season (approximately 35 percent of the overall season or 50 percent of the Core Season).”

The DEIS and FEIS (FEIS p. 3-72) states, “The Purpose and Need is to better accommodate the current daily skier visits occurring at BSR and make the proposed CCC more in-line with that visitation level (16,000—a quantity of guests that already visit BSR approximately 25 percent of the year). Furthermore, as the Proposed Action addresses 16,000 skier visits, the remainder of the Core Season below 16,000 skier visits would also be positively affected by the increased CCC and increased terrain acreage. The CCC under the Proposed Action would increase to 16,170 skiers. It is assumed in the analysis that on days that exceed approximately 16,000 visitors, guests would not experience a noticeable change from the existing conditions (the No Action Alternative). However, on days at or below approximately 16,000 skier visits, a noticeable change would be experienced.

***1.36 The redesignation of existing terrain by BSR toward expert runs (and away from intermediate designations) is not only contrary to the actual skier experience on many runs but also has the effect of clustering intermediate skiers in a smaller area than is necessary. This skewed redesignation of trails, which was not done in a manner that is consistent with other resorts, seems to be aimed more at supporting a Peak 6 expansion based on the apparent lack of intermediate terrain than at an honest evaluation of trail difficulty.***

The DEIS and FEIS (FEIS pp. 1-11 and 1-12) disclose the change in ability level designation of existing trails and provides a clear and concise rationale. The Proposed Action would provide 182 acres of additional Intermediate terrain, addressing the current deficit of Intermediate terrain distribution based on market demand (FEIS Table 1-1 p. 1-6).

**1.37** *Research has shown that downhill skiing isn't growing. (WRNF TMP 3-66)...So for instance, out of these 1.6 million visitors, how many days/visitors of this total are just pass holders and employees (who supposedly have their passes scanned even if working)? What percentage of this number are just skiers coming back over and over? Hunter Sykes, a blogger on ski industry trends, explains in Mountain Sports Alliance, why this differentiation between numbers vs. visits is important: "The ski industry measures the health and popularity of skiing by counting the number of times skiers actually go skiing (skier visits or skier days) annually, not the number of actual skiers among the population as a whole (total skier numbers). A common misconception is that skier visits and skier numbers are the same thing when in fact they are not, and while skier visits can be a good measure of the popularity of skiing at individual resorts during a particular year, they fail to account for long-term participation trends among the public...While increasing skier visits make it look like skiing is a growing sport, the truth is that fewer skiers are skiing more often, and they are growing older all the while. "*

The fact the Forest Service has considered and analyzed in the DEIS and FEIS is that BSR's annual visitation has steadily increased (FEIS Table 3B-1 p. 3-33). The DEIS and FEIS (FEIS p. 3-33) states, "Average annual growth at BSR during this time period [1995 to 2010] was approximately 1.3 percent. Comparatively, Colorado and Summit County ski areas realized 0.5 and 0.6 percent growth during this time period, respectively. Of more relevance, in the last five seasons, BSR has averaged 1.6 million annual skier visits." Whether guests are new skiers or season pass holders (presumably repeat guests), what is analyzed in the DEIS and FEIS is the effect of the annual and daily guest visitation on the skiing experience.

**1.38** *If the large percentage of the crowded days are Saturday and Sunday, and Christmas (when higher lifts often don't have enough snow yet), is the proposed Peak 6 high altitude lift with questionable weather issues (see further discussion below) worth all the sacrifices to better accommodate daily visitation levels on such specific days?...Given the cold temperatures, typical wind, low snow depth, limited terrain open from our higher lifts and that most Christmas week visitors prefer the lower elevation skiing, it doesn't really make sense for adding another lift at high altitude with little to no intermediate terrain to solve the crowding problem over Christmas, one of the busiest week of the ski season.*

The Proposed Action is anticipated to accommodate the majority of Christmas holiday periods. In addition, the Proposed Action is also anticipated to accommodate the majority of the "Core Season" as analyzed in the DEIS and FEIS (see also Response to Comment #1.34).

**1.39** *Paragraph D of Purpose and Need states that "the 2002 Forest Plan anticipates that population growth in Colorado ... will contribute to increased annual skier visitation." In a matter of years, won't this anticipated increase in skier visitation nullify the increase in terrain, leading us back to the same situation we have now? How can the Peak 6 development be more than a stop-gap solution?*

The visitation management conservation measure presented as a goal in the DEIS (p. 2-15) and expanded upon in the FEIS (p. 2-19) lays the foundation that Peak 6 is not a stop-gap solution and addresses the Purpose and Need into the future.

## 2. ALTERNATIVES

**2.1** *BSR has withdrawn its proposal to construct a mid-mountain restaurant on Peak 6 and requests that the Forest Service exclude the restaurant from Alternative 2. This change was made to reduce impacts associated with infrastructure required for the restaurant, such as sewer and water. BSR proposes to instead construct a necessary restroom and warming facility that minimizes environmental impact, including by using a vault or similar system for the restrooms. BSR requests that the Final EIS reflect this change.*

The FEIS has been updated to reflect the change BSR has requested from a restaurant to a restroom facility.

**2.2** *It is a mistake for BSR to take the Peak 6 restaurant and warming hut off the table. There are currently insufficient dining facilities at BSR. On most days during the 2010-2011 season, there were very few empty seats in the on-mountain restaurants between 11:00 am and 1:00 pm. In addition to improving general access to dining facilities at BSR, adding a new restaurant on Peak 6 will help keep skiers away from the other nearby options, the dining facilities at the base of Peak 7 and on Peak 8.*

The commenter's concerns are valid. A previously-approved restaurant on Peak 7 was analyzed cumulatively in the DEIS. The restroom facility BSR has requested to replace the initial concept of a restaurant on Peak 6 would have a guest warming area.

**2.3** *The purpose and need can be met with infrastructure improvements within the existing operating boundaries. For example, previous lift upgrades of A and 6 chair, as well as updates to C, E, and Colorado Chairs, will relieve congestion more effectively than alternatives 2 or 3.*

The lift upgrades listed as examples in this comment have been analyzed either in Alternative 3 or cumulatively in the DEIS, with the exception of E-Chair. The analysis of skier congestion for Alternatives 2 and 3 are presented in the Recreation, Mountain Operations and Guest Facilities section of the DEIS and FEIS.

**2.4** *The ski area has yet to make already-promised improvements.*

The Forest Service recognizes that BSR has proposed, and the Forest Service has approved, projects that BSR has yet to construct within the BSR SUP boundary, including: 6-Chair upgrade, Peak 7 restaurant, A-Chair upgrade, and snowmaking projects. None of the projects that have been approved by the Forest Service are required to be implemented by BSR, nor, to the Forest Service's knowledge were they "promised" to the public. The Forest Service does recognize several factors:

- Previously-approved lift projects could meet the Purpose and Need statement that pertains to lift line wait times across the mountain,
- BSR is operating a business and must make financially responsible decisions, and
- The Forest Service does not impede permittees from making business decisions.

**2.5** *BSR could more effectively utilize its existing terrain by having more effective avalanche control procedures such as allowing the ski patrol to start their avalanche control work earlier in the morning, which would allow lifts such as Imperial and the T Bar to consistently open earlier and better disperse crowds.*

Thank you for your comment. The comment is beyond the scope of this analysis; however, the Forest Service has included it for BSR's review and consideration.

**2.6** *Ticketing practices such as pricing of season passes (I am very willing to pay a higher price for a pass if it helps to reduce the need to ineffective expansions), providing discounted weekday passes, and blackout days are effective measures for reducing overcrowding on peak days.*

Thank you for your comment. The Forest Service has incorporated a conservation measure to address the concerns about visitation and effects to the community. This measure is stated in the FEIS (pp. 2-19 and 2-20).

**2.7** *The new lift on Peak 6 should unload at a location that is immediately accessible to intermediate terrain.*

The proposed upper and lower Peak 6 lifts unload at locations that are immediately accessible to Intermediate terrain. Refer to Figure 6 in the DEIS and FEIS.

**2.8** *The proposed restaurant on Peak 6 should be clearly and formally deleted from the proposal in the ROD.*

The restaurant proposed in the DEIS has been removed from further analysis and is not subject to approval by the Forest Supervisor.

**2.9** *Terrain expansion should be limited to those areas on Peak 6 generally south of the proposed lift alignment (please see attached map) to better meet the purpose and need of providing intermediate and advanced intermediate terrain (terrain to the north is predominantly expert).*

The Forest Service respects the intention of the comment made by the Town of Breckenridge. However, Forest Service policy discourages yo-yo skiing. Refer to the DEIS and FEIS (FEIS p. 3-42) for information regarding yo-yo skiing. Only the terrain above treeline would have a portion classified as Expert. The majority of terrain below treeline would be Intermediate ability level trails, which could be accessed by Intermediate ability level guests.

**2.10** *Prioritize the lift improvements within the existing footprint of the Ski Area (A Chair, C Chair, 6 Chair, and the Colorado Super Chair) as a means to meet the purpose and need of reducing waiting times for lifts on the mountain and complete infrastructure improvements within the existing ski area boundary. We believe this will help move people more efficiently around the existing terrain and mitigate congestion at known "choke points".*

The Forest Service deliberated on this concept and comment quite extensively throughout the NEPA process. This concept was analyzed as Alternative 3, with 6-Chair considered cumulatively. The Proposed Action was determined to more comprehensively meet the Purpose and Need.

**2.11 Any new lift developed on Peak 6 should be a “bottom drive” lift, and thereby avoid creating additional ground disturbance for roads and utility lines associated with “top drive” technology.**

By not considering a road to the top terminal (for reference, a road was included to the top terminal in BSR’s 2007 MDP) the lift would most likely be constructed with bottom drive technology. The DEIS did disclose the installation of a power line to the top terminal. The FEIS has included additional design criteria (Table 2-4) to promote prompt restoration of disturbed areas, especially above treeline.

**2.12 It is reasonable to assume that the upgrade to 6 Chair would decrease lift-wait times on that lift, Imperial Express and T-Bar. DEIS at 3-95. However, under alternative 2, lift wait times would not decrease at all on peak use days on these lifts, and on design days, the only decrease would be 2.5 minutes on Imperial Express. DEIS at 3-71, 3-72. Upgrading existing lifts, including ones already approved, would do more to reduce lift wait times (one of the needs for the project – DEIS at 1-6) than would the proposed action.**

The Forest Service believes there is a long-term strategy to providing the best guest experience possible at BSR. This strategy could include addressing the current Purpose and Need, implementation of previously-approved projects over time, and collaboration between the Forest Service, BSR, the Town of Breckenridge and Summit County to promote trust, monitoring and proactive measures to maintain the quality of life and character the Breckenridge community currently provides.

**2.13 It is very hard to understand why area 15 on the alternative 3 map (DEIS Figure 4) would be cut at all, let alone cleared, as stated in the table in the figure. This area is depicted as being right at timberline with relatively sparse tree cover. The table in the Figure shows it slated for clearing, while the color coding on the map does not show this area being cut. Similarly, area one is proposed for glading and clearing, but this is another area with relatively sparse trees right at treeline. These areas must be deleted from the proposed area that would be cut for ski runs under alternative 3.**

Figure 4 of the DEIS incorrectly presented project components of Area 15. Area 15 would not include clearing or snowmaking. The DEIS analysis of the resources did not include clearing or snowmaking. Figure 4 in the FEIS has been corrected to accurately reflect this information.

**2.14 If there is a true need to increase skiable terrain at BSR, it should first be done via using areas with MPB kill, where this can be done while ensuring safety and not increasing problems in watersheds. Some areas with beetle kill might have to be cleared for safety reasons anyway, and could easily be used for expanded ski terrain...The need to reduce skier density can be at least partially addressed by expanding ski runs in areas where beetle-killed lodgepole pine is cleared to ensure safety.**

Alternative 3 includes these project components, where practicable. The assessment of potential ski trails that would reasonably meet the Purpose and Need, while utilizing lodgepole pine mortality is presented in the DEIS and FEIS (FEIS p. 3-68).

**2.15 To address crowding, BSR could instead direct skiers to Peak 10, which is less crowded than the remainder of the resort. Lift upgrades, some already approved, could also be implemented.**

Peak 10 is currently operating at the appropriate capacity. Shifting densities from other areas of BSR would only move the problems and components of the Purpose and Need that the alternatives were

created to address. The lift upgrades, some of which are previously-approved, are analyzed as a component of Alternative 3. Previously-approved lift upgrades are addressed cumulatively in the Alternative 2 analysis.

**2.16 *An upgraded 6 Chair was approved to help crowding for advanced terrain, but the ski area hasn't done this. Why is this not included in any of the alternatives?***

The commenter is correct regarding the past approval of 6-Chair. 6-Chair is considered a “Past, Present or Reasonably Foreseeable Future Action” and is considered cumulatively in the DEIS and FEIS.

**2.17 *The proposed restaurant on Peak 6 should be clearly and formally deleted from the proposal in the ROD, since the ski area has removed this restaurant from their proposal. The BOCC supports removal of the restaurant from the proposal and encourages BSR to complete planned restaurant improvements within the existing ski area boundary (e.g., the Peak 7 restaurant) before proposing to construct a restaurant facility on Peak 6. However, should a restaurant be included in the final EIS and record of decision, we ask that it be designed to very high environmental standards, including a LEED or LEED equivalent rating, that the building be designed with exterior materials make it blend into the natural background as much as is feasible, that site disturbance associated with the building and its construction be minimized to the greatest extent possible, and that storm water runoff be accommodated by water quality control features of a high performance standard.***

Refer to Response to Comment #2.1 regarding the Peak 6 restaurant. The latter half of the Board of County Commissioners’ comment is valid regarding the design of the warming hut located at the top terminal and the restroom facility at the junction of the two lifts in the Proposed Action. PDCs are included in Table 2-4 of the DEIS and FEIS to address building materials and the architectural theme. The Forest Service encourages BSR to construct the facilities to meet a LEED or LEED equivalent rating of gold.

All ground disturbing activities would adhere to a stormwater management plan that would be reviewed and approved prior to implementation. Forest Service personnel will monitor activities prior to, during and post construction.

**2.18 *Much of the ridge of Peak 6 is usually bare rock and tundra. While we can envision snow fences helping this problem, snow fences haven't always been able to cover much of the rock on the north side of the ridge on Peak 8 (George's Thumb), and so we question if much of the broader Peak 6 ridge will truly be useful as a ski run.***

The Forest Service trusts the experience of BSR and its staff to effectively manage the Peak 6 terrain analyzed in Alternative 2.

**2.19 *Wouldn't upgrading or even just improving 5 chair so that terrain park riders can eliminate having to use Springmeier and Four O'Clock help alleviate the congestion on these two very popular ski runs?***

This alternative suggestion would address a component of the Purpose and Need. It would address the portion of terrain park users that ride Colorado SuperChair and ski the upper segments of Springmeier and

Four O’Clock trails, as opposed to Chair 5. The existing terrain park users are split approximately evenly between use of the Colorado SuperChair and Chair 5.

**2.20** *We can think of numerous other ways to market BSR, and much of this is expanding expert terrain within their current footprint. For instance a lift from 6 chair up to the western edge of the Twin Chutes would have a lot of marketing appeal since it will provide lift-served access to all of the windows, the Twin Chutes and a few more steep north facing shots adjacent to the Twin Chutes. Avalanche controlling the popular terrain just out the new Peak 10 BC gate would be another good marketing device. And in fact, controlling the avalanche terrain off of Peak 6 1/2 would be an incredible new addition to BSR but without having to build any lifts into Peak 6 or cut any runs below treeline.*

The Purpose and Need is stated in Chapter 1 of the DEIS and FEIS. Alternatives Considered But Eliminated from Detailed Analysis are disclosed in Chapter 2 of the DEIS and FEIS.

**2.21** *On 3-391 it states that Alt 3 will have 88.6 acres of 50 percent tree removal – how can that be since this area is already naturally gladed? 50 percent sounds excessive. A field visit this winter is needed.*

The Forest Service understands that the area is naturally gladed. The 50 percent removal analyzed is a maximum. A PDC is included in the FEIS to address tree removal.

**2.22** *A, C and Colorado Chair, three proposed upgrade lifts which could open early season due to snowmaking, would be much more useful towards the purpose and need of dispersing intermediate skiers than a high altitude lift.*

Thank you for your comment. The lifts the commenter has referenced are included in Alternative 3 and would address a portion of the Purpose and Need. The analysis of Alternatives 1, 2 and 3 with respect to the recreational experience is disclosed in the DEIS and FEIS in the Recreation, Mountain Operations and Guest Services section.

In addition, refer to Response to Comment #2.12 regarding a long-term strategy for BSR that correlates with the 40-year term special use permit.

**2.23** *We are particularly concerned about the re-grading of Crosscut which would have a significant impact on Sawmill gulch. We often see moose in the wetlands of Sawmill Gulch below Crosscut. This is one of those rare spots in BSR that actually looks undisturbed. There is great natural vegetation, wildflowers and bonafide wetlands. Please do not allow the re-grading of Crosscut.*

The impacts of this Alternative 3 project component are disclosed in the effects analysis in Chapter 3 of the DEIS and FEIS, including: wetlands, stream health, wildlife and vegetation.

**2.24** *Throughout the DEIS it is stated that Alternative 3 wouldn't be as helpful for reducing trail congestion because it doesn't offer as much intermediate acreage (3-86). Alternative 3 incidentally offers 97 acres from the proposed new lift of intermediate terrain, so with our new estimation of 104 intermediate acres of skiing with Alternative 2, you can now see that Alternative 3 offers about the same amount of intermediate terrain and this is without the 33 additional acres Alternative 3 has proposed to develop within the current footprint.*

Acreages for Alternatives 2 and 3 are presented by terrain ability level in Chapter 2 of the DEIS and FEIS. The FEIS did not change acreages from what was presented in the DEIS.

**2.25** *Why not first figure out ways to reduce congestion by using some signage or a service board which would tell skiers what runs are less crowded and direct intermediate skiers over to those zones?*

BSR signs all trails and recommended routes to trails and lifts. Information boards currently present lift line waits. The commenter's recommendation to have information boards for trail congestion is appreciated. The Forest Service recognizes that a combination of efforts are necessary on an on-going basis to address on-mountain deficiencies.

**2.26** *The runs under C Chair, all accessible though by the Beaver Run Chair, see light use because folks from Beaver Run Chair don't know how to get to them. Signage would help at the top of Beaver Run Chair. If C Chair was even upgraded to just a slightly faster three or four person chair, it would help congestion. Upgrading C chair would increase the CCC by 580.*

Refer to Response to Comment #2.25.

**2.27** *You could also raise the lift a little higher to access more intermediate acreage avoiding the wetlands. You could lower the lift to the same base location as Alternative 2.*

The top terminal of the Alternative 3 lift was initially planned above the current proposed location; however, the upper location was located in an avalanche risk area. Locating the Alternative 3 lift bottom terminal where the lower Alternative 2 lift bottom terminal is proposed would not create much additional terrain, and would only make the lift longer.

**2.28** *Why does the midstation not also have an off-load capability so that intermediate skiers can get off before ascending to the flanks of Peak 6? It seems that an on and off-load midstation would be more practical. Is that just too difficult to design and manage? Flexibility in allowing people to on and offload at the mid station would better meet the ski area's stated goals.*

Chapter 2 of the FEIS describes a new lift design. Furthermore, Alternative 2 now includes a two lift configuration in a very similar alignment that would address the comment's questions and recommendations.

**2.29** *At the public meeting in Breckenridge on June 23, alternative proposals were discussed. I would like to propose another. Simply stated that would be to expand the proposed expansion to include the area to the north onto Peak 5 as a hike-to area, with the provision for lift serviced access in the future.*

Peak 5 was not analyzed in the DEIS or FEIS for hike-to terrain. The MOU between BSR, the Town of Breckenridge and Summit County addressed lift-served skiing on Peak 5 within the BSR SUP boundary.

The three participants of the MOU agreed that lift-served skiing would not be proposed on Peak 5 unless the Town of Breckenridge and Summit County recommend such a proposal.

**2.30** *The proposed trails on the north face of Peak 6 in Alt. 2 are expert rated and amount to very little increase in the total number of skiable acres. Furthermore, these trails are very short before they reach the collector trail and are therefore unattractive to advanced skiers. Because of this, there is no reason to expand skiing to the north side of Peak 6 and these trails should be eliminated since it does not address the purpose and need. Furthermore, if these trails are eliminated, then the clearcutting on the South side of Peak 6 and the collector trail can be eliminated since egress from the area back to the Ore-Bucket and Monte-Cristo trails can be done entirely above treeline (as it is now by backcountry skiers and shown to be possible during the winter site visit). A better alternative would be to place the midstation for althalternative 2 above treeline (perhaps where the Alternative 3 lift exit is located) so that skiers can recirculate to the peak 6 summit and clear-cutting of trails and destroying habitat and healthy spruce forests below Peak 6 can be avoided.*

The commenter has presented his or her opinion on what is attractive skiing experience. The Forest Service anticipates a positive guest experience on the north side of Peak 6.

**2.31** *The statement that “To allow the terrain above treeline to remain lift-served, trails would be necessary as shown on Figure 3. “ is false. Egress from the peak 6 area is possible above treeline. It is currently done by backcountry skiers who return to Monte Cristo trail without the need for a collector trail. The FS saw this in action during their winter site visit. The only reason for the below treeline trails in figure 3 is to utilize the north side of Peak 6. This terrain is marked by BSR as expert terrain and does not meet the purpose and need so it can be eliminated from the proposed action without affecting the purpose and need. If it is eliminated, than all trails below treeline are unnecessary and can be eliminated also. The gladed skiing proposed by Alt 3 can be used for egress from the area and the proposed lift for alt 2 could be relocated to avoid the forest below peak 6 and the mid station would be unnecessary. Even if the Alt 3 lift route is not changed, the midstation would not be needed if only the South side of Peak 6 is used and egress via gladed terrain above Monte Cristo is used for egress. This concept should be considered in detail as it meets the purpose and need and avoids destruction of forest habitat below peak 6.*

The alternative design the commenter has presented would dramatically reduce the amount of potential Intermediate terrain to approximately 61 acres within the Peak 6 area above treeline. This would not address existing needs and deficits.

**2.32** *The DEIS includes no alternative that would allow for re- structuring the ski area within its existing footprint while not expanding onto Peak 6.5. Alt 3 ties improvements within the existing footprint to expanding to Peak 6.5, so the only other alternative is Alt 1, the No-action alternative. This severely reduces the choices for how to develop public property. This forces an either “my way or the highway” choice since both Alts 2 and 3 involve extensive tree clearing and incursion into a relatively pristine section of the Ten Mile Range. Proposed and approved up-grades to A and 6 Chairs have not been performed, and the MDP includes improvements to C, Colorado, and E Chairs. Improvements to these chairlifts should be completed and evaluated before considering pushing the ski area beyond its existing footprint.*

Alternative 3 includes the new terrain on Peak 6½ in order to reasonably meet the Purpose and Need. Upgrading E-Chair would not reasonably meet the Purpose and Need as it only services expert terrain.

The replacement of 6-Chair was authorized in a 2005 approval, so that lift replacement was analyzed as a cumulative effect. C-Chair and Colorado SuperChair are considered in Alternative 3.

**2.33 *Infrastructure improvements within the existing Ski Area Boundary - The BOCC encourages BSR to complete infrastructure improvements within the existing boundary of the ski resort, in order to move people more efficiently around the existing terrain and mitigate congestion at already known “choke points”. This includes prioritizing lift, trail and restaurant improvements and additional glading within the existing footprint of the Ski Area.***

Thank you for your comment. Alternative 3 and previously approved projects address this recommendation.

**2.34 *The proposed restaurant on Peak 6 should be clearly and formally deleted from the proposal in the ROD, since the ski area has removed this restaurant from their proposal. The BOCC supports removal of the restaurant from the proposal and encourages BSR to complete planned restaurant improvements within the existing ski area boundary (e.g., the Peak 7 restaurant) before proposing to construct a restaurant facility on Peak 6. However, should a restaurant be included in the final EIS and record of decision, we ask that it be designed to very high environmental standards, including a LEED or LEED equivalent rating, that the building be designed with exterior materials make it blend into the natural background as much as is feasible, that site disturbance associated with the building and its construction be minimized to the greatest extent possible, and that storm water runoff be accommodated by water quality control features of a high performance standard.***

The restaurant has been removed from consideration and replaced with a restroom facility in the FEIS.

**2.35 *Economics teaches that the way to decrease the number of customers is to increase the price of goods and services. I suggest that BSR raise the lift ticket prices. Out-of-county season’s passes would also be increased in price. To accommodate local skiers, BSR could provide a discounted season’s pass to those with a valid Summit County I.D.***

This comment is beyond the scope of analysis and what the Forest Service has jurisdiction to approve. However, a visitation conservation measure is included in the FEIS to help manage visitation levels.

**2.36 *This week I read that the Town of Breckenridge is requesting a Forest Service Access Gate to be located as close as possible to Slalom Drive in Peak 7. I believe that this is a terrible idea. This would encourage skiers and riders to go downhill through the Supervisors Boundary to reach the highest area of the Peak 7 subdivision, a road with very few houses. This is dense forest with uneven terrain and creeks. Guests could wander into the Siberian Loop or Peaks Trail. This would be a very negative impact on a popular recreational area.***

The DEIS and FEIS do not consider a new trailhead.

**2.37 *The pitch on Monte Cristo below Wire Patch will need additional grading and widening if possible to handle the increased traffic due to egress from Peak 6.***

Changes to Monte Cristo trail are not proposed for Alternative 2 or 3. Should increased skier use become an issue, BSR would manage skier flow as they do on other trails within the ski area.

**2.38 *The Ski Patrol (Guest Services) facility at the top of the upper lift should mainly be a ski patrol facility—not a warming hut and no bathroom facilities for the public.***

The Proposed Action does include functions for ski patrol and a warming area for guests. The area for guests would complement the experience on Peak 6. No public restrooms are proposed at this facility.

**2.39 *I would like to see two lifts instead of the one that is proposed. The proposed base location is fine, however, it would be very desirable to have the lift access a point at timberline that would allow access to the new runs below timberline. This lift need not be a six pack, a quad would be fine. This would allow a quicker, more dependable early opening time for Peak 6. Guests that load the lift would not find themselves surprised by having to ride a lift to the top of the mountain.***

Due to the topography of the area, a lift at timberline would not provide appropriate access to terrain below treeline and would require additional tree removal and the construction of traverse trails to the north and south. A six-person lift is a higher capacity lift and would be capable of reducing lift lines better across the ski area. In addition, a six-person lift does not take more time to open than a four-person lift.

The Proposed Action lift would be clearly labeled on trail maps and guests should not be surprised by the top terminal location.

**2.40 *Alternative three would do very little to meet the purpose and need for the Breckenridge Ski Resort. Clearing additional trees within the confines of the current boundary will do very little or nothing to help with trail crowding. The new lift in alternative three would not access the same quality terrain that alternative two does.***

The Alternative 3 projects that address the Purpose and Need are presented in Table 2-3 of the DEIS and FEIS. The recreation effects of Alternative 3 are addressed in Chapter 3 of the DEIS and FEIS.

**2.41 *The upgrades to some of the existing lifts is a good idea and the Breckenridge Ski Resort has already proven that they do work toward the improvement of the current infrastructure within the resort. Examples are Falcon from fixed grip to detachable, Quick Silver upgrade to a 6 person detachable and a better alignment. The 10 Mile station, the Super connect replacing chair 4 while making it easier to get from Peak 9 to Peak 8. The Rocky Mountain Chair, Independence Chair and Peak 7 terrain, and the Imperial Express. The Breck Connect Gondola which helps to ease traffic congestion within the town. These are all examples of improvements here at Breckenridge to help create a better guest experience. As you can see from these examples the Breckenridge Ski Resort is committed to enhancing the resort and I feel that this would continue even with the addition of Peak 6.***

Thank you for your comment.

### 3. DESIGN CRITERIA AND CONSERVATION MEASURES

**3.1 *Minimizing potential resource impacts from construction and the implementation of any approved projects is very important. The Project Design Criteria identified in the DEIS should be verified on the ground for proper implementation and regularly monitored for effectiveness throughout the term of the construction activity, and beyond as may be appropriate (for issues such as noxious weed control, storm water runoff and water quality, etc.).***

BSR and the Forest Service Special Use Permit Administrator monitor the effectiveness of Project Design Criteria (PDC) during construction and resort operations. The FEIS (FEIS p. 2-17) states, “PDC are devised in the pre-analysis and analysis phase to reduce environmental impacts and comply with applicable laws and regulations.” Further, the FEIS (FEIS p. 2-20) states, “Responsibility for ensuring that required PDCs and conservation measures are implemented rests with BSR and the Forest Service. In all cases, the ultimate enforcement mechanism for implementation of the specified PDC and conservation measures would be the Record of Decision for the Final EIS, and would extend to the Forest Service Special Use Permit Administrator, the District Ranger and the Forest Supervisor.”

**3.2 *The EIS provides an analysis of the environmental impacts that would result from the action alternatives, but then dismisses these impacts as insignificant rather than discussing thoughtful ways to minimize environmental impacts and requirements for mitigating whatever impacts will be created. The BOCC requests that requirements for actual environmental mitigation steps be addressed in the EIS, which go beyond simply using best management practices (BMPs) during construction.***

Refer to Response to Comment #3.1 regarding specialist development of appropriate PDC to minimize environmental impacts. Many of the PDC are site specific measures that were developed during the project analysis and design (e.g., access roads for the Proposed Action were designed to avoid crossing streams and wetlands and an access road to the top terminal was removed from consideration).

Conservation measures included in the FEIS specific to lynx reduce the likelihood of “take” and consider lynx movements within the Lynx Analysis Unit and Summit County.

**3.3 *I would prefer to see even more ecological concessions made than in recent expansions by Arapahoe Basin and Winter Park, in which lift towers were airlifted in by helicopter to reduce road-cutting and erosion, and wind energy permanently procured to offset the entire energy expenditure of the new lift and its installation.***

The DEIS and FEIS includes the construction practices to construct the Proposed Action (FEIS p. 2-7) and Alternative 3 (FEIS p. 2-14). These construction practices include the use of a helicopter for the installation of lifts and the limited reconstruction of roads to gain access to the junction of the Proposed Action lifts. In addition, additional design criteria are included in Table 2-4 of the FEIS to minimize impacts within the project area. The Forest Service encourages the use of renewable energy sources to power activities on NFS lands.

**3.4 *Snow fencing (6,695 feet of it, all above timberline, DEIS at 3-138) could be dangerous in white-out conditions, as skiers, disoriented from the conditions, could ski right into fences.***

Snow fencing is commonly used by ski areas, including BSR, above treeline to hold snow in areas that otherwise experience a high level of wind scour. The snow fencing would be constructed of wood and naturally colored materials and would provide visual reference points during white-out conditions.

**3.5 *Couldn't BSR be asked to help out with expanding parking, helping with trail work on nearby trails like the Cucumber Gulch Trails and the Peaks Trail (which incidentally is seeing an astronomical increase in use since the new base area development's of Peak 7 and 8 went in.) How about helping monitor the illegal motorized use on the Burro Trail, offering parking for the Burro Trail so we have somewhere else to go, since everywhere else is overcrowded?***

This analysis is not considering expanding parking for the Peaks trail as a measure; however, the enforcement of illegal parking is an issue the Forest Service is addressing. The FEIS (Table 2-4 p. 2-21) has been updated and includes the following measure: "Peaks Trailhead parking would be monitored and enforced in accordance with measures stated in the 1998 EA which states,

1. To prevent alpine skiers from depleting the limited parking available at the Peaks trail parking area on CR 3, north of the proposed Peak 7 base area, BSR will erect appropriate signs appealing to alpine skiers and snowboarders to respect back country users by not parking at the Peaks trail parking area while alpine skiing/riding.
2. BSR will instigate a monitoring program to assess compliance. If determined necessary by the Forest Service, BSR will fund law enforcement to ensure compliance.
3. Additionally, BSR will support the Forest Service in future efforts designed to reduce resource impacts currently occurring on the Peaks trail including, if necessary, financing construction of a new trailhead and connecting section of trail as determined by the Forest Service."

The remainder of the commenter's suggestions is beyond the scope of this analysis; however, the Forest Service appreciates the commenter's feedback and will work with BSR on trail maintenance and to enforce illegal motorized use of Burro Trail within the BSR operational boundary.

**3.6 *I would prefer some sort of ban or limitation on additional condominium or other development (other than amenities directly related to the outdoor use, such as a restaurant and restrooms) below Peak 6.***

There are no base area developments proposed as part of the Peak 6 development. The MOU attached to the FEIS as Appendix E includes an understanding in Section 1(a) that states, "BSR agrees that it will not apply for or undertake any residential or commercial development on or at the base of Peak 6, except for skier service facilities approved by the USFS."

**3.7 Any new lift developed on Peak 6 should be a “bottom drive” lift to avoid creating additional ground disturbance for roads and utility lines associated with “top drive” technology.**

The FEIS has been updated and states,

“Alternative 2 has been modified from what was presented in the DEIS. The changes are highlighted here and detailed below.

Modifications:

The proposed chairlift in the DEIS was presented as a single, high-speed, six-person configuration. BSR has proposed to the Forest Service that the lift would be constructed as two chairlifts (one four-person and one six-person chairlift) in an alignment similar to that disclosed in the DEIS.” The upper Peak 6 lift would be a bottom drive lift with no road access to the top terminal. Regarding the power line to the top terminal, the FEIS has been updated to include the following PDC (FEIS Table 2-4 p. 2-22), “Ground disturbance above treeline associated with the installation of the power line will adhere to strict disturbance area and revegetation conditions. These conditions will promote prompt more successful restoration of the corridor. Prior to implementation, these conditions will be reviewed and approved by the Forest botanist, soil scientist and landscape architect.”

**3.8 There are communication and educational/signage options to redirect the guests to alleviate the current congestion, expansion will still occur at the “choke points” down mountain. Now the guest is more of a “tech” friendly/savvy traveler and can’t the ski area do something like CDOT with alerts on email or text if lift closures and wait times to move the guest away from the problem areas.**

Currently there are information boards at many of the primary lift terminals showing lifts that have a minimal wait (indicated by a green light), lifts that are crowded (indicated by a yellow light), lifts that have long lines (indicated by a red light) and lifts that are closed (indicated by a red X). At this time BSR is not sending emails/texts identifying busy terrain; however, BSR is always looking for ways to improve use of some terrain and reduce use on other terrain and will continue to consider this, and other technology to even out terrain use.

**3.9 BSR states that it will helicopter in the complete unit so that no construction roads will be built in that alpine environment. However, the building will have to be set on a foundation. How will a foundation be constructed in the granite rock of the Peak 6 bench?**

The FEIS has been updated with additional detail to address this comment (FEIS p. 2-8). The FEIS states, “The upper lift top terminal and ski patrol/warming hut infrastructure would also be transported by helicopter and/or over the snow with snowcats and assembled on-site, thereby eliminating the need for an up-mountain access road. The foundations of the top terminal and the ski patrol/warming hut would be dug with an excavator that would also be transported via helicopter or over the snow with snowcats. This practice was utilized for the construction of the Imperial Express top terminal and is expected to be effective for the construction of the upper Peak 6 lift top terminal and warming hut. The concrete for the foundations of these structures would be flown via helicopter to the site.”

**3.10 BSR also states it [the warming hut] will be similar to the ski patrol cabin/warming hut on Peak 7 at the end of the Independence lift. That unit houses two toilets. How will the accumulated sewage from the two toilets be emptied? Will sewage odor from the vent pipe be allowed to permeate that pristine, alpine air as it does at the existing ski patrol/warming hut at the end of the Peak 7 lift? Will lightning arresters be installed?**

No public toilets are proposed at the ski patrol/warming hut near the top terminal of the upper Peak 6 lift. Composting toilets would be provided at the restroom facility at the junction of the upper and lower lifts. These toilets at the restroom facility located at the junction of the Peak 6 lifts would be maintained as necessary to minimize odors. The final design of ski patrol/warming hut at the top terminal location is not complete, so lightning arresters have not been determined.

**3.11 Will the warming hut section of the building be open in the off-season as it is on Peak 7? If not, there will be a very strong possibility that hikers will utilize the exterior walls of the building as a screen from the public who may be hiking or biking the nearby, popular Miner's Creek Trail and will "relieve" themselves, leaving feces and toilet paper around the building. Who will be responsible for picking up all the trash discarded by winter skiers? There is a lot of unsightly trash every year around the Peak 7 warming hut and on the runs and below the Independence lift.**

The warming hut would be unlocked during the off-season to allow the public to use the building as an emergency shelter, and no public restrooms are proposed at that location. Trash discarded by winter skiers would be the responsibility of BSR and monitored by the Forest Service. BSR conducts a cleanup day each summer removing trash and debris left behind by guests.

**3.12 The Council on Environmental Quality (CEQ) regulations state that, among other things, the environmental impacts of the proposal should "include appropriate mitigation measures not already included in the proposed action or alternatives," and that environmental consequences shall include discussions of "means to mitigate adverse environmental impacts (if not fully covered under § 1502.14(f))." "Mitigation measures discussed in an EIS must cover the range of impacts of the proposal," and "all relevant, reasonable mitigation measures that could improve the project are to be identified."**

Project Design Criteria (PDC) and conservation measures have been identified and incorporated into the alternatives to minimize impacts from any of the proposed projects. Refer to Chapter 2 of the FEIS for the final list of PDCs and conservation measures. Responsibility for ensuring that required PDCs and conservation measures are implemented rests with BSR and the Forest Service. In all cases, the ultimate enforcement mechanism for implementation of the specified PDC and conservation measures would be the Record of Decision for the FEIS, and would extend to the Forest Service Special Use Permit Administrator, the District Ranger and the Forest Supervisor (FEIS p. 2-20).

## 4. QUALITY OF LIFE

**4.1** *The BOCC supports USFS implementation of this goal [a joint agency and resort management response process will be developed to limit and better accommodate anticipated visitation at BSR], with 1) the MOU serving as the “road map” for the topics to be addressed in the joint agency and resort management response process, and 2) a requirement that BSR participate in the process on an ongoing basis. As documented in the MOU, the County’s primary concerns to be addressed through such a process center on identifying and mitigating cumulative impacts to the County’s social services, public health and community non-profit service providers.*

The Forest Service will encourage BSR to continue participating in a process with the Town and County to address ongoing issues with social and community services. The FEIS includes the MOU between BSR, the Town of Breckenridge, and Summit County Government as Appendix E. The DEIS and FEIS (FEIS p. 3-184) states, “BSR is committed to annual contributions to support these important local resources, and these contributions are anticipated keep pace with the increased demand placed upon them by BSR employees.”

In addition, a visitation management conservation measure has been included in the FEIS to address BSR visitation and on-site and off-site impacts to the quality of life in the Breckenridge community. The FEIS (pp. 2-19 and 2-20) states,

“Subsequent to the DEIS, BSR proposed a strategy to the Forest Service to address visitation management at BSR, including Peak Day visitation concerns raised by the public, Town of Breckenridge and Summit County Government. The Forest Service cannot require BSR to implement specific measures to address visitation; however, the Forest Service can monitor the results of measures taken by BSR and determine if the measures are unsuccessful. The conservation measure proposed by BSR, which the Forest Service is incorporating as a component of the Proposed Action, includes:

- BSR and USFS will meet semi-annually, once pre-season and once post-season, to discuss means and methods of managing peak skier visitation. The pre-season meeting will be held as part of the Joint Annual Business Meeting referred to in Section III.C of the BSR Special Use Permit and will be held before the beginning of each winter season. Discussions at the pre-season meeting may include specific means and methods to manage skier visitation by BSR, and adaptive management techniques proposed for addressing resort impacts, pressure points and evolving skier behavior. Means and methods considered may include the following, as appropriate:
  - Off duty employee pass/access restrictions (which may include managing demand for employee parking)
  - Lift access management (which may include actions like implementing season pass restrictions or adjusting lift operating hours)
  - Travel demand management (which may include actions like promoting additional car pool incentives or adjusting operations of BSR-operated parking and transportation systems)

- Parking and transportation (in coordination with The Town of Breckenridge (“TOB”) as contemplated in Section 4 of the Memorandum of Understanding (the “MOU”) among BSR, TOB, and Summit County)
- The post-season meeting will be held following the end of winter season operations and may include a discussion of BSR’s compliance with the MOU, a review of skier visitation, operations and impacts, and specific means and methods to manage skier visitation implemented by BSR.

**4.2** *This section of the DEIS states that the MOU will ultimately serve as a reference document for the Forest Service. The BOCC supports the Forest Service’s plans to utilize the MOU as a reference document. Accordingly, the BOCC recommends that the MOU be attached to the Record of Decision (ROD) as a reference document, to be used as a mechanism to address the additive social impacts imposed on the community as a result of the selection of an action alternative.*

The MOU is attached to the FEIS as Appendix E and serves as a reference document for the Forest Service.

**4.3** *The BOCC recommends that management practices be explored to help regulate the skier demand to maintain a comfortable carrying capacity at BSR. The BOCC recommends that a defined daily mountain capacity be identified to serve as a target for the Ski Area not to exceed. The methods utilized to stay below that target could then be developed by the Ski Area and the Forest Service as appropriate.*

Refer to Response to Comment #4.1.

**4.4** *Town Council suggested at their joint meeting with BSR on August 15, 2011 of capping skier visits on Peak Days, blackout days on passes. Why didn’t WRNF make these suggestions?*

See response to comment #4.1. In addition, as stated in the DEIS and FEIS Response to Scoping Comments table (FEIS p. C-2), the Forest Service does not regulate pass prices, season pass blackout dates or skier visit caps.

**4.5** *I too desire is to see Breckenridge thrive as a town and visitor destination since in doing so it can support restaurants, shops, recreation facilities, and key infrastructure like schools, medical facilities etc. all of which makes the quality of life better for those who visit and those of us lucky enough to call Breckenridge home. Unfortunately I can also say unequivocally that from my perspective the quality of life experience for those of us who live and ski in Breckenridge has declined consistently and steadily ever since VR took over 15 years ago and if history serves as any guide, I am certain that this current proposal will do nothing to improve the situation but is sure to benefit VR corporate goals of extracting money from the Breckenridge operation. VR certainly has made some infrastructure investments with regard to lifts and base area infrastructure but they have never made the experience of skiing or living in Breckenridge better.*

Thank you for your comment. Social and economic resources and quality of life are analyzed under the existing conditions and alternative discussions in those sections of the EIS.

**4.6** *Traffic, parking, affordable housing, social services, quality of life are all issues which were supposed to be addressed in this process but have not been resolved. Numerous quality of life issues (non-downhill recreation, backcountry skiing, mountain pine beetle, tenmile tipping point) have not been addressed yet.*

These resources were addressed in the Traffic, Parking and Ski Area Access, Social and Economic Resources, and Quality of Life sections of the DEIS and FEIS. Impacts from mountain pine beetle were addressed in two sections, Forest Health and Quality of Life. The existing conditions and impacts to resources within the Tenmile Range were analyzed in the cumulative effects sections where appropriate. Additional analysis on non-downhill recreation has been included in the Quality of Life sections of the FEIS.

**4.7** *Adding this amount of visitation will clearly increase the number of peak days as well as make non-peak days more difficult to deal with. The town cannot support this amount of growth in BSR visitation levels and your failure to consider the impact or downplay the impact is unfair to the residents of Breckenridge and clearly shows your bias towards BSR profits.*

The commenter is correct. As stated in the Recreation, Mountain Operations and Guest Services section (FEIS p. 3-71), an increase in annual visitation would mean that the frequency of higher skier visit days would increase annually. With the Proposed Action, Peak Day skier visits (18,500+) are not anticipated to increase in daily skier visits. The same is disclosed for Alternative 3.

Refer to the Social and Economic Resources and Traffic, Parking and Ski Area Access sections of the DEIS and FEIS for analysis of visitation and impacts to the Town of Breckenridge. In addition, refer to Response to Comment #4.1.

**4.8** *Despite local and elected officials' insistence, the USFS did not address cumulative impacts to the busiest national forest in the U. S. What happens to traffic, recreation, and trail use when more people stress an already over-burdened community infrastructure?*

Cumulative impacts are discussed at the end of each resource section in the DEIS and FEIS. Refer to the relevant sections for further information on those resources.

**4.9** *Quality of life issues are obviously difficult to measure and can be subjective, but there are ways. Sorely lacking on pg. 1-12 is a list of ways to quantify all of the quality of life topics listed. Why? Who initially made this decision? Is this following NEPA guidelines.*

As stated in the DEIS and FEIS (FEIS p. 1-13), issues and indicators used to analyze resources in the DEIS and FEIS were developed by the Forest Service based on results of public scoping. Many of the issues raised as quality of life issues are analyzed in depth in other resource sections such as: Recreation, Mountain Operations and Guest Services; Traffic, Parking and Ski Area Access; Scenery; Cultural Resources; Social and Economic Resources; and Noise. Therefore, these effects were summarized in the Quality of Life section.

In addition, as stated in the DEIS and FEIS (FEIS p. 3-3), some of the scoping comments received raised broader community issues and were impractical to consider in an isolated discussion regarding the Peak 6

proposal, therefore, a Task Force was developed to aid in considering these issues. The resulting MOU from this process is included in the FEIS as a reference document. Finally, as was stated in this comment, quality of life issues can be subjective; therefore both sides of qualitative discussions were presented to better represent the issue.

**4.10 (3-19): *‘Removal of these trees would affect the quality of life for some people who value having these trees in the Peak 6 area.’ That’s it?? Doesn’t the “F” in USFS stand for ‘forest’? How can you shrug-off this issue, an issue that is so important to residents and visitors with that one sentence? How is this fulfilling NEPA’s requirements of ‘analyzing’? How does this fulfill NEPA’s requirements to look at even indirect cumulative.***

Refer to the Forest Health section of the DEIS and FEIS for analysis of the forest (vegetation) under existing conditions, the alternatives and cumulative effects.

**4.11 p. 3-23: *“Use of the 280 acres of new ski terrain and tree removal across 131 acres of forest would affect wildlife habitat, therefore, for certain people who value wildlife habitat, knowing that this habitat has been changed would affect their quality of life.” Is that the best you can come up with? Where is the mitigation given the repeated concerns from the community? NEPA asked you to analyze. There was no evidence of compromise with Alternative 2 despite all the quality of life comments written against it.***

Alternative 3 was developed in response to scoping comments received. The commenter is referred to the Wildlife analysis contained in Chapter 3 of the DEIS and FEIS for a more detailed discussion of wildlife. The Quality of Life analysis, as disclosed, is a more subjective analysis. Conservation measures are included in Chapter 2 of the FEIS to address wildlife impacts.

**4.12 *What we have found though is although many of the social issues were discussed, they were by no means analyzed. Often the conclusions to our concerns were along the lines of ‘it’s unfortunate’ but no resolution was offered. Even with the preferred Alternative 2 there was absolutely no signs of compromise on the social issues raised during the scoping process.***

Refer to the Social and Economic Resource section of the DEIS and FEIS for analysis of social and economic issues under existing conditions, the alternatives and cumulative effects. Additionally, the MOU which was created by the Task Force to help address broader community issues has been included as Appendix E to the FEIS for reference. NEPA requires that the lead agency analyze and disclose effects; the Act does not require the lead agency to resolve concerns. In addition, refer to Response to Comment #4.1.

**4.13 *The DEIS does not adequately address key quality of life impacts on the forest, wildlife and the community, contrary to NEPA requirements. They include issues ranging from the significant loss of healthy forest and lynx habitat to the effect of increased traffic congestion and parking in town.***

The DEIS and FEIS adequately analyzes impacts to forest health, wildlife, traffic and parking, and a more subjective discussion on impacts to the community. Please note, community “character” can be valued differently by various individuals who live in that community. The Quality of Life section of the DEIS and FEIS captures that spectrum of viewpoints.

**4.14** *Despite the word “recreation” being used at the beginning of this DEIS on 1-12, it switched to the term ‘backcountry terrain’ on Table 2-6 and on 3-3. Both 3-3 and 1-12 do say that this analysis extends to the Upper Blue Basin. We believe recreation is a more accurate description of quality of life issues raised during the scoping process and this includes backcountry skiing. But reducing it to the term backcountry terrain implies that the only Quality of Life issue is backcountry skiing. While of course backcountry skiing is part of the overall recreation issue (and already discussed above), this expansion will affect not just backcountry skiing, but all forms of recreation in the Upper Blue.*

Additional analysis on non-downhill recreation has been included in the Recreation and Quality of Life Sections of the FEIS. The action alternatives are not anticipated to measurably affect non-downhill skiing activities.

**4.15** *The DEIS falsely stated that various entities formed a “Task Force’ to review the social and community oriented comments received by the Forest Service.” (1-8). But it then quotes from the Operating Agreement and Protocols for the Peak 6 Task Force which states that “The Task Force was created in response to the comments received about the possible socio-economic impacts of a proposed expansion on Peak 6...” (1-9). The topics discussed at the Task Force intentionally left out many social issues and these were supposed to be addressed in the DEIS.*

The Forest Service believes those resources not addressed by the Task Force were addressed in the DEIS and FEIS. The commenter is referred to the various environmental and social resources sections.

## 5. RECREATION

**5.1** *I think there is a great need for the Peak 6 expansion. The slopes can get so crowded that I times I feel it is unsafe to ski. This new area will help spread out the skiers and make the mountain safer for everyone.*

The Proposed Action (development of Peak 6) addresses Purpose and Need conditions the commenter has referenced.

**5.2** *This ridgeline [on Imperial] is incidentally much less steep than the ridge of Peak 6, (see attachment 3 and 6) especially the lower half of Peak 6 ridge which is rated advanced intermediate in alternative 2, (yet this lower half of the ridgeline on Peak 6 is very steep and is not intermediate terrain). This deserves a field visit this winter.*

The Forest Service determined that a public winter field visit was not necessary. However, the Forest Service did conduct a site visit to measure slope angles. The reader is referred to Response to Comment #1.22.

**5.3** *Peak 6 will safely allow intermediate skiers to reach very close to the Summit and experience a view that very few people will get to see. This will also be a safer environment for intermediate skiers as opposed to the Imperial Bowl experience.*

The Peak 6 area includes Intermediate through Expert terrain as disclosed in the DEIS and FEIS (FEIS p. 2-4).

**5.4** *This expansion will not resolve any of the overcrowding issues at many of the biggest problem areas: the base and main lift off-load areas of Peak 8, 7 and 9 and the runs connecting these areas. In fact, with the addition of more skiers, due to the expansion, the problems in these areas will only intensify because any skier heading to Peak 6 will need to pass, at least, through Peaks 7 and 8 runs, bases and top-of-lift areas at the beginning and ending of the day and whenever they want an indoor break. Consequently, crowding in these areas will increase, not decrease.*

Alternative 2 includes a warming hut at the top terminal of the upper Peak 6 lift and a restroom facility at the bottom of the upper Peak 6 lift. To visit restaurants, the closest options to Peak 6 include the base of Peak 7 and the base of Peak 8. The Forest Service understands that during specific periods of the day, the existing base area lifts can be congested. However, a planning goal for Peak 6 is to allow guests to ski in Peak 6 and remain in an isolated area to improve congestion across the entire ski area. An analysis of trail density, skier circulation and lift line wait times is included in the Recreation, Mountain Operations and Guest Services analysis in Chapter 3 of the DEIS and FEIS.

**5.5** *Also notable is that trail density (i. e., skiers per acre) would still be higher than the reference densities on peak days. DEIS at 3-80.*

The commenter has correctly paraphrased information disclosed on in the DEIS on p. 3-80. In its entirety, information relevant to this comment disclosed in the DEIS on p. 3-80 states,

“When compared to the No Action Alternative (No Action is assumed to be similar to the existing condition on a Design Day), average trail densities on a Design Day would decrease

by approximately 11 percent on Peak 9, and 6 percent on Peak 8. Densities would not measurably change on Peak 7. For days with visitation levels below the Design Day, trail densities are anticipated to have a commensurate level of reduction on Peaks 8 and 9, and would not be measurably affected on Peak 7.

Although this analysis does not quantify anticipated trail densities on every trail at BSR, resort-wide densities would decrease as increased acreage would the current level of guest visitation to disperse to a greater extent, especially on similar ability level terrain as is proposed on Peak 6. This would create the feeling of overall less crowding for the BSR guest.

Peak days would continue to have higher than reference trail densities on existing trails. Furthermore, existing chairlifts would continue to operate at-capacity and output a similar amount of skiers onto existing trails. Due to the circumstance where the pace of the entire Resort slowing, the Peak 6 lifts and terrain would improve this condition certain degree and create an overall less congested experience across BSR lift and terrain.”

In Chapter 1 of the DEIS (p. 1-5), the analysis discloses, “Historically, peak visitation days (in excess of 18,500 skiers, or approximately 25 percent above the Comfortable Carrying Capacity [CCC]) would occur only on holidays and over vacation periods (i.e., Christmas week and spring break), with the intervals between the peaks experiencing average or below average visitation levels.”

**5.6 *A better study of trail density might have been to use a Peak Day and also a Design Day and compare the popular and crowded runs (which this DEIS did) and also look at the other runs which see light use – Gold King, Peerless, American, Dukes, Northstar, Claimjumper.***

The DEIS and FEIS (FEIS p. 3-51) disclose the methodology of the density analysis and the assumptions used to calculate densities. The DEIS determined reference trails to analyze, based on a variety of factors, one of which being general popularity. It is understood that certain trails at BSR are not as highly used and several of the trails referenced by the commenter are not as highly used and may not be the norm for BSR.

**5.7 *The use of Pioneer and Monte Cristo runs in the Peak 7 pod for egress would increase usage to a density higher than the reference density. DEIS at 3-58, 3-78. Monte Cristo Ski run, an undulating popular intermediate run, has one of the highest number of collisions (including one death), yet this will be the main egress route off Peak 6.***

The projected density of Monte Cristo for the Proposed Action is disclosed in the DEIS and FEIS (FEIS p. 82). Similar to other trails at BSR, the operations staff would manage skier circulation to facilitate an increase in projected skier densities (e.g., slow zones).

**5.8** *Page 3-46 DEIS claims that Peak 7 sees much less egress use than Peak 9 and 8? Really? Figure 6 displays that the afternoon egress of Peak 7 (20 %) is much less than Peak 8 and 9 (both 40%) This needs more analysis. Town Business owners agree that what our experience has shown, in particular after the gondola went in, that Peak 9 is now 20 percent and Peak 7 and 8 total 80 percent. Also, most skiers who finish their day on Peak 7 do not get onto the descending gondola because it requires walking down and up a lot of stairs. Instead they hop on the gondola and take it over to Peak 8. Your egress study needs to take this into account.*

As stated in the DEIS and FEIS (FEIS p. 3-48), skiers typically exit the mountain through the same portal they enter the mountain. The Forest Service believes the egress portal analysis is an accurate assessment of the existing condition (based on actual ticket first scan data) and an accurate projection of what would occur under the action alternatives. If a guest exiting Peak 7 gets on the gondola and travels toward Peak 8 before going down to the bottom terminal that would not change the quantity of guests egressing Peak 7 trails.

**5.9** *The roughly 175 acre footprint of habitat impacted by the proposed trail cutting on lower Peak 6 represents a large impact in exchange for the 68 acres of terrain they would handle less than 200 skiers (using 2.5 skiers/acre).*

The FEIS (p. 2-8) states that the capacity of the proposed Peak 6 pod would be 1,250 guests. This number has been updated from what was presented in the DEIS due to a lift configuration change.

**5.10** *Table 3B-7 it appears that you're trying to prove that Pioneer and Monte Cristo have lower egress than other runs. Our experience shows otherwise. More importantly though – Monte Cristo has some of the highest accident rates on the mountain, yet Alternative 2 and 3 will add a significant amount of traffic to this very dangerous ski run (it has lots of blind spots.) Look at table 3B-12 and notice that with alternative 2, the trail density of Monte Cristo will go from 28 to 127 percent of the desired density!!! Congestion will still occur at some of the worst choke points with Alternative 2 and 3. Table 3B-18 This needs better analysis. This chart was also done in 2007. Was this before the gondola? This needs to be re-addressed. The egress has completely switched from most skiers exiting Peak 7 (via getting on an ascending gondola) and Peak 8.*

The gondola opened in 2006. The information was presented in the 2007 Master Development Plan. Based on current first scan ticket data, this information is accurate. The DEIS and FEIS disclose the change in egress via Peak 7. The existing condition presents approximately 7 percent accessing and egressing Peak 7, and under the Proposed Action, access and egress would increase to approximately 20 percent on Peak 7.

**5.11** *Give us the numbers and exact days we experience these Design Days. After all, it appears that this expansion is also about trying to improve the experience on these Design Days – so tell us when they are. If these Design Days are mostly weekends, can you be sure that a high altitude lift subject to major weather issues as well as opening delays will resolve this problem on specific days?*

Specific daily skier visit data is considered proprietary information and is not available for public disclosure. The “Design Day” of 16,000 skiers is considered to be the level of visitation that is commonly experienced at BSR (approximately 24 percent of the Core Season). The Forest Service understands that the lift may be subject to weather events on certain days. However, based on data from Imperial Express,

BSR and the Forest Service anticipate the lift to be highly utilized, both in terms of guests and days throughout the ski season.

**5.12 Visitation at BSR is expected to increase two percent annually under the proposed action. DEIS at 3-11. Projected growth would be less under other alternatives – 1.25 percent under alternative 3 and 0.75 percent under alternative 1 (no action). Id. The number of peak days may increase. Id. at 3-69. In other words, the proposed Peak 6 expansion would increase visitation to BSR. It is likely that some of the increased visitation would occur on peak days, because those days (holidays and weekends during good snow periods after the early part of the season) are when most guests are likely to come to BSR. Even if, as stated on DEIS p. 3-76, more skiers would come on average and below-average usage days with implementation of the proposed action, we see no evidence that visitation on high-use and peak days would not also increase. In fact, the DEIS projects that the number of peak skier days (DEIS at 3-69) and peak traffic days (id. at 3-120) will increase.**

The FEIS (p. 3-71) states,

“An increase in annual visitation would mean that the frequency of higher skier visit days would increase annually (e.g., current 10,000 skier visit days during the mid-week could become 12,000 skier days and when compared to the No Action Alternative, 11,000 skier visit days during mid-week could become 12,000 skier days with implementation of the Proposed Action). But with the Proposed Action, Peak Day skier visits (18,500+) are not anticipated to increase in daily skier visits, but the frequency of the 18,500+ skier day could increase across the course of the season. Alternative 2 is anticipated to continue this trend based on a variety of factors. These factors include:

- a review of past visitation data that includes additional infrastructure improvements reveals this trend,
- the current guest experience on these peak days being diminished,
- Interstate 70 and constraints to weekend day skiers,
- weekday flexible work schedules increasing mid-week visitation,
- the ability of BSR to control pass restrictions for employees, and the opportunity to market lodging units differently during peak days.

A visitation conservation measure (FEIS p. 2-19) has been included in the FEIS to address this concern. Refer to Response to Comment #4.1.

**5.13** *By using CCC as the metric to assess the need to enlarge the ski area, the proponents have avoided substantive issues such as blackout dates for season pass holders, raising the prices of extremely under priced season passes, and actually making in-area re- configurations of existing infrastructure to ease the purported capacity problems. CCC could be a useful metric for aiding ski area managers, but it should not be the guiding device to determine the need for expanding the ski area's footprint. The qualitative nature of CCC is suspect due to the multiple points at which choices of data can be made to suit the desired outcome. Do not use CCC in the decision process.*

CCC was only one of several variables utilized to analyze the existing condition and alternatives. Other data utilized includes lift line wait times; skier densities based on existing daily visitation levels; and skier circulation based on lift line wait times, skier speeds, and trail lengths. Alternative 3 was developed in response to public response during the scoping process to consider “in-fill” projects.

**5.14** *Basing so much of this analysis on improving the CCC number is a bit confusing. In the Imperial Express EA the CCC number (after Imperial Express and 6 Chair lift had been approved) shifted to 14,840, (Imperial Express EA DN-7) but this CCC number also included the “previously approved A-Lift and cabriolet gondola on Peak 9.” (DN-7, Imperial Express EA). A Lift, which hasn't yet been upgraded and is usually closed at BSR, added a whopping 640 to the CCC number (received via email from Joe Foreman August 10, 2011). So really because A Chair is still not completed, Alternative 2's suggested 1000 increase in the CCC number is really only 360!! So essentially, this massive expansion onto Peak 6 will only improve the CCC by 360 people? And does this 14,840 number include an upgrade of 6 chair? Why has the CCC number increased since Imperial Express EA from 14,840 to 14,920? Does the current CCC number include the ‘previously approved Red Rover chairlift and beginner trails’ (BSR Master Development Plan Nov 30. 2006)? So now we are using this 14,920 CCC number - one of the only planning tools we have - throughout this DEIS to gage lift times, daily visitation needs, needing more skier dispersion and needing more intermediate terrain. This is all based on a misconstrued assumption that this CCC number includes previously completed lift upgrades such as A Chair, (which adds 640) yet this isn't clearly defined...According to the email from Joe, C Chair would add 580 to this number which is huge, 6 Chair upgrade would add 110 and Colorado Chair 50.*

The previously stated CCC amounts in the 2004 Peak 8 Summit Lift and 6-Chair Replacement Environmental Assessment (2004 BSR EA) were calculated based on the 1985 Master Development Plan. The 2004 BSR EA stated the existing (at that time) CCC was 14,700, with 6-Chair as a double-chair and no Imperial Express. With the upgrade to 6-Chair and the installation of Imperial Express, the 2004 BSR EA stated that the CCC would increase to 14,840. Subsequent to the 2004 BSR EA, BSR prepared a new Master Development Plan (2007 MDP), which updated the 1985 MDP. During that planning process, the existing conditions (current lift and trail configuration) were reassessed to determine an accurate CCC. The 2007 MDP quantified the current BSR CCC as 14,920 (this amount does not include previously-approved, yet unimplemented projects, such as the 6-Chair upgrade, A-Chair or Red Rover beginner trails). CCC is a planning tool based on a variety of operational factors, and capacities are subject to change over time. This is one of the reasons why the Forest Service requires permittees to update their master plan.

The current 2007 MDP includes a comprehensive upgrade plan in Chapter 6. The overall upgrade plan, as described in the 2007 MDP, includes an upgrade to A-Chair as well as several other existing lifts across the ski area. The 2007 MDP upgrade plan includes a planned CCC of 18,000. With the proposed Peak 6 lift 2 lift configuration as described in the FEIS (FEIS p. 2-5), the Proposed Action would increase the CCC by 1,250 guests to 16,170 guests. The Forest Service considers the increase between the CCC disclosed in the DEIS (16,020) and the amount disclosed in the FEIS (16,170) to be negligible in terms of the environmental consequences.

The DEIS did not use CCC to quantify lift line wait times, trail density and the need for more skier dispersion; rather the DEIS used actual and modeled trail densities, lift line wait times, and skier circulation (DEIS pp. 3-33 through 3-54). The DEIS did not use CCC to justify the need for additional Intermediate terrain; rather, the DEIS used terrain capacities based on skier densities by ability level to compare existing acreages and proposed acreages against BSR's market.

***5.15 Maybe upgrading a couple lifts is all that's needed? (C and A Chair both include under-utilized intermediate terrain and substantially increase the CCC number.) There are no numbers in this DEIS, incidentally, on how each chairlift upgrade proposed changes the CCC number or helps crowds.***

As stated in the DEIS and FEIS, Alternative 3 would increase the CCC by 1,500. A CCC informational memo has been made publicly available ([www.breckenridgepeak6.com](http://www.breckenridgepeak6.com)) and provided to the commenter to describe how CCC is determined. An email was provided to the commenter on August 11, 2011, identifying the increase in CCC resulting from the Alternative 3 lift project. This information is presented in the FEIS. The proposed increase in CCC is a factor in how Alternative 3 addresses lift line wait time, skier density and circulation, and this analysis is presented in the DEIS and FEIS. Upgrading chairlifts only addresses a portion of the Purpose and Need.

***5.16 [In regards to using the "Core Season" for peak days.] Reducing the ski season by eight weeks ups the percentage of days BSR exceeds CCC...Thanksgiving and April have days when BSR feels certainly as crowded as days during the 'core season' and we believe the entire season should have been used in this analysis.***

The Forest Service agrees with the commenter that certain days outside of the core season do feel crowded. The DEIS and FEIS explain why the analysis utilizes the core season. The Forest Service recognizes that higher and lower periods of visitation occur during the ski season, and the Proposed Action would meet the Purpose and Need and improve the guest experience during the majority of the season.

**5.17** *We would like to see the results of the surveys (1-5) where the WRNF and BSR “observed” as well as conducted guest surveys and did find that the problems are mostly with Peak days, key egress periods, and new snow days. So it does seem like Peak Days are a primary reason for this expansion yet Peak 6 would only increase the CCC by a mere 1000 skiers which is simply not enough for the Peak Days when we’re 5000 skiers too many.*

The specific survey data is available in the Project File. The discussion of the Purpose and Need discusses a variety of existing condition factors that need to be addressed at BSR. The proposed projects were specifically planned to better accommodate existing daily visitation levels, and maintain the desired skiing experience with comfortable terrain capacities. The terrain distribution analysis also presents a deficit in intermediate terrain.

**5.18** *This is the most ridiculous statement in the entire DEIS. Visitation is going to grow by 2% annually and the number of peak days is going to increase, but the total number of people visiting on any given peak day will not increase? Though this is mathematically possible, it is logically absurd and you offer no rationale for why this would happen. Alternative 2 will be marketed heavily by BSR and increase visitation (if it didn’t BSR would not be interested in doing it since they would have no way to recoup their investment \$). Peak days are a function of ski conditions and vacation timing. The latter will not change and if more people decide to visit BSR, they will do so on the same days they do now and the number of people on peak days will increase. If more people are visiting the area due to the marketing of Alt 2 and there is a big snow-storm at the time, there will be more people visiting BSR on that day and it will be a peak day - so the visitation during this type of peak day will increase.*

The annual visitation increases projected in the DEIS for the Proposed Action assume BSR will market a new product, as they currently market the ski resort. The Forest Service has reviewed BSR visitation data which indicates that BSR Peak Day visitation has not increased measurably in the past six seasons. The Forest Service appreciates the commenter’s scenario and concern; however, it is mathematically difficult to accurately quantify this scenario. The DEIS, although, did analyze the effects of a 16,000 guest day (Design Day) for the Recreation resource and analyzed the Peak Day (approximately 20,000 guests) for Parking and Traffic resources.

**5.19** *Not including the first two weeks of April in this analysis because “April typically experiences much lower than average visitation” (DEIS 1-6) doesn’t make sense. The mountain is ‘fully operational’ in April so you can use all your quantitative analysis for this time frame. Please include April in all of your analyses. Please confirm April numbers. Sure it might not be as busy as March, but our experience is that April has similar or higher number of daily visitation days in January and February. One frustration we’ve had for the last days that BSR is open in April is that they shut down lifts at the crowded base of Peak 8 in order to reduce operational costs despite big lift lines.*

Including the entire ski season, on average 11 percent of the ski season would be greater than the Design Day of 16,000 skier visits. A review of the daily visitation data reveals that no days outside of the core season include daily skier visits above 16,000. The Forest Service has provided this comment to BSR regarding the operational decisions the commenter has raised.

**5.20** *In the DEIS, the Forest Service appropriately defines and describes the meaning of the terms “special use permit boundary” and “ski area operational boundary.” See, e.g., DEIS at 2-26. However, because many members of the public are unfamiliar with these terms, we respectfully recommend that the Forest Service describe the differences, procedurally and legally, between the special use permit boundary and the ski area operational boundary. In particular, we recommend that the Forest Service clarify that BSR does not seek to expand the special use permit boundary.*

To clarify, the action alternatives would not expand the Special Use Permit boundary. The DEIS and FEIS (FEIS p. 2-40) quantify the differences between the Special Use Permit boundary and the ski area operational boundary.

**5.21** *On the busiest week of the entire winter, March 14-21st, Imperial Express closed or shut down five out of those eight days. What was it like for the T-Bar and 6 chair on the busiest week of the season other than Christmas? We’re guessing that most folks chose to ride the lower lifts and thus the crowds were even worse. And since Imperial Express was built, how often is it open over Christmas and how much acreage is open for skiing? None of this data is included in this analysis despite us asking you to please do some research on how weather affects ridership on the upper lifts and average snow conditions over Christmas over a ten year time span on these upper lifts (6 Chair, T-Bar, Imperial Express.)*

The Forest Service does not have data specific to T-Bar and 6-Chair for the days the commenter has referenced. Furthermore, the commenter is most likely accurate in their assumption on use of the lower lifts during this time period. Based on lift operation data, Imperial Express has been open four years out of the six years it has been in operation during the Christmas holiday period. Note, the existing Imperial Express lift and the proposed upper Peak 6 lift would be two different types of lifts that have different weights and are subjected to different wind speeds.

**5.22** *Why hasn’t the Forest Service studied the weather on Peak 8 and Imperial Express and use it as a model for what a lift operation would be like on Peak 6 since the two areas/lifts are so similar? See if Imperial Express did have an affect on decreasing lift lines on other expert terrain lifts and see how weather affected ridership on Imperial Express over a few winter seasons. Part of this review of whether or not Imperial Express achieved its purpose, should include the amount of money spent on marketing this lift. Did Imperial Express reduce crowds or didn’t it?*

2003/04 season lift line wait times presented in the 2004 EA indicated lift line wait times for 6-Chair and T-Bar at approximately ten minutes on a good snow day. Lift line wait time information for 6-Chair and Imperial for this analysis presented lift line wait times of five to ten minutes on a Design Day for each lift. The amount of money BSR spends on marketing is beyond the scope of the analysis; however, the Forest Service understands BSR markets the ski area and would market projects, if approved. Based on the data available, Imperial Express addressed the Purpose and Need of reducing lift line wait times on T-Bar and 6-Chair and addressed deficiencies in this terrain type.

**5.23 *A trend with Imperial Express is to leave the lift open despite dangerous weather conditions. Under such conditions, this lift is often running but empty because with very poor visibility and high winds, even the expert skiers prefer the lower mountain.***

BSR operates lifts within the safety limits of the technology. Imperial Express has proven to be a very popular experience across the course of the season for guests of BSR and the WRNF.

**5.24 *Maybe it is also worth getting some statistics on how often BSR runs their lifts at slower speeds due to high winds or for other reasons? How often do 6 chair and the T-Bar shut down or slow down as well due to winds? What is ridership like on these windy days?***

The Forest Service recognizes that wind events occur at BSR; however, the Proposed Action would address the Purpose and Need the majority of the ski season. In addition, the Proposed Action is proposed as a six-person lift that, due to a heavier chair, could operate in higher wind speeds compared to a four-person, two-person or a t-bar lift. Operational data for Imperial Express indicates that the lift operates at approximately 95 percent of its available capacity.

**5.25 *With more analysis, you can probably identify specifically which days of the winter season this lift will be the most needed. (Saturdays, Dec. 26-30th; long weekend holidays, ten days in March). Can you guarantee that this lift will help crowds on these specific days? You certainly could guarantee better success with upgrading C, A, 5, 6 chair or the shorter lift of Alternative 3. It might be worth comparing the experience of the Alternative 3 lift to the current 6 chair which does have a better record of staying open and being less affected.***

The analysis the commenter is referencing is already included in the percent of the season BSR operates above the CCC and Design Day. The Forest Service cannot make a guarantee; however, the Forest Service anticipates the Proposed Action would address the Purpose and Need the majority of the ski season. The analysis of upgrading the lifts the commenter has referenced is included in the DEIS and FEIS. Comparing the Alternative 3 lift to 6-Chair is not necessary for this analysis as the Forest Service expects the lifts proposed in both the Proposed Action and Alternative 3 to operate over 90 percent of the ski season in which snow conditions allow. This is based on the operational history of Imperial Express.

**5.26 *On two separate occasions Gary Shimanowitz has told me that BSR intends to groom the Peak 6 bowl to ensure that it is an intermediate experience. How many hundreds of gallons of diesel fuel will be used to groom the Peak 6 bowl? Imperial and Horseshoe Bowls are not groomed. It appears that BSR is trying to make Peak 6 something that it is not – an intermediate experience. High alpine terrain should be for the advanced skier, and not made to fit into a square blue box to try to make it suitable for intermediate skiers.***

Refer to Response to Comment #1.10, this analysis utilizes digital mapping based on 10 foot contour intervals to determine accurate slope angles and corresponding ability levels. The analysis identified 182 acres of Intermediate terrain (ranging from 25 to 45 percent slopes). As stated in Response to Comment #1.11, this project was proposed by BSR and analyzed by the Forest Service to address the Purpose and Need for the majority of the season and the majority of busy days at BSR. Although weather on some days may be unfavorable for Intermediate skiers, the analysis shows that for the majority of the season the terrain on Peak 6 would be appropriate for Intermediates. The approximate amount of grooming may be determined in the Winter Operating Plan that the Forest Service will review. Not

knowing the exact acreage of grooming on Peak 6 at this time, the Forest Service can provide the following general information on snowcat fuel consumption and acreages of grooming: 1) a snowcat utilizes approximately 5 to 10 gallons of diesel fuel per hour of grooming, and 2) a snowcat averages approximately 10 to 15 acres of grooming per hour. Therefore, to groom 100 acres would utilize approximately 50 gallons of diesel fuel on average.

**5.27 *Grooming isn't that reliable at high altitude. In the EA for Imperial Express, the Bowl and the 'business loop' were supposed to be groomed but aren't. Why hasn't the Forest Service followed through on this? There was no discussion on grooming in this DEIS. Often the high winds at this altitude strip a groomed run down to a bullet proof surface and creates dangerous conditions. Often it snows much harder at higher altitudes making grooming time consuming and sometimes useless if it snows hard and covers all the efforts made to groom. Are they going to groom slide debris every morning after control work? Would this be completed by 9 AM?***

BSR is required to provide an annual Winter Operating Plan to the Forest Service. In this document, BSR can indicate a plan for grooming activities. At this time, it is BSR's intention to provide areas of groomed terrain on Peak 6 if the Proposed Action is approved. However, the Forest Service understands that site specific and evolving conditions and circumstances exist that can change exactly how the terrain may function year to year.

**5.28 *Lower mountain lifts stay crowded because the upper lifts take so long to open. On the biggest powder day of the winter, late January with 26 inches, ski patrol couldn't get Imperial open until noon. The avalanche control work required on Imperial Bowl is similar if not less than what would have to be performed to get the lift open on Peak 6. On average no new snow days, the T-Bar opens between 9:30 AM and 10 AM despite the ski resort opening at 8:30 AM. If these lifts opened earlier, when crowds aren't as bad, the lift lines on new powder days would in turn be less. Once the snow is 'skied off' the lift lines drop way down, especially in the afternoon. Maybe BSR needs to first work on reducing congestion by switching some of their management tactics and getting this terrain open at 8:30AM. How will Peak 6 fit in with all this? Maybe they will prioritize opening Peak 6 first, but it will be at the expense of the rest of the mountain. How long does it take currently to open up avalanche terrain? How many more patrollers will be needed?***

The annual Winter Operating Plan would specify how avalanche control is planned to occur. At this time, the Forest Service understands that BSR would staff ski patrol to perform control work specifically for Peak 6 to open the terrain in the most efficient manner possible.

**5.29 *From our experience we also know that the hike-to terrain above Area 2 is a massive cornice. It is really steep right below this cornice. There are frequent avalanches that slide into Area 2. They aren't big, but they are frequent due to the infamous winds. Granted this is what we've witnessed from natural avalanche cycles but the high winds off this ridge keep that cornice deep and dangerous. How will intermediate skiers handle skiing over avalanche debris or churned up snow after a smaller slide?***

At this time, BSR plans to create a track similar to what currently exists off the north side of the T-Bar towards Peak 7.

**5.30** *The southeastern portion (note where north is on these maps) of Area 2 it is definitely more intermediate terrain and this has been our experience. But the question is, how much of this will this be part of the lift-served terrain or will this be roped off from above due to avalanche concerns and thus be more part of the hike-to terrain and thus inaccessible for intermediate lift-served skiers? The avalanche terrain above this southern portion of Area 2 is a big deal. It is serious double black avalanche terrain. Patrol will want to keep part of this lower terrain roped off because slides could go this low down. We've heard mixed answers on where this ropeline would be. It would be good to know so when you re-add the numbers of intermediate acres, you know exactly how many acres are lift-served. We would guess that at least 40 acres of Area 2 is not lift-served intermediate given the questionable hike-to rope placement and the excessive expert terrain from the lift.*

The area the commenter references as "Area 2" would be lift-served intermediate terrain. The intermediate acreages are presented in the DEIS and FEIS and have not changed.

**5.31** *Above the gully on Peak 6 is an ever-present cornice. Patrol will have to work on this cornice and avalanche debris will slide into this mellow gully. So will they just groom all the avalanche debris after patrol is done with their control work every day and get this lift open as well as all the other high terrain in a timely fashion?*

Exact grooming specifications to manage avalanche debris have not been determined. BSR's and the Forest Service's goal is that the terrain be managed and operated to meet the identified Purpose and Need.

**5.32** *Request for defining what is intermediate on Peak 6...We also believe that the intermediate designations on Peak 6 are in contrast with the rest of BSR's slope ratings as well as how they classify above treeline terrain. The DEIS states on 1-11 that 25-45% slope gradients are intermediate or more difficult, 45-55% are advanced or most difficult, and 55% is expert or double black. Tom's Baby is conveniently a 30%, advanced intermediate pitch? This is ridiculous. Spitfire on Peak 10, which has always been a black run, is 38% yet in this document it's 'advanced intermediate.' Boundary Chutes off the North Bowls is a steep black run, but according to this document is 41% and advanced intermediate. There are numerous other examples of conflicts within this document versus what is on the mountain. Other discrepancies: High Anxiety, White Crown, Hombre, Lobo, Forget-me-not, Imperial Bowl, Satans, Hades, and more. We did find at wikipedia [http://en.wikipedia.org/wiki/Alpine\\_skiing](http://en.wikipedia.org/wiki/Alpine_skiing) a definition of how many ski resorts in the U.S. define intermediate: 35-40 percent and over 40 percent is advanced.*

Refer to Response to Comments #1.10 and #1.23.

**5.33** *Using Imperial Express as part of the comparative analysis in this section (3-29) seems a bit of a stretch. Imperial Express has never claimed to offer any intermediate terrain like supposedly Peak 6 would. Also, excluding Independence Chair because it is mostly "Low-Intermediate (3-30) and thus not comparable to Alternative 2 makes no sense. Alternative 2 and 3 should've shared all the same lifts in this comparison pod analysis since these are all intermediate lifts that would be affected.*

Imperial Express is used as a comparative lift because a portion of Peak 6 would provide similar terrain as Imperial Express. The rationale for the use of comparison pods is described in the DEIS and FEIS (FEIS p. 3-31) and the Forest Service has determined that the type of terrain compared to the Alternative 2 terrain is appropriate.

**5.34** *BSR lost 350 acres of great intermediate terrain with this change!! Most of these runs though (Doublejack, centennial, Crystal, American, Peerless, Volunteer, Freeway, Upper Four oclock) are all groomed, are below treeline and also not that steep and according to this document released under FOIA, ([ftp://ftp2.fs.fed.us/incoming/r2/whiteriver/Peak6\\_FOIA/Recreation/9414\\_BSR%20Trail%20Specifications%20-%20Alternative%202.pdf](ftp://ftp2.fs.fed.us/incoming/r2/whiteriver/Peak6_FOIA/Recreation/9414_BSR%20Trail%20Specifications%20-%20Alternative%202.pdf)) all fall between 20-27% slope gradients. Attachment 5 of Peak 10 proves that this terrain is intermediate, (or at least less steep than Peak 6) especially in comparison to the obvious expert terrain on the south and north side of Peak 10. These runs have historically been some of local's favorite intermediate skiing experiences and really, compared to other intermediate runs at resorts like Keystone and A-Basin, these runs should have been reduced to intermediate instead of black. It actually is a big loss for the intermediate skier. So what does this mean for Peak 6? (see Attachment 2) It means that the four 'advanced intermediate' above treeline areas which we labeled as 1, 3, 5 and 7 will most likely be switched to black. Two of those Areas, Areas 3 and 5, are the primary routes right from the proposed lift.*

The change of terrain ability levels in the last several years is discussed in Chapter 1 of the DEIS and FEIS. The terrain ability levels of the proposed Peak 6 trails are disclosed in the DEIS and FEIS.

**5.35** *The only questionable Alternative 3 intermediate terrain is where it overlaps Area 1 from alternative 2. As said above, these do slide and should be considered expert.*

Refer to Response to Comment #5.30.

**5.36** *On 3-18 the DEIS states that "this additional hike-to terrain is anticipated to reduce terrain densities found at other hike-to expert level areas around the resort – for example the Lake Chutes and the Windows, likely improving the hike-to experience for those visitors." This is simply not an issue. Hike-to terrain isn't used that much at BSR other than by locals and a handful of visitors who like the challenge and the view off of Peak 8. We would say, though that calling the windows and Twin chutes hike-to terrain is a bit of an exaggeration.*

The Forest Service appreciates the commenter's perspective, but we have determined that hike-to terrain is growing in popularity and this would decrease use of existing terrain and would improve the guest experience. Windows and Twin Chutes are hike-to terrain because these areas are within the ski area operational boundary and are not directly lift-served.

**5.37** *We don't know how much a loss in hike-to terrain there would be from our evaluations, but it is a significant decrease. Please do further analysis this winter.*

The DEIS and FEIS (FEIS p. 3-76) discloses that Alternative 2 would create approximately 143 acres of hike-to Expert terrain, but it would not decrease hike-to terrain at BSR. Furthermore, the FEIS discloses that Alternative 2 would impact 820 acres of backcountry terrain.

**5.38** *Missing from this DEIS is this key paragraph from the WRNF Travel Management Plan on Chapter 3, page 66 under "Recreation Management" it states: "With well over 9.4 million annual visits to forest recreation facilities, the White River National Forest is the most visited national forest in the nation, by more than 50 percent above the next highest visited unit (2002 National Visitor Use Monitoring Survey [Kocis et al. 2003]) and receives more annual visitors than any national park. People who visit the forest for scenic drives account for an additional 11 million visits annually. The eastern boundary of the White River National Forest is less than 60 miles from the Denver metropolitan area. Interstate 70 (I-70) bisects the forest and provides*

*quick and easy access from the Denver area and for traffic movement within the forest itself. The White River National Forest has long been considered a primary recreation destination in the winter because of its world-class ski resorts. However, more recently, the primary recreation growth now occurs in the non-downhill skiing activities during the winter and in many of the summer activities.” (USDA Forest Service/WRNF 2002b).*

The Forest Service is aware of this statement from the Travel Management Plan. However, the BSR Peak 6 Project DEIS and FEIS present site specific data relevant to the analysis.

**5.39** *Where are the hand washing facilities needed at so many upper mountain huts –Peak 7, 8, 10? Aren't these required? Also, why not combine a Peak 7 restaurant with the base of the Alternative 3 Peak 6 ½ lift? You could create a good separate pod experience with this design.*

A restroom facility is proposed at the junction of the Peak 6 upper and lower lifts. Hand washing facilities are not required. Including a bottom terminal at the previously approved Peak 7 restaurant would add congestion to an area unnecessarily, creating circulation issues and increased skier density.

**5.40** *Last winter, despite all the snow, BSR didn't want employees to return to work this early in the season, so in turn, much of the terrain which could've been opened earlier than normal and thus helped crowds was kept closed.*

Thank you for your comment. This is beyond the scope of this analysis. The Forest Service has included this comment for BSR's review and consideration.

**5.41** *BSR and the DEIS claims that a big complaint they hear from guests is the time it takes to ski from Peak 8 to Peak 9. Missing from this analysis is how upgrading or even just having C chair open would significantly help this circulation.*

The circulation analysis for Alternative 3 included an upgraded C-Chair.

**5.42** *Photo 3B-3 is a photo of a long lift line on a powder day on 6 Chair. After all, this lift has already been approved for an upgrade to a quad it might put more skiers on the terrain, but with our experience it wouldn't necessarily 'crowd' the runs, but the new snow would be skied off faster. More importantly, lift lines are much more of a complaint than tracked up snow.*

6-Chair is analyzed in the cumulative effects analysis of this document. The 6-Chair Upgrade was previously approved in the 2005 EA.

**5.43** *What are the numbers on the peak days? Peak Days (3-32) are when BSR exceeds 18,500 but this analysis didn't give data on how many days they exceed this number other than a general percentage.*

The daily skier visit data is considered proprietary information. The Forest Service determined that the specific dates are not important for the analysis, but rather a percentage of the season is pertinent to the analysis.

**5.44** *You just would never ski Area 5 as it suggests on this map. Area 5 is just a small horizontal portion of a steep pitch that comes right off the ridge of Peak 6 but then it heads southward and into Areas 4 and 3. In other words, if you were to ski Area 5 as it is displayed on these maps – you would just be skiing sideways across a steep slope. Why was it divided like this? Possibly to help make Area 4.*

Refer to Response to Comment #1.22.

**5.45** *Despite scoping questions, this DEIS offered a very brief and simplistic discussion on weather (3-45) which only compared the wind of the summit of Peak 8 to the shoulder of Peak 6 - like apples to oranges. Do you have any statistics on this [users on higher terrain during wind and cold periods]? Any user numbers for these higher lifts over Christmas? Doesn't the epic pass keep track now of how many folks are riding the lifts? Inadequate snow coverage is also a problem this time of year.*

Wind data is available and presented in the DEIS and FEIS for the Proposed Action top terminal location on Peak 6. User data is anecdotal and indicates that the Imperial Express is a successful guest experience. No specific user data is available for a lift at this elevation during Christmas. Imperial Express has operated during Christmas four out of six years of operation, to date.

**5.46** *For all these specific Design or Peak days used as examples in this DEIS, it would be good to know what lifts were open these days, what times they opened, what the weather was like at higher altitudes, and the ridership of the higher lifts – especially T-Bar, 6 chair and Imperial Express. If these lifts aren't crowded due to weather, then it is always more crowded on the lower mountain. A lift up Peak 6 would only ADD to this ongoing problem.*

The DEIS and FEIS (FEIS p. 3-30) states, “A Design Day of 16,000 guests (visitation for approximately 24 percent of the Core Season) has been used in this analysis as a primary method to consistently compare the effects to lift-line wait times, trail densities and skier circulation across Alternatives 1, 2 and 3.” Data is available in the recreation analysis for Design Days to compare the effects to lift-line wait times, trail densities and skier circulation.

**5.47** *I have seen days where the lift lines are so huge it is impossible to ski much less have our ski racers train. The ski area has had to take a stand that they usually cannot let us train on peak days. I know that Vail Ski Club, Steamboat and other programs do not have to do this because they have ample terrain for the amount of ski racers and general public that they have. This puts the Team Breckenridge race program at a definite disadvantage for trying to compete on a local or national level.*

This comment supports the Purpose and Need for action.

**5.48** *When I worked for Summit Huts Association in the 1990's, we proposed a ski hut in the Nordic expansion area between Peaks 6 and 5. We were told by the Forest Service that we could not have a hut there because of the old growth forests and lynx habitat. How is a ski hut that would see 20 people a day a greater impact than the 1,100 skiers that this expansion will accommodate?*

The Forest Service does not have a record of that determination for a ski hut between Peaks 6 and 5. The Forest Service acknowledges lynx habitat exists in these areas, but an old growth forest does not exist in the area. The effects to lynx habitat are disclosed in the DEIS and FEIS.

**5.49** *The proposal, if completed, will reduce the wait time during the most crowded visitor days by 3 minutes. Is this worth it since those 3 minutes of saved wait time would be lost to the projected growth in skier traffic in a short time anyway. To save 3 minutes, the proponents want to place industrialized recreation where self-powered recreation already exists?*

The DEIS and FEIS present the effects to the recreation experience with multiple quantifiable considerations, one of which is lift line wait time. Lift line wait time also has an impact on skier circulation and how many runs a guest could ski in a day. The impacts to backcountry recreation due to the action alternatives is also presented in the DEIS and FEIS.

**5.50** *I am concerned that some of the studies included in the Draft Environmental Impact Statement fail to objectively address the issue. For example, data for lift lines was taken on a holiday weekend when Imperial Chair was closed. The study doesn't explore Imperial Express and it's use during poor weather. I would like to see the Forest Service study the skier/rider experience of a similar lift – the Imperial Express.*

The data that was collected represented a Peak Day for the lower lifts to display a worst case scenario. “Poor” weather is a fairly subjective factor when considering the impacts of operating a ski area. The Forest Service understands that it snows during operating hours for ski areas, and at those times, lifts may close for a variety of reasons, including the safety of the guests. The Forest Service expects the proposed Peak 6 lifts to operate the majority of the ski season.

**5.51** *Expanding the ski terrain without planning an additional base area to accommodate the expected increase in skiers would make the lines longer, not shorter, at the existing base areas — especially at the Peak 7 base area.*

An additional base area is not a component of either action alternative. The analysis presented in the DEIS and FEIS indicates that lift line wait times would reduce or remain unchanged for all lifts under the Proposed Action.

**5.52** *Would the ski area limit guests to 16020 since they have now posted that it is unsafe to put more people on the hill? More people equal more collisions.*

The FEIS has been updated to include a two lift configuration. This configuration would increase the CCC to 16,170. This analysis has not concluded that it is “unsafe” to put greater than 16,170 guests on the mountain. The Proposed Action would add additional terrain to disperse the existing use and planned for projected increases in use over time.

**5.53** *Another suggestion (also needed for quality of life and recreation) would be to study the summer and winter recreation impact at each trailhead in the Upper Blue.*

The recreation impact to every trailhead in the Upper Blue is beyond the scope of this analysis. Indirect effects to trailhead use due to the action alternatives would be indiscernible.

## 6. BACKCOUNTRY

**6.1** *Peak 6 provides a unique backcountry setting in that it can be accessed easily from a backcountry gate or trailhead. Backcountry access gates, located at the ski area boundary, will be impacted by this expansion and yet, no new locations were recommended for these gates. Well placed access gates would help to mitigate, for backcountry skiers, the loss of Peak 6 and should be specifically addressed within the proposal.*

The exact location of backcountry access points north of the proposed Peak 6 operational boundary is not included in the DEIS or FEIS; however, the DEIS and FEIS disclose and analyze access to the north of Peak 6 being provided in the future. The DEIS and FEIS (FEIS p. 3-77) state, “Backcountry access would change commensurately, based on the development of Peak 6 for lift-served skiing. A Forest Service backcountry access point would be established along the new ski area operational boundary. The location of a relocated access point is beyond the scope of this analysis. However, for impacts to various resources in this DEIS, it is assumed the terrain north of the proposed operational boundary will be accessible via a relocated access point.”

**6.2** *Backcountry access to the north of the expansion area should be accommodated. Gates should be provided from the expansion area.*

Refer to Response to Comment #6.1.

**6.3** *Backcountry access to the north of the expansion area should be accommodated with gates provided from within the ski area boundary and possibly from the Peak 7 neighborhood. To provide access from the Peak 7 neighborhood, the BOCC recommends that the USFS work with the County and the Town of Breckenridge to investigate the possibility of creating public access onto National Forest System land with public trailhead parking in a location jointly determined to be feasible and appropriate.*

At this time, the Forest Service considers access (other than from the ski area boundary) at the Peaks Trailhead to be sufficient. The Forest Service received comments from residents on Slalom Drive indicating opposition to an access point on or near Slalom Drive (refer to Response to Comment #2.44). However, a PDC has been included in Table 2-4 of the FEIS to account for the BOCC’s recommendation.

**6.4** *The analysis of the effects on backcountry skiing from implementation of the proposed action and alternative 3 is inadequate. It only examines losses in the BSR special use permit area. It must instead consider all of Summit County. There have been many losses of good backcountry terrain to ski area expansion in recent years - Breckenridge Peaks 7, 8, and 9 bowls; Montezuma Bowl at A-Basin,; and Erickson and Independence Bowls at Keystone. See DEIS Appendix A and id. at 3-96, 3-97.*

As the commenter references, Appendix A of the DEIS and FEIS, as well as the Cumulative Effects analysis in the Recreation, Guest Services and Mountain Operations section of the DEIS and FEIS, include this analysis. Related to this project, only losses to backcountry terrain within the BSR SUP area would occur. The Forest Service determined that conducting a site-specific backcountry terrain analysis across Summit County was beyond the scope of this analysis and would be subjective. In addition, the Forest Service did not want to attempt to classify terrain as comparable to Peak 6 or not, as conditions

constantly change. Therefore, the Forest Service determined to focus the cumulative backcountry terrain analysis to ski area SUP areas, where data exists and impacts can be quantified.

**6.5** *Another issue with BSR and “Backcountry terrain in their SUP” is that this failed to mention that often the access gate to decent terrain on Peak 9 is inaccessible due to the gate’s location within avalanche inbound control work terrain. So please do not include this in your acreage number of BC terrain in BSR SUP. Usually Backcountry skiers try to start their day early.*

There is a backcountry access point in this location of Peak 9, which accesses a quantifiable amount of terrain within the BSR SUP. The Forest Service monitors backcountry access points at BSR annually, if not more frequently for effectiveness. The FEIS was not updated to reduce the amount of backcountry terrain within the BSR SUP boundary, as this terrain exists and is used.

**6.6** *Wouldn’t you want to know the rate of growth for backcountry skiing? What if this is growing faster than the amount of new downhill skiers? How are you best serving the public interest?*

The Purpose and Need is identified in the DEIS and FEIS (FEIS p. 1-6). The DEIS and FEIS (FEIS p. 1-20) also disclose how Alternatives 2 and 3 are consistent with Forest Service policy.

**6.7** *There are many, many skiers who ski Peak 6 on days with little to no visibility, especially if it’s snowing. These skiers aren’t visible to patrol, and any tracks they might leave quickly get erased by snowfall or wind-blown snow.*

The DEIS quantified the amount of backcountry use on Peak 6 at 300 annual skiers during the 2009/10 ski season. The Forest Service has not received quantified data to refute the total presented in the DEIS and FEIS.

**6.8** *Peak 6 is unique because there are few other places in the Upper Blue where you can easily access above treeline skiing and find decent snow. It is also easy to reduce your avalanche risk by picking a safe route and skiing one particular line from the saddle [26 to 22 degrees]. From the Peaks Trailhead or even better, the ‘green gate parking’ it takes about 2 and a half hours to reach the safe saddle below Peak 6. If you ride the lifts, and use the independence chair access gate, it takes 1 ½ hours to summit (yes, these are in contrast to the DEIS’s numbers which actually claim it takes less time).*

The FEIS (p. 3-45) has been updated to include a wider range of access times.

**6.9** *Is the intention in this DEIS to suggest that only a few people benefit from the Peak 6 BC experience since it requires expert fitness? Does this then make it easier to claim we have all this acreage – expert to beginner - to ski in the SUP’s of Summit County ski resorts? If they had instead compared the real backcountry skiing experience of Peak 6 which we would describe it as an intermediate physical output, they would’ve had a tough time coming up with alternative terrain choices in other ski resort’s SUP’s. This claim in the DEIS that Peak 6 is ‘expert’ is simply false.*

The DEIS and FEIS (FEIS p. 3-45) states, “it is a valuable recreational resource for members of the community and others who are familiar with this area.” The DEIS and FEIS continue to state, “The fact that accessing this terrain requires a physical commitment, and is unmaintained, must be considered when classifying the ability level. With that being said, backcountry terrain on Peaks 5 and 6 are presently

composed of Expert open bowls, trees, and steep pitches found within the first 200 to 300 vertical feet of terrain off the ridgeline—particularly between Peaks 6 and 6½.” However, relative to other backcountry skiing in the U.S., Peak 6 may be considered intermediate, purely from a backcountry skiing ability level perspective. The Forest Service is not stating that an average intermediate downhill skier should consider skiing the existing Peak 6 as backcountry terrain.

**6.10 *We understand that Peak 6 is part of the Forest Plan 8.25 prescription. But we don't agree that Backcountry skiing is “found within Categories 1 through 7 of the 2002 Forest Plan.”***

In reviewing Forest Plan mapping of Management Area categories 1 through 7, the Forest Service determined that backcountry skiing is found within those categories. The DEIS and FEIS quantified backcountry skiing opportunities within Management Area 8.25 in Summit County.

**6.11 *Why weren't any backcountry skiers interviewed for this analysis?***

The information presented in the DEIS and FEIS is based on internal and external scoping. The Forest Service reviewed this information and determined it to be adequate for the analysis.

**6.12 *Assuming that Peak 6 is suitable for skiing starting on January 1 of each year, and BSR Ski Patrol monitored use through the close of the season, this provides roughly 110 days in which use was monitored.” (3-44) Ski patrol's ‘monitoring’ study (Table 3B-5) is woefully inadequate and incomplete. We would conclude that the numbers of BC skiers are probably three times higher. Last winter we skied Peak 6 beginning November 10th. Also, this DEIS should have included the number of folks now using the new gate off Imperial Express Chair. This new gate shortens the time to summit of Peak 6 by almost an hour. One pleasant part of the day on Peak 6 is that you DON'T have to enter the ski resort.***

The commenter is stating that the total annual skier trips on Peak 6 is 1,200 skier trips per season, compared to 300 as stated in the DEIS. As stated in the DEIS, this information is based on visual count records observed by BSR ski patrol. The Forest Service is unaware of the methodology to account for 1,200 skier trips. However, the Forest Service acknowledges the timeframe of when data was collected does not comprise the entire backcountry ski season. In addition, the DEIS did not address the seasonal fluctuations of backcountry skier use due to backcountry conditions. The FEIS discloses a range of skier use from what was collected by BSR ski patrol (300) to information provided by the commenter (1,200).

The new access point on the northern flank of Peak 7 was included in the DEIS (p. 3-45). Accurate use data was not provided for this access point, but due to the location, the Forest Service assumes a high amount of use on greater snowfall years.

**6.13 *The analysis on backcountry skiing limited its ‘study areas’ to just lands within BSR's SUP as well as the other ski resorts in Summit County. It certainly isn't realistic and not really addressing what NEPA requires with cumulative impacts. We had hoped for at least a little recognition of what other locations are available in the Upper Blue Basin for backcountry skiing and to recognize how few there are and how they need to be protected since we're losing so much with Peak 6. The cumulative impacts from the Peak 6 expansion are significant for backcountry skiers of the Upper Blue, but this was not the focus of this analysis. This DEIS didn't measure the amount of acreage being used by Backcountry skiers in the Upper Blue, so***

*there is no way to analyze how much we are losing with Peak 6 compared to what is currently available.*

Refer to Response to Comment #6.4. The DEIS and FEIS only quantifies backcountry skiing within existing SUP areas within Summit County for several reasons, including:

- A portion of backcountry skiing currently occurs within SUP areas
- The quantification of backcountry areas beyond SUP areas would be subjective with varying levels of use

The DEIS and FEIS disclose an impact to backcountry skiing and this user group due to the development of Alternative 2.

**6.14** *Search and Rescue is more worried about the SKY chutes? (3-62). We would ask that Search and Rescue spend time at the new gate to Peak 6 ½ and see how many folks have avalanche gear and/or education.*

The Forest Service would coordinate with the Summit County Sheriff's Office, Search and Rescue and BSR when considering additional backcountry access points.

**6.15** *For 3-24's "Past, Present, and Reasonably Foreseeable Future Projects", which lists how other projects could affect Backcountry skiing, please include Summit Huts Weber Gulch Hut Proposal as well as the White River Travel Management Plan.*

The Summit Huts Weber Gulch Hut and the White River Travel Management Plan projects are included in the FEIS within the Recreation, Mountain Operations and Guest Services section with respect to cumulative effects to backcountry skiing.

**6.16** *The proposed expansion would have a major impact on backcountry skiing and other non-motor sports. The DEIS does not adequately examine these impacts and does not reflect the significant growth in backcountry skiing, snowshoeing, and similar backcountry pursuits. As a result, the DEIS does not adequately consider the public interest in setting forth its proposals.*

The SUP area is currently allocated as Management Area 8.25. The Purpose and Need does consider the public need for downhill skiing and the benefits it provides to users of the National Forest. The No Action Alternative examines maintaining the area for backcountry skiing. The DEIS and FEIS (FEIS p. 3-69) state, "Use of backcountry terrain within the BSR SUP boundary is anticipated to increase, with potential for significant increases." The commenter is referring to general backcountry pursuits within and beyond the BSR SUP; however, similar backcountry pursuits are uncommon within the Peak 6 project area.

**6.17** *One way to partially mitigate the loss of Peak 6 was a request for new gates from the Lake Chutes, Snow White, Imperial Bowl, or 7 Summit to the west. This request was not addressed in the DEIS. Why? Isn't this the purpose of a DEIS to mitigate the losses?*

The DEIS and FEIS indicate that backcountry access north and south of the BSR operational boundary would be provided with authorization of the Proposed Action. However, site specific backcountry access locations will be evaluated on a case by case basis subsequent to the Record of Decision.

**6.18** *As mentioned above, the BC gate from Peak 9 needs to be moved so that access to this terrain isn't affected by inbound avalanche control work. Additionally new gates from Peak 8 and 7 to the west side of the Tenmile would be one improvement. We would hope that with Alternative 2, the location of the gate would not be off the summit of the lift. If a gate is right from the summit of this new lift, the North Fork of South Barton might as well be included as inbounds terrain since it will see heavy use, much of it from skiers [but Peak 6 is not intermediate] who lack avalanche gear and training despite the avalanche terrain throughout this area. Also, this basin deserves protection from significant human impact. Please do not allow a gate at the top. One suggestion for the new gate location on Peak 10 is that the below treeline terrain which it accesses is also very close to where the lynx are residing. Please rope off this forest terrain to keep skiers and riders out of this sensitive habitat.*

Refer to Response to Comment #6.17. The Forest Service appreciates the feedback regarding these areas and will consider this input when evaluating locations of backcountry access points. The proposed operational boundary on Peak 6 will be roped and signed.

**6.19** *This analysis does keep saying that BC gates will be proposed on the northern end of the project (table 2-6) and we were told at the Peak 6 Task Force that the location of these gates would be in the DEIS. (See the "Blue Sky List, Feb. 2009). No locations were given. In fact, later on into the DEIS a foot note on 3-75 says the BC gate is beyond the scope of this analysis – WHY?...Obviously, the loss of backcountry skiing was one of the main objections to this proposal, yet no mitigation is offered. Mitigation should be part of this DEIS, especially due to the controversy surrounding this expansion.*

The Blue Sky List document the commenter references is described as a "wish list," and the Forest Service did not commit to providing access point locations. Refer to Response to Comment #6.17.

**6.20** *While we agree that there is 'severe wind scour' at the top of the western side of the Tenmile Ridge, once you drop down a couple hundred feet the snow quality rapidly improves. The main reason this terrain isn't used is more importantly because there is no access allowed off the west side of Peaks 8 and 7. Many BC skiers wish they could ski these chutes, though, and to lose access to the 'S' chute off of Peak 6 just isn't fair when we could lose Peaks 6 ½, Peak 6 and 5 ½.*

Backcountry access points along the BSR operational boundary will be consistently re-evaluated by the Forest Service to determine appropriate and safe locations for access to the backcountry.

**6.21** *The crowds in the backcountry of the Tenmile Range are out of control. Hundreds of cars are parked to hike or ski on Quandary or up Spruce Creek Trail. Why aren't you trying to protect one of the last areas in the Tenmile where few people go to? There are no roads, no trails on Peak 6 and the forest is alive.*

Refer to Response to Comment #6.16.

## 7. TRAFFIC, PARKING AND SKI AREA ACCESS

**7.1 *Highway 9 and parking improvements may mitigate the impact on Highway 9 North of Breckenridge, but it will do nothing to eliminate the gridlock on Main Street, Airport Road and Highway 9 (Park Ave) in Breckenridge since there is a finite capacity to the destinations reached via those roads. More visitation implies more peak days and more cars on these roads which are already over-capacity during peak days. This can't be mitigated since there will be little or no increase in the downtown destinations being visited. Finite destination locations with unlimited increases in visitation is unsustainable from a traffic perspective and must be avoided.***

As the commenter suggests, Highway 9 improvements are anticipated to improve traffic north of Breckenridge. The DEIS and FEIS include a traffic and parking analysis, which address points raised in this comment. In addition, the FEIS includes a conservation measure to manage skier visitation on peak days (FEIS p. 2-19).

**7.2 *Illegal parking at the Peaks trailhead and the Green Gate - The current situation with unauthorized parking in these two areas is unacceptable and will be exacerbated by additional skiers attracted by an expansion onto Peak 6 terrain. Illegal parking in these two locations by alpine skier guests will displace parking for the Nordic and back country skiers it was intended for. Consider relocating the Peaks trail head possibly to the Town owned MBJ property or other similarly located USFS property that is not so convenient to access the Peak 7 base facilities.***

Refer to the Response to Comment #3.5. A PDC has been included in Table 2-4 of the FEIS to collaborate on the development of a new trailhead.

**7.3 *Where are the several hundred additional visitors going to park? There has been severe erosion of the available parking spaces that serve the clientele using Breck. The elimination of parking on Peak 8, the shrinking of the downtown plot to build the gondola and transit center and the gradual reduction of parking in the Airport road area. All of these expansions to resort facilities have significantly reduced available parking. The Resort expansion should not be permitted unless Vail resorts provide a minimum of 1000 new parking spaces.***

The DEIS and FEIS include a traffic and parking analysis, which address points raised in this comment. The parking analysis discloses (FEIS p. 3-113), “A parking agreement between BSR and the Town states that BSR is committed to providing a minimum of 2,500 parking spaces for winter recreational visitors.” The parking analysis determines that BSR and the Town could accommodate a 21,215 skier day with the existing parking supply (FEIS p. 3-117). In addition, the FEIS includes a conservation measure to manage skier visitation on peak days (FEIS p. 2-19). With this conservation measure, the Forest Service anticipates the existing parking agreement between BSR and the Town to accommodate future Peak Day parking demands.

**7.4 *A suggestion to move the Peaks Trail trailhead was brought up at a recent Breckenridge Town Council meeting.***

Refer to the Response to Comments #3.5 and 7.2.

**7.5 *The DEIS states (p. 120; see also id. at 3-124) that under the proposed action, there would be an increase in days on which the hourly design volume will be exceeded. It is unlikely that “capacity***

*improvements, parking management practices, and multi-modal transport” (ibid.) could significantly reduce traffic congestion, even without additional growth... The FIES should more forthrightly state how bad the existing and anticipated conditions are.*

These mitigation measures are aimed at managing traffic congestion to maintain current levels of daily congestion (FEIS p. 3-123). In addition, the visitation management conservation measures are intended to address the number of visitors on peak days (FEIS p. 2-19).

**7.6** *The DEIS analysis of traffic does not discuss the level of service on relevant roadway segments. It considerably understates the impacts of traffic under all alternatives.*

As disclosed in the DEIS and FEIS (FEIS p. 3-112), the peak hour traffic flow is used in determining operational level of service of the roadway. Refer to the Traffic, Parking and Ski Area Access section of the DEIS and FEIS for information regarding peak hour traffic flow. Although the level of service was not identified, parking management practices and multi-modal transport (FEIS pp. 3-123 and 3-125) have been identified to maintain current levels of daily congestion as the Town reaches build-out and day skier daily traffic grows within the range of any of the Peak 6 development alternatives.

**7.7** *Summit could encourage people to park at the Frisco transportation centre and take the free bus to the gondola but such alternatives are not promoted at all.*

Thank you for your comment. The Forest Service can encourage BSR to consider this and other alternative transportation options to reduce traffic in the Town of Breckenridge.

**7.8** *The resort offers reduced parking in winter if there is 4 or more in the car -this is to encourage car pooling but its only offered weekdays yet weekends are when the 170 and other roads are busiest so why not the weekend Vail could easily review its policies.*

Thank you for your comment. The Forest Service can encourage BSR to consider this and other options to encourage car pooling to reduce traffic in the Town of Breckenridge.

**7.9** *The town runs a free bus service e.g. to the recreation centre but it also provides free parking there. Surely if they want to reduce parking and congestion issues the parking should not be free. Vail allows all employees to park at the upper gondola lot for free even those living locally or at the employee housing can park free yet they run employee buses and the town runs buses to the employee housing so why offer free parking Those coming from Alma to work should park at the ice rink lot say and take the bus even if the Town charges for this it is their choice to live in cheaper Alma and drive over (traffic issues). Whilst there is free parking etc. there is no incentive for Alma commuters to car pool say or set up a bus service. The town charges visitors \$25/day to park in their lots like at wellington yet locals pay \$40 for the season yet locals could use the free bus service. Such policies do not help to reduce pollution congestion nor parking issues*

Thank you for your comment. The Forest Service can encourage BSR to consider this and other alternative transportation options to reduce traffic in the Town of Breckenridge.

***7.10 Parking and traffic analyses must assume not only that the number of peak days will increase but also that the number of people on any given peak day will increase.***

Analysis regarding growth in visitation and impacts to Peak Day visitation are provided in Chapter 1 of the FEIS (FEIS pp. 1-4 and 1-5). The analysis states, “it is not anticipated that the proposal would elicit increases in Peak Day visitation. This analysis makes this assumption based on: a review of past visitation data; the current guest experience on these peak days being diminished; Interstate 70 and constraints to weekend day skiers; and weekday flexible work schedules increasing mid-week visitation.” A visitation management conservation measure has been included in Chapter 2 of the FEIS.

***7.11 The key for a ‘livable’ result is to improve the traffic/parking paradigm. Perhaps the northern open lots or Gondola lots need to become three tier garages? Restrict cars in town? People will walk and take the shuttles when set up effectively.***

Refer to response to comments # 7.7, 7.8 and 7.9. In addition, the Forest Service will continue to encourage appropriate members of BSR, the Town of Breckenridge and Summit County to work together to deal with issues that were raised that are beyond the scope of this analysis.

***7.12 It has come to our attention that the Forest Service is considering turning our private driveway into a public access road. We granted access to the Blue River Water District, now Breckenridge Water Department in 1981, so the water tower storage tank could be built. Although the Forest Service has been using our driveway as an access way to the forest, there is no official agreement.***

Thank you for your comment and we apologize for the confusion. The Forest Service is aware that access to the water tower storage tank crosses private lands and as such is not a viable option for providing a new access road or parking area for the Peaks Trail.

## 8. SCENERY

### **8.1 *Projections of how the landscape would look during and after the implementation of any action alternative must include the possible impact of lodgepole pine mortality from bark beetles.***

Photos taken for the visual simulations include the existing lodgepole pine mortality, as it is part of the existing condition. As stated in the DEIS and FEIS (FEIS p. 3-313), approximately 220 acres of trees are lodgepole pine within BSR's SUP area and all of these stands exhibit between 30 and 80 percent MPB mortality. These stands have a low to moderate risk of the entire stand succumbing to MPB mortality. At this time, based on the decreasing amount of new MPB activity recorded in Summit County, it is likely that MPB activity peaked and MPB will continue to occur endemically until drought or stand conditions change. Therefore, the Forest Service determined the simulation of additional dead trees was not necessary for the visual simulations of proposed projects.

In the short-term as these trees fall, the landscape within the ski area would be expected to exhibit some level of change; however, over the long-term the MPB activity will eventually assist in creating multi-aged forest stands by removing large-diameter trees and reducing stand densities.

### **8.2 *The following element of the desired condition for management area 8.25 would not be met: Reasonable efforts are made to limit the visibility of structures, ski lifts, roads, utilities, buildings, signs, and other man-made facilities by locating them behind landform features or by screening them behind existing vegetation. Facilities are architecturally designed to blend and harmonize with the national forest setting as seen from key viewpoints. White River National Forest Management Plan at 3-80.***

*Nor would it comply with the following guideline: We believe that the proposed 6995 feet of above-timberline snowfencing (DEIS at 3-138) would also not meet the low SIO. In the photo at id. 3-142, the snowfence contrasts considerably with its surroundings in the summer. The proposed action includes two components that would be entirely above timberline: the top terminal of the proposed Peak 6 lift and the patrol/warming hut. Since there is no way to blend such facilities into the terrain, the proposed action would not meet the above-quoted guideline, nor would it meet the low scenic integrity objective (SIO). DEIS at 3-140, 3-141. The SIO would not be met from any of the four critical view points. Id. 3-143 through 3-146.*

Reasonable efforts have been considered and made to limit the visibility of structures, ski lifts, roads, utilities, buildings, signs and other man-made facilities, when possible. The Forest Service acknowledges the visual impacts of the facilities included in the Proposed Action above treeline. Efforts to minimize visual impacts of the Proposed Action are addressed in the Project Design Criteria (FEIS Table 2-4 p. 2-21). In addition, an Alternative was created and analyzed in response to visual concerns.

The DEIS and FEIS (FEIS p. 3-143) discloses the inconsistency with the Forest Plan guideline identifying the SIO of low. Two Scenery PDC's have been added to Chapter 2 of the FEIS to minimize impacts to visual resources from installation of the underground utility line to the top terminal of the upper Peak 6 lift and minimize impacts from trail installation.

**8.3** *The DEIS notes that certain of the above-treeline infrastructure will not meet the Forest Plan scenic integrity objective guideline. DEIS at 3-128. The Forest Service should explain that deviations from this guideline are appropriate because of the efforts taken to minimize visual impacts, and that no Forest Plan amendment is required. See Forest Plan at 2-1.*

No Forest Wide standards exist for scenery resources. Guidelines have been developed to help direct projects to meet desired goals, and the project design has taken these goals into account and has designed the projects to minimize impacts to visual resources where possible. As defined on page 2-1 of the 2002 Forest Plan: “A guideline is a preferred or advisable course of action or level of attainment. Guidelines are designed to achieve desired conditions (goals). Deviation from a guideline and the reason for doing so are recorded in a project level National Environmental Policy Act document; a forest plan amendment is not required.”

**8.4** *The DEIS also indicates that certain above-treeline lift infrastructure will not meet a Forest Plan “desired condition” to use “reasonable efforts” to “limit the visibility of structures . . . by locating them behind landform features or by screening them behind existing vegetation.” DEIS at 3-140. This is not correct. BSR has made every effort to screen infrastructure (as recognized in the DEIS). Full screening is not always possible for certain of the above-treeline infrastructure. The Forest Service should clarify that reasonable efforts have been made to limit the visibility of structures*

The Forest Service recognizes that full screening is not always possible, certainly above treeline. However, the Forest Service’s determination is that the top terminal does not completely meet the desired condition. The Forest Service would like to reiterate, this is a “desired condition” not a guideline or standard.

## **9. CULTURAL**

No substantive cultural comments were received on the DEIS.

## 10. SOCIAL AND ECONOMIC RESOURCES

***10.1 The “Social Issues MOU” that was created in an attempt to deal with this situation does not sufficiently address the social impacts or require adequate mitigation measures to minimize these impacts. A more thorough process to quantify, study, and resolve social impacts should occur before any expansion is approved.***

The Social and Economic Resources analysis included in the DEIS and FEIS adequately analyzes the social and economic effects of the alternatives considered. The MOU between BSR, the Town of Breckenridge and Summit County is included in Appendix E of the FEIS. The Forest Service will continue to encourage appropriate members of BSR, the Town of Breckenridge and Summit County to work together to address issues that are considered beyond the scope of this analysis.

***10.2 With mountain tourism being an important component of the Colorado economy I believe the expansion would boost Colorado tourism. It would further alleviate the congestion at Breckenridge during a typical ski day and therefore has the potential to attract more visitors and encourage longer stays. It will thus be an economic advantage to those who own property and or retail in the area.***

As stated in the Social and Economic Resources section of the DEIS and FEIS under Alternatives 2, BSR’s annual visitation would be expected to remain consistent with past average annual growth at up to 2 percent for the next ten years. Additionally, the DEIS and FEIS analyzes estimated annual expenditures by BSR visitors, which contributes to the local economy. The Recreation, Mountain Operations and Guest Services section of the DEIS and FEIS disclose the anticipated effects to skier densities for each alternative.

***10.3 The ski industry is putting the sport of skiing out of reach for the average person. Being almost all ski areas use federal land they should be forced to keep the lift prices down.***

Ticket pricing is not a component of the Special Use Permit, and the Forest Service does not regulate that part of the industry. However, the ski industry does include season passes and package pricing.

***10.4 The Peak 6 expansion will be good for the community, in that it expands the recreational opportunity, and therefore has the potential to attract more visitors and encourage longer stays. It will thus be an economic advantage to those who own property and or retail in the area.***

Thank you for your comment. Also, please refer to Response to Comment #10.2.

***10.5 The BOCC supported the use of the Peak 6 Task Force and MOU process as a means to evaluate the many social and socioeconomic impacts associated with the proposed Peak 6 ski area expansion. However, we understand that other federal agencies evaluate social and socioeconomic impacts as standard practice in an EIS. Therefore, the BOCC would like to request that, for all future EIS processes, social and socioeconomic impacts should be addressed as part of the regular EIS process that is overseen by the USFS, rather than deferring the analysis and mitigation of these impacts to the County and Town, to be addressed through a separate process using a Task Force and Memorandum of Understanding. The BOCC acknowledges that this comment is outside the scope of the Peak 6 DEIS review. Nevertheless, the Board would like to make the Forest Supervisor aware of this request, and has included the***

***request in this letter to document the need for a separate conversation between the USFS and the BOCC on this topic.***

Social and economic resources were analyzed within this EIS process. Section 1502.15 of NEPA regulations state that an EIS should describe the “environment of the area.” Therefore, it is generally appropriate to include a social and economic resource analysis within an EIS. In this case, the Task Force was created because, as stated in the DEIS and FEIS (FEIS p. 3-164), “Some of the scoping comments received raised broader community issues and are impractical to consider in an isolated discussion regarding the Peak 6 proposal. Therefore, to aid in consideration of these issues, a Task Force was developed.”

The Social and Economic Resources section of the DEIS and FEIS includes the typical analysis included in an EIS and many components that were not analyzed by the Task Force (e.g., Economic Impact Theory and Economic Impacts).

***10.6 The ski resort is such an instrumental and viable part of the Breckenridge economy. The overcrowding on the mountain has begun to bring a negative perception to the ski operation.***

Thank you for your comment. The Forest Service agrees that, as stated in the DEIS and FEIS (FEIS p. 3-33), “averaging 1.6 million annual visits does not come without consequence with regard to the quality of the guest experience, and has obvious effects to lift-line wait times, trail densities, and guest services.”

***10.7 More crowds don’t increase prosperity, only crowding. Breckenridge is often over capacity and we can’t serve more people on these days. This study doesn’t address this. The Town’s own Peak 6 Task Force, at the behest of the ski area who threatened to walk out on the agreement unless their demands were met, sidestepped impacts to residents quality of life and ignored completely impacts to recreation and sensitive areas the Town spends millions protecting and studying such as Cucumber Gulch.***

As stated in Chapter 1 of the DEIS and FEIS (FEIS p. 1-4), “The development of additional facilities at BSR is in direct response to demonstrated user demand as evidenced by historic and current skier visitation. The proposed projects were specifically planned to better accommodate existing daily visitation levels, and maintain the desired skiing experience with comfortable terrain capacities. It is not anticipated that the proposal would elicit increases in Peak Day visitation.” The Forest Service analyzed impacts to quality of life and recreation in those sections of the EIS. Impacts to Cucumber Gulch were analyzed in the Water Resources and Wildlife sections.

***10.8 There are so many day skiers who come to Breckenridge, park on our streets, add to the traffic and congestion, but don’t spend money in our town. We believe a lift-ticket tax is the best way to mitigate this problem.***

Thank you for your comment. As discussed in Response to Comment #10.3, ticket pricing, as well as taxes, are not managed by the Forest Service.

***10.9 With the slip in our economy, I'd think any of the costly downhill activities ought to be evaluated very carefully until we emerge from the current downturn-which may take years. Instead, if we open land to skiers, shouldn't we do it for the comparatively inexpensive and less intrusive forms of skiing, the non-downhill sort?***

For clarification, the areas that are proposed for development in the Peak 6 EIS are located within Management Area 8.25 – Ski Areas (Existing and Potential) and within the BSR SUP. With regards to the expense of skiing, please refer to Response to Comment #10.3.

***10.10 I'm a full time employee of Vail Resorts. I cannot get into the child care provided by the resort because they are full. More terrain comes with more employees which means no housing, no day care, and increased stress on the rest of the community.***

BSR currently provides child care to its employees and adjusts capacities based on demand. BSR has indicated that it is meeting current and projected demand. The Forest Service cannot require additional Vail Resorts operated child care services, as it is not a component or requirement of the Special Use Permit. However, in the MOU between BSR, the Town of Breckenridge and Summit County, BSR committed to annual contributions to The Summit Foundation and other charitable organizations that contribute funding to child care providers in Summit County. The MOU (FEIS Appendix E) between BSR, the Town of Breckenridge and Summit County, provides for understandings regarding social services that apply to, among other issues, child care.

The DEIS and FEIS (FEIS p. 3-184) states, “Current vacancies in BSR employee housing could accommodate the additional housing required under Alternatives 2 or 3. The Forest Service will continue to encourage BSR to participate with the Town of Breckenridge and Summit County to meet needs within the community, including those of their employees.”

The MOU (FEIS Appendix E) between BSR, the Town of Breckenridge and Summit County, provides for understandings regarding housing.

In addition, as stated in the DEIS and FEIS (FEIS pp. 3-184 and 3-189), “BSR is committed to annual contributions to support local resources such as the Community Care Clinic and Family Intercultural Resource Center (FIRC), and these contributions are anticipated keep pace with the increased demand placed upon them by BSR employees.”

## 11. NOISE

***11.1 The shock waves rattle our windows, shake our light fixtures, scare the neighborhood dogs and cause the books in our bookcase to migrate to the open edge of the shelves where they eventually fall out if not checked and repositioned every few days during the ski season. Adding more avalanche control even closer to Peak 7 homes will only exacerbate this problem.***

The Forest Service recognizes that vibrations accompany the noises caused by avalanche control work. As discussed in the DEIS and FEIS (FEIS pp. 3-191 and 3-192), avalanche control work on Peak 6 produced similar instantaneous peak noise levels as avalanche control work on Peak 7. Therefore, noise and vibrations from avalanche control work on Peak 6 is anticipated to be similar to existing conditions. However, the amount of explosives used, and therefore instantaneous peak noise, would generally increase with the development of Alternatives 2 and 3.

***11.2 Although a noise study was conducted, did any evaluation take place in Farmer's Corner and the south end of Frisco?***

As disclosed in the Scope of the Analysis in the Noise resource section, acoustic monitoring was conducted on Slalom Drive within the Peak 7 neighborhood. Due to the instantaneous peak effects of avalanche control work and the location of Peak 7 in relation to the ski area, this was identified as an appropriate spatial scope for this resource.

***11.3 BSR respectfully recommends that the Forest Service include a brief discussion regarding the potential noise impacts from construction associated with the Peak 6 Project as part of the DEIS at Chapter 3.G. DEIS at 3-188. BSR anticipates that such impacts will be not only be minor in scale, but limited in duration.***

The Noise section of the FEIS has been updated to include temporary noise impacts of construction activity.

***11.4 Are you aware that ski patrol has increased use of the extremely loud, 6-10 pound air blasts? Please incorporate this into your next study. Did you know that avalanche control work isn't just a product of new snow but often it's because of high winds? Noise levels on days when they are trying to control wind loaded snow are much greater than the new snow days.***

Avalanche control work on Peak 6 during the testing was performed using the same explosive charges generally used for control work within existing ski terrain. The Forest Service considers the test day to be a representative day for avalanche control work at BSR. The director of ski patrol confirmed that the explosives used on a regular basis are those in the 2.0 to 2.7 pound range, as disclosed in the DEIS and FEIS (FEIS p. 3-193). However, while early season conditions persist, minimal use of larger explosives can be necessary. The Forest Service acknowledges the potential that sound levels differ on days throughout the season and that some sounds may exceed those that were monitored for this EIS.

***11.5 I live in the Peak 7 neighborhood, and already my house shakes with the booms from the avalanche control work. None of the other noise sources mentioned in Section G cause the house to vibrate, or have the same startling effect as the loud booms. It's hard to image that avalanche control work on Peak 6 won't cause considerably more disruptive noise due to the larger amount of terrain to be controlled and its proximity to the Peak 7 neighborhood.***

Refer to Response to Comment #11.4. The Forest Service recognizes that vibrations accompany the noises caused by avalanche control work. As discussed in the DEIS and FEIS (FEIS pp. 3-191 and 3-192), avalanche control work on Peak 6 produced similar instantaneous peak noise levels as avalanche control work on Peak 7. Therefore, noise and vibrations from avalanche control work on Peak 6 is anticipated to be similar to existing conditions. However, the amount of explosives used, and therefore instantaneous peak noises, would generally increase with the development of Alternatives 2 and 3.

***11.6 The measuring unit used measures dBA and was averaged over one minute intervals. This is totally irrelevant to the impact of the sound pressure levels caused by avalanche control explosions. These explosions have very high low-frequency content which is capable of knocking pictures off walls and doing other damage. dBA measurements filter this low frequency out. Furthermore, the damage is caused by the peak SPL not the average over one minute, further invalidating your analysis. A more relevant analysis would be to count the increase in the number of explosions and determine the closer distance of Peak 6 to the affected areas. You can then determine from basic physics (Power increases by the square of the distance) how much more of an impact each explosion will have. You must also determine how many more explosions will be experienced in the affected areas. The increase in # and severity of explosions that is acceptable is certainly open to debate.***

The Quest Technologies 2900 Type II recording sound meter recorded instantaneous peak noise levels observed throughout the test, not one minute averages. The test was recorded during test avalanche control on Peak 6, so it models the actual noise from bombing at the area; no adjustment for distance is necessary. As stated in the DEIS and FEIS (FEIS p. 3-196), on a typical day, the terrain on Peak 6 may generate five instantaneous peak noises.

## 12. VEGETATION

**12.1 *Under Scenery you mention that they need to “re-seed with native seed, wildflower and forbs. Repeat seeding until re-vegetation is completed. Re-vegetate all disturbed areas”. Sadly we do not see this as being the case at BSR. Peak 7 and 8, especially lower down, have horribly poor re-vegetation and there are noxious weeds such as thistle, false chamomile and Toadflax present. We’ve never seen re-vegetating with wildflowers – mostly a poor quality grass.***

As stated in Response to comment #3.1, BSR and the Forest Service Special Use Permit Administrator monitor the effectiveness of Project Design Criteria (PDC) during construction and resort operations. As stated in the DEIS and FEIS (FEIS p. 2-20), “The responsibility for ensuring that required PDCs and conservation measures are implemented rests with BSR and the Forest Service. In all cases, the ultimate enforcement mechanism for implementation of the specified PDC and conservation measures would be the Record of Decision for the Final EIS, and would extend to the Forest Service Special Use Permit Administrator, the District Ranger and the Forest Supervisor.” In addition, a PDC included in the DEIS and FEIS requires overstory vegetation to be flush-cut, which would promote re-vegetation of the herbaceous layer.

**12.2 *I am confident that no botanist with extensive knowledge of mosses surveyed the Peak 6 area. Sphagnum mosses might be found due to a closed forest canopy on Peak 6. Other rare sphagnum species can be found on the Dillon Ranger District on Keystone Mountain and in the Peru Creek area. Colorado botanists are just beginning to inventory bryophytes.***

The Forest Service selected a qualified botanist to survey the project areas for plant resources and prepare technical documents, including a biological assessment and a biological evaluation. Threatened, Endangered and Region 2 Sensitive Species are discussed in the Chapter 3H – Vegetation.

## 13. WILDLIFE

**13.1** *The Southern Rockies Lynx Amendment (SRLA) was designed to conserve lynx across the Southern Rocky Mountains Ecosystem. The Forest Service has stated that the SRLA standard “All S1” for habitat connectivity is not currently being met, and has further determined that neither DEIS Alternative 2 or 3 will meet this standard. Interior is concerned that the Forest Service activities accomplished through implementation of the proposed project be compatible with success of the SRLA.*

The FEIS (p. 2-17) includes lynx conservation measures that would make the Proposed Action compatible with the success of the SRLA.

**13.2** *Considering the existing conditions of lynx habitat within the area, the proposed impacts of the action alternatives and insufficient mitigation for all trust resources, the USFWS recommends that the Forest Service either select an alternative that has less impact on lynx, or one that incorporates appropriate minimization and mitigation measures for the alternative being selected. USFWS also believes that other alternatives may exist that do not require additional impacts to relatively undisturbed lynx habitat, and is willing to work with the Forest Service on developing alternatives, minimization and/or mitigation measures to coincide with the overall direction provided in the SRLA.*

Through the Section 7 consultation process, the Forest Service worked with U.S. Fish and Wildlife Service to develop strategies to minimize impacts to lynx and BSR recommended conservation measures to address lynx habitat concerns.

**13.3** *In a number of instances, the general conclusion in the DEIS that lynx habitat connectivity has been severed is contradicted by statements and the actual information presented in the DEIS text. Interior recommends that the discussion in the DEIS concerning the status of lynx habitat connectivity be clarified.*

As stated in the Biological Assessment, “The forest along the east slope of the Tenmile Range is virtually all second-growth, composed of higher quality, upper elevation spruce-fir and lower quality, lower elevation, lodgepole pine. Lodgepole stands are broader and compose a larger portion of the overall forest at the lower elevation, northern end of the Tenmile Range. A MPB epidemic has been advancing through the east slope of the Tenmile Range, affecting the lodgepole pine component of forest stands. Beetles will reduce lynx foraging habitat, diurnal security habitat effectiveness, habitat connectivity, and impair the ability of lynx to maintain a home range over the moderate term (approximately 25 to 40 years).”

The BA also address the location of the project area and states, “The BSR project area is located in the middle of the east slope of the Tenmile Range, within a relatively narrow (east-west) band of forest extending between the alpine and the valley bottom/development along the length of the range. This forest band is medially fragmented by the relatively wide (north-south) terrain associated with BSR and constrained on the east by the Town and base area development. Forest carnivores following this band of forest cover have found their way to the ski area... It is likely that the east slope of the Tenmile Range has been or could be used by lynx as a movement corridor and any such landscape level movement would almost certainly extend through the ski area. However, there is some level of impaired habitat

connectivity, as well as habitat quality, for lynx across the ski area, which also impairs habitat effectiveness in this portion of the LAU. Developed BSR terrain may impair the ability of some lynx to move across the ski area during the day (during the 7.5 hrs. per day that skiers and patrol present widespread human presence/activity on the ski area) during the winter ski season (mid-November to mid-April, 5.25 months), adversely affecting habitat effectiveness and connectivity through the middle portion of the Tenmile Range’s east slope. Lynx can be active at any time of the day and lynx have been observed on active BSR ski terrain (and on other Colorado ski areas) during operating hours. Note that this analysis recognizes a distinction between habitat connectivity (USFS 2009) and the ability of lynx to move through portions of the landscape.” (Biological Assessment)

**13.4** *Page 3-206 of the DEIS states, “...at baseline, the SRLA [Southern Rockies Lynx Amendment] standard All SI is not being met (maintain habitat connectivity), and currently unable to be met in the future.” However, the DEIS only presents information that the east slope of the Tenmile Range may be impaired in regards to habitat connectivity and lynx foraging, not that connectivity is entirely severed. Information presented in the DEIS suggests that the habitat connectivity is at some level being met. “With respect to landscape-level habitat connectivity across the ski area and through this portion of the Tenmile Range/LAU, impaired connectivity is largely an issue only during the ski season, not so much by the developed ski terrain as by the obstacles/restrictions presented by skier presence and activity during operating hours.”*

It is likely that the east slope of the Tenmile Range has been or could be used by lynx as a movement corridor and any such landscape level movement would almost certainly extend through the ski area. However, there is some level of impaired habitat connectivity, as well as habitat quality, for lynx across the ski area, which also impairs habitat effectiveness in this portion of the LAU. Adverse effects of the MPB epidemic that may affect 53 percent of the lower elevation lynx habitat along the east slope of the Tenmile Range, to some extent, will include impaired diurnal security habitat (DSH) effectiveness and habitat connectivity in the lodgepole zone that could impair the ability of lynx to maintain a home range within the LAU and connected LAUs over the moderate term (approximately 25 to 40 yrs.), until adequate forest cover redevelops.

**13.5** *The agency’s justification for proposing the amendment is that the standard is not now being met and could not be met, even if the ski area is not expanded. DEIS at 2-7, 3-206-207, and Appendix D. Because of this, “the standard is not a reasonable requirement” for the proposed development. DEIS at D-3. This is inexcusably poor rationale. If the current landscape has too much unsuitable habitat and non-habitat, it certainly would not be wise to make it even worse, as the proposed action would clearly do! And if the standard is not “reasonable” for this development, when would it ever be reasonable to apply it?*

Refer to Response to Comments #13.3 and 13.4.

**13.6 *The BOCC supports the protection of lynx habitat and movement corridors and questions the justification for the proposed exemption from the lynx standard and corresponding amendment to the USFS plan. Additional lynx studies should be completed or, at a minimum, the data that has been collected in Summit County during the first year of the Colorado Lynx Winter Recreation Study should be evaluated, and an analysis of these studies' data should precede any decision on expansion.***

The lynx study the commenter is referring to is on-going and preliminary and data from this study has been incorporated into this analysis. The Biological Opinion from U.S. Fish and Wildlife Service states, “Preliminary data suggests that lynx avoid areas of intense dispersed recreation (e.g., Vail Pass Winter Recreation Area, and Copper Mountain) (Roberts, 2012, pers comm.)...preliminary data suggests that lynx avoid ski areas (i.e., Copper Mountain Resort and Vail Resort) during daytime and nighttime hours during the ski season (Roberts, 2012, pers comm.). Therefore, recreational activities in combination with human development (resorts, subdivisions, and communities), and highways (e.g., Highway 9) may negatively influence habitat connectivity and habitat effectiveness.”

**13.7 *In approving the SRLMD, the U. S. Fish and Wildlife Service (FWS) noted that: The objectives, standards and guidelines [addressing connectivity in the SRLMD] would reduce or minimize the potential for adverse effects to lynx in most cases, and the Plans would ultimately conserve connectivity within lynx habitat. Therefore, the proposed action, related to effects on connectivity, would not contribute to appreciably diminishing survival or recovery of lynx within lynx habitat in the SRLA area as a result of activities authorized by the Forest Service. FWS, 2008, at 43. The FWS saw the importance of maintaining connectivity. Removing a standard that protects connectivity could cause the FWS to reassess the entire SRLMD.***

The Biological Opinion from the U.S. Fish and Wildlife Service addresses this point. The Biological Opinion states, “As stated in the proposed action, the Forest Service proposes a site-specific Forest Plan Amendment, because the expansion of operations onto Peak 6 would not otherwise be consistent with the WRNF Forest Plan. Specifically, the environmental baseline describes degraded habitat connectivity along the east slope of the Tenmile Range. We anticipate that during the winter, the expansion of ski area operations, terrain development, and skier presence will isolate the northern portion of the east slope of the Tenmile Range, and will likely result in a barrier to lynx movement of an individual occupying a home range within the action area. The barrier effect may prevent a lynx from accessing high quality foraging patches north of the BSR’s permit boundary. We believe the proposed action will have an additive effect on lynx within the Swan River LAU, where sufficient prey may not be available to support occupancy and/or reproduction, translating to further impairment of reproduction and feeding. The additive effect of expansion of the ski area could result in, 1) abandonment of home range in search of adequate food to survive (i.e., become nomadic), 2) die of starvation, and/or 3) fail to complete a pregnancy or would be less successful in finding adequate food resources needed to ensure maximum survival potential for kittens.

Landscape-level habitat connectivity differs from habitat connectivity within a home range. What may serve as a barrier to movement within a for a home range may merely represent an obstacle for a dispersing lynx, or a male seeking a mate. For example, a resident lynx within its home range may be

unwilling to cross openings as described by Koehler, et al. (2008), but may traverse areas of more open terrain while dispersing or exploratory movements (Squires and Oakleaf 2005). Therefore, the proposed action is unlikely to impact dispersal movements of an individual traversing the east slope of the Tenmile Range, and is unlikely to deter an animal from making exploratory movements through the project area.”

**13.8 In addition to violating (via elimination of) Standard All S1, the proposed action would arguably violate the SRLMD objectives and guidelines listed below, which are found in the SRLMD ROD at Attachment I-6, I-7:**

- **Objective HU 01 - Maintain the lynx’s natural competitive advantage over other predators in deep snow, by discouraging the expansion of snow-compacting activities in lynx habitat. Unquestionably, snow would be compacted on any ski runs and around lift terminals. The proposed expansion would not ‘maintain the lynx’s natural competitive advantage over other predators in deep snow by discouraging the expansion of snow compaction activities in lynx habitat’ since clearly there would be compaction of snow on and around ski runs and developed areas.**
- **Objective HU 02 - Manage recreational activities to maintain lynx habitat and connectivity. As discussed above, the proposed action would further impair connectivity. The proposed expansion would not ‘manage recreational activities to maintain lynx habitat and connectivity’ since connectivity would be reduced by the added ski area and development.**
- **Objective HU 03 - Concentrate activities in existing developed areas, rather than developing new areas in lynx habitat. The proposed expansion would not since it involves expanding the area of human incursion.**
- **Objective HU 04 - Provide for lynx habitat needs and connectivity when developing new or expanding existing developed recreation sites or ski areas. Clearly the proposed action would not accomplish this objective. See discussion above.**
- **Guideline HU G1 - When developing or expanding ski areas, provisions should be made for adequately sized inter-trail islands that include coarse woody debris, so winter snowshoe hare habitat is maintained. It is unlikely the intertrail islands could be made large enough to compensate for the loss of connectivity. Also, as argued above, skier use of intertrail islands would render them ineffective as habitat for lynx, even if snowshoe hare remained.**
- **Guideline HU G3 - Recreation development and recreational operational uses should be planned to provide for lynx movement and to maintain the effectiveness of lynx habitat.**

Regarding Objective HU 01, the SRLMD already considered the Peak 6 area as compacted. The U.S. Fish and Wildlife Service and Forest Service have considered all ski area SUP boundaries to be compacted from a baseline consideration. However, the commenter is correct; the Proposed Action would increase snow compaction in Peak 6.

Objective HU 02, HU 03 and HU 04 are linked to Standard ALL S1 of the SRLMD. The Proposed Action and Alternative 3 include a Forest Plan amendment to address the inconsistency. The Forest Plan amendment is discussed in Appendix D of the DEIS and FEIS.

As stated in Appendix B of the FEIS and DEIS (FEIS p. B-11), Alternative 2 includes a number of lynx- and snowshoe hare-related design criteria (refer to BA Section 3.2.8) that would maximize the size and effectiveness of intertrail islands for snowshoe hares and retain approximately 82 percent (18 percent habitat loss) of the winter snowshoe hare habitat in the Peak 6 pod. While there would be additional adverse effects resulting from unauthorized skiing in closed intertrail islands, Alternative 2 would meet the intent of this guideline and would be consistent with Guideline HU G1.

Regarding HU G3, as stated in the DEIS and FEIS (FEIS p. B-12), this guideline involves lynx habitat connectivity, winter foraging habitat (WFH), and DSH issues at the scale of the Peak 6 project's footprint (E. Roberts, USDA Forest Service, pers. comm, Jan. 11, 2011). Because of the design and planning considerations that have been incorporated into Alternative 2, it would be consistent with *Guideline HU G3*.

***13.9 The proposed action would impair lynx movement across the ski area. By definition, this does not maintain the effectiveness of lynx habitat. The fact that “design and planning considerations” supposedly “have been incorporated into alternative 2” (DEIS at B-12) is irrelevant – this alternative does not provide for movement or maintain habitat effectiveness.***

The DEIS and FEIS disclose the impact stated by the commenter, and a Forest Plan amendment is included in the DEIS and FEIS to address the inconsistency with Standard ALL S1.

***13.10 There is conflicting data on traveling through the ski area as well. This DEIS spends more time talking about how difficult it is, (3-215) but then elsewhere it's mentioned that lynx have traveled through ski resorts and continue to do so (3-223 and 224). Also, lynx are nocturnal and don't have to travel through the ski resort operating during the day. (3-215) Also, on 3-224 it states that lynx don't like to travel much in winter and they are “largely sedentary on their winter range subsets (i.e. they would not likely attempt to cross the ski area during winter, but they are physically capable of doing so if they chose.)” So why amend the Forest Plan Lynx Standard then if traveling through a ski resort isn't that critical to their survival?***

The current condition of the Swan River Lynx Analysis Unit (LAU) limits lynx habitat availability, effectiveness, and connectivity. Habitat conditions are likely to be further impaired by the ongoing mountain pine beetle epidemic without any practicable way of improving habitat connectivity across the ski area. Alternative 2 and 3 would further impair already impaired habitat connectivity across developed BSR ski terrain and through this local portion of the LAU during the ski season.

***13.11 In Chapter 2 (page 2-15) the WRNF states that it will “explore options to improve habitat connectivity within southern Summit County and actively cooperate with stakeholders.” Wouldn't we want to first ensure that this is feasible before approving BSR proposed expansion into some of the best lynx habitat in the Tenmile Range?***

The FEIS has been updated to include Conservation Measures recommended by U.S. Fish and Wildlife Service through Section 7 Consultation. Measures include:

To reduce potential impacts to lynx diurnal security habitat (DSH) and winter foraging habitat (WFH) outside of the proposed Peak 6 terrain network, BSR will establish a continuous line of bumblebee rope

(yellow and black rope) along the left side of the Peak 6 trail pod collector trail to discourage skiers from exiting the proposed ski area boundary and skiing through the trees north and east of the developed terrain to the Siberian Loop of the Nordic system. This roped line represents the new ski area operational boundary. The conifer stands below the egress trail contain lynx foraging habitat and DSH. Wildlife closure signs will be installed approximately every 100 feet along the length of the boundary. Forest Service regulations permit skiers to leave and return to the operational part of ski areas only through designated backcountry access points. No access point is available below tree line in the Peak 6 expansion area.

Colorado Revised Statute (CRS) 33-44-1 09 is consistent with these regulations. Under the CRS 33-44-1 09, it is a violation for skiers to enter any trail or area that has been closed by the ski area operator with a rope and/or “Closed” sign, within or adjacent to the ski area. Other than skier access through the backcountry access point that would be developed for access north of the proposed BSR operational boundary (i.e., north of the Peak 6 terrain proposed to be developed), skiers ducking the signed rope closure constitutes an illegal activity. Bumblebee rope will be installed/removed shortly before the start/end of each ski season to avoid entanglement of antlered big game.

During the Endangered Species Act Section 7 Consultation process with U.S. Fish and Wildlife Service (USFWS), Vail Resorts proposed to initiate a lynx and wildlife conservation fund to be administered by the National Forest Foundation (NFF). Vail Resorts’ proposal to NFF, which was incorporated as Conservation Measures in the USFWS Biological Opinion, have been incorporated herein as requirements of the Proposed Action. The intent is to establish a fund that can be used for habitat improvements in Summit County, Colorado and as voluntary mitigation for the Proposed Action. Vail Resorts and the Forest Service anticipate that the fund would become self-sustaining, available for contribution by others, and be able to fund additional lynx and wildlife conservation projects. Potential projects include purchase of conservation easements, matching funds for grants, habitat improvements, additional studies, and education efforts. The details of the conservation measures include:

- A monetary contribution by Vail Resorts of \$300,000, paid to the fund over the course of four years subsequent potential approval of the Proposed Action. \$200,000 of the funds would be used for specific projects, and the balance of the funds allocated to future projects. The specific projects and contribution would be: \$100,000 for road decommissioning projects approved in the WRNF Travel Management Plan, and \$100,000 for completion of the WRNF lynx/recreation study. The remaining \$100,000 would be used for general lynx related studies, education, habitat improvement projects, etc.

In order to monitor the impacts of incidental take as identified in the Biological Opinion (available in Appendix G), the Federal agency or any applicant must report the progress of the action and its impact on the species to the USFWS as specified in the incidental take statement. The monitoring and reporting shall include:

- The Forest Service shall develop a snowshoe hare monitoring plan to track anticipated impacts of the Proposed Action. The monitoring plan shall include habitat inventory of the proposed development area below tree line, and the area between the new development boundary and the permit boundary below tree line, winter tracking surveys, and summer pellet counts to estimate snowshoe hare population density.

Winter tracking will provide skier intrusion pattern and frequency, presence/absence of snowshoe hares, and activity trends during pre- and post-implementation.

Summer pellet counts shall incorporate sound scientific methods for estimating population density within the monitoring area. Summer pellet counts will provide information about whether habitats impacted during the winter months become repopulated during the spring and summer.

- The monitoring plan shall be initiated one season prior to beginning ground disturbing activities and continue for at least five years beyond full operation within the new development area. After five years, the Forest Service and the USFWS will assess the monitoring data. If no conclusion can be reached based on the initial five-year monitoring period, the monitoring period may be extended for an additional five years at the discretion of the Forest Service and the USFWS.
- The Forest Service shall provide the USFWS with an annual report no later than March 31, of each year, consistent with 50 CFR 13.45. The report shall provide the initial sampling and data collected for each year. At the end of the first five-year monitoring period. The Forest Service shall provide the USFWS a written report of its findings. If additional monitoring is required, similar reporting shall be required and reported as during the initial monitoring period.

***13.12 It is also claimed that (3-215) “the effects of recreational activities on lynx populations have not been well studied.” Why aren’t we waiting for the completion of this [Liz Robert’s San Juan studies] study before making any radical decisions like amending the Forest Plan.***

The commenter references an on-going study, which the DEIS and FEIS have incorporated preliminary findings from. The target completion date for the on-going study is the summer of 2014.

***13.13 Lynx habitat compatibility should be evaluated against the data and findings generated to date in the Colorado Lynx and Winter Recreation Study currently being undertaken.***

Refer to Response to Comment #13.12.

***13.14 Lynx appear to not be a consideration in this DEIS. There is no mention of resident lynx just south of Peak 10. The courts have been going back and forth with what lynx habitat can be protected by law, but this document makes no provision for lynx or lynx habitat.***

The lynx analysis is included in the DEIS and FEIS. Preliminary results from the Colorado Lynx and Winter Recreation study indicate lynx reside in Summit County during the winter of 2010/11. The Biological Opinion issued by the U.S. Fish and Wildlife Service agrees with the analysis and findings included in the Biological Assessment (and therefore the DEIS as the DEIS is a summary of the

Biological Assessment). There is no critical lynx habitat designation in Colorado; therefore, the Forest Service can legally impact habitat through proper disclosure, analysis and process.

***13.15 The Biological Assessment (Forest Service and SE Group, 2011, “BA”) needs to be updated and improved. For example, the BA states that most lynx use of the East Ten Mile area has been by transients (id. at 71). However, it is clear that one or more home ranges have been established in Summit County because lynx have been present in the winter for some time, and at least one female has given birth.***

Resident lynx in the area (Summit County) are not currently being formally monitored. Therefore, we can only assume there are year-round resident lynx. The Colorado Parks and Wildlife possess information in their annual report in the form of collar data on maps for lynx in the area.

***13.16 Lynx is listed as a threatened species under the Endangered Species Act. Therefore, it must be protected. Its needs take precedence to a high degree over needs for projects like ski area expansion. The need for protection is heightened with recent information that a least one female gave birth to kittens, and there were two dens in Summit County. DEIS at 3-209. This and other information indicates that lynx are becoming residents of Summit County rather than just transients.***

The Purpose and Need for the project is stated in Chapter 1 of the DEIS and FEIS. The EIS documents analyze and disclose the effects to lynx due to the three alternatives considered in detail. The Record of Decision will disclose how these factors have been considered in making a decision.

***13.17 There is all this discussion on how fragmented and poor the Swan River LAU is and how it won’t support a home range year-round and how lynx are transients (3-223) and thus don’t know about the best times to travel through ski resort. Yet we have had a breeding lynx and kittens living first in Spruce Creek zone over 2009/10 winter and now in the adjacent Carter Gulch for the 2010/11 winter. Because the lynx have lived here now for over a year, they are now considered “residents.”***

At this time, the Forest Service cannot confirm or deny the statement the commenter has made regarding lynx in Spruce Creek or Carter Gulch. Known baseline conditions and anticipated impacts are disclosed in the Biological Assessment, DEIS and FEIS regarding lynx.

***13.18 The DEIS also states that dead standing forest caused by mountain pine beetle epidemic contributes to impaired habitat connectivity. However, available information indicates that although dead standing forests may influence movement of foraging lynx, it does not create barriers to movement. Lynx have been reported utilizing standing dead timbered areas as cover for movements as long as high quality foraging areas are present within the landscape (Koehler et al. 2008). Likewise, other DEIS indicate some functional connectivity and the All S1 standard likely still exists:***

1. Page 3-214, Lynx Use of the East Slope of the Tenmile Range – this section describes lynx use of the area, including portions of the Breckenridge Ski Area.”Lynx have been relatively uncommon along the east slope of the Tenmile Range, which may be used as a movement corridor. Several relocations and sightings (of lynx) have been made in the central portion of the Tenmile Range support such use.”

2. Page 3-215 states, “It is likely that the east slope of the Tenmile Range has been or could be used by lynx as a movement corridor and any such landscape level movement would almost certainly extend through the ski area.” The DEIS at page 3-221, Lynx Habitat Connectivity across BSR section contains the following statement: “The discussion of movement of a transient/dispersing lynx represents the worst case scenario regarding lynx movement across a landscape, and that movement within a home range is a subset of such movements.” The USFWS disagrees with this conclusion. The literature suggests that from a vegetative aspect, movements of resident lynx within their home range are more significantly influenced by prey availability, within high quality foraging patches, than by cover for movements (Koehler et al. 2008, Maletzke et al. 2008, Squires et al. 2010). We believe that dispersal/exploratory movements are less influenced by high quality habitat conditions, based on telemetry data collected through the Colorado lynx reintroduction.

Monitoring requirements are included in the lynx conservation measures (refer to Response to Comment #13.11) to collect information on prey availability in the project area.

***13.19 How much acreage of living forest do we need to protect in the Upper Blue to absorb the loss of wildlife habitat from MPB, as well its perceived detriment to watersheds?***

For a discussion of wildlife habitat and watersheds and the mountain pine beetle epidemic, refer to sections 3I, 3K and 3L of the DEIS and FEIS.

***13.20 We find little discussion in the DEIS of the presence of, or possible effects on, red squirrel, which “appears to be the most important alternate prey throughout the range of the lynx”. See also CDOW, 2009. Removing Englemann spruce trees for ski runs and the lift corridor as proposed would destroy and fragment habitat for this species. It could also result in mortality of some squirrels. The DEIS merely states that “the red squirrel component of...potential lynx foraging habitat is becoming lost as the MPB epidemic progresses across the ski area”. Id. at 3-276. However, red squirrels much more commonly nest in Englemann spruce, which are not affected by MPB, but would be cut in the action alternatives to make ski runs.***

Red squirrels are also common in lodgepole pine and mixed conifer stands. Impacts to lynx habitat and foraging habitat is disclosed in the DEIS and FEIS.

***13.21 Most or all of the portion of the proposed action that would degrade or destroy lynx habitat, i. e., clearing for ski runs (DEIS at 3-252, is proposed for spruce-fir forests, which are not affected by MPB.***

The acreages of habitat removal by habitat type is disclosed in the DEIS and FEIS (FEIS p. 3-260).

***13.22 The discussion on home range in the BA is confusing. On p. 73, it states that the effective habitat blocks are too small, by themselves, to support a year-round home range in the Swan River LAU. But on p. 74, it states that a home range could be established within the LAU.***

The Biological Assessment states, “Lastly, it is also possible that, post-MPB recovery, a lynx home range could encompass the northern and two southern Swan River habitat blocks, with the northern and southern blocks separated into seasonal home range blocks by active (in winter) BSR terrain. Based on the seasonal occupancy of the higher quality habitat block(s) at the southern end of the LAU and the

distribution and extent of similar, connected, higher quality habitat extending into the Snake River LAU, it appears that there is sufficient habitat within those portions of both LAUs to support a lynx home range.” The key point to allow the establishment of a lynx home range within the eastern slope of the Tenmile Range is the regeneration of forest stands that are currently affected by MPB activity. The BO states, “Based on the existing condition of the LAU, we believe lynx productivity (reproduction) may be impaired at this baseline condition due to limited prey availability within the LAU.”

***13.23 The USFWS believes that additional discussion on standard “All S1,” including the existing conditions and what constitutes adequate conditions of the habitat quality/connectivity is needed. Such discussions would also likely facilitate completion of interagency consultation under the Endangered Species Act.***

Interagency consultation between U.S. Fish and Wildlife Service and Forest Service is complete. The Biological Opinion issued by the U.S. Fish and Wildlife Service is included in the Project File.

***13.24 Doesn't the Endangered Species Act state that you have to take affirmative steps towards recovering a listed species? And that you're not supposed to take any action that will do additional harm to a listed species? Also curious as to whom exactly (3-206) made the decision that “the Forest Plan Canada lynx standard ALL S1 is not currently being met under the environmental baseline and that this standard is currently unable to be met in the future, with or without further development at BSR.” This isn't the conclusion we would have made given the information presented in this DEIS. Sure, the habitat and connectivity isn't great but lynx are living in Carter Gulch. And cutting runs beneath Peak 6 would destroy some habitat and connectivity.***

The Endangered Species Consultation Handbook states, “Section 7(a)(2) [of the Endangered Species Act] states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. In fulfilling these requirements, each agency must use the best scientific and commercial data available. This section of the Act defines the consultation process, which is further developed in regulations promulgated at 50 CFR §402.” The WRNF biologists and Forest Service Region 2 biologist through formal and informal consultation with the U.S. Fish and Wildlife Service made the determination that the standard ALL S1 is not currently being met. The DEIS and FEIS, concur with aspects of the commenter's findings that a Carter Gulch contains lynx winter foraging habitat and clearing proposed on Peak 6 would impact lynx habitat and habitat connectivity.

***13.25 There is discussion on mountain pine beetle and how this is detrimental to habitat connectivity for lynx but then on 3-304 it discusses how much doghair lodgepole is common at BSR and this is the lodgepole that isn't dying and still serves then as good coverage for lynx traveling on through BSR.***

Habitat connectivity impacts due to mountain pine beetle are considered at both a project area and landscape scale. The lodgepole within the ski area, referenced by the commenter and addressed in the Forest Health section of the DEIS and FEIS (FEIS p. 3-310), is addressed from a lynx habitat perspective

in the DEIS and FEIS (FEIS p. 3-218). In addition, Figure 26 presents the habitat classification of these stands and “winter foraging” and “other.”

***13.26 As described in the DEIS, forests in the Swan River and adjacent LAUs have been heavily impacted by the mountain pine beetle epidemic. It will likely take 30-40 years for areas of dead and dying forest to regenerate to provide year-round functional lynx habitat. Additional losses of forest habitat that will result from the proposed ski area development will have a cumulative negative effect on lynx conservation. The proposed action would cause permanent loss of lynx habitat at a period of time when remaining, functional, forest habitats may be necessary both for lynx reproduction for the population as a whole and for lynx survival in the LAU. The USFWS therefore recommends that the cumulative effects analysis of project impacts on lynx incorporate effects of ski development as a cumulative impact on the amount and quality of habitat and the resultant ability to support lynx.***

The DEIS and FEIS (FEIS p. 3-296) present a cumulative effects analysis due to additional ski area development at BSR and the Keystone Resort Master Development Plan. Additional backcountry skiing impacts to lynx habitat is disclosed in the direct and indirect environmental consequence section.

***13.27 Additionally, this terrain below the collector trail is our main way uphill and also the return route from Peak 5. The timber cuts are used by skiers from Siberian loop as well. Also, the new Nordic world is directly adjacent to this collector trail and there are trails proposed within this area. How will this impact lynx habitat?***

The New Nordic World the commenter has referenced was not considered in the Cumulative Effects analysis because the Breckenridge Nordic Center has not submitted these trails as part of a plan. Therefore, the Forest Service can not accurately consider those actions. The existing condition of the Nordic Center and the Siberian loop is part of the environmental baseline considered in the Wildlife analysis in Chapter 3 of the DEIS and FEIS. For example, the DEIS and FEIS (FEIS p. 3-230) states, “Snow compacting activity areas (e.g., roads, Nordic trails, huts, snowmobile, and snowcat operations) in LAU 27 have been mapped and are part of the Project File.”

***13.28 On 3-256, the DEIS states that below the collector trail most skiers won't want to ski below this because of the distance back to the resort and “Based on lift ticket prices this isn't reasonable for a skier to go that way.” Pass holder skiers, on the other hand, wouldn't care about going this way based on this assumption. Actually, given the popularity of people exiting out the current gate off the run Ore Bucket, people seem to love this experience and would continue to do so.***

The DEIS and FEIS (FEIS p. 3-262) provide four assumptions to conclude that the closure of the large forest block below the lowest Peak 6 collector trail would be largely effective for the following reasons:

1. the terrain does not have a history of use,
2. the Peak 6 forest has a dense, multi-layered understory making it difficult to ski through,
3. it is not particularly attractive skiing, and
4. compared to the Peak 8 intertrail islands, it would be difficult and time consuming (at least 45 minutes on skis, longer for snowboards) for skiers that might duck the rope to return to the ski area once they reach the upper Siberian Nordic loop.

The DEIS and FEIS (FEIS p. 3-262) also disclose impacts associated with the illegal activity (based on the current understanding of skiers leaving Peak 7) of ducking a rope below the proposed Peak 6 collector trail.

***13.29 If Alternative 2 were to go through, Peak 5 would see greater use from backcountry skiing. The north facing trees from treeline on Peak 5 ½ offer a great 1000 feet drop into Middle Barton Creek. We would agree though that once you are into the denser woods of Middle Barton Creek it is challenging and somewhat dangerous, and this is the prime forested lynx habitat. Most skiers climb back up and exit out the North Fork of South Barton. Essentially, if alternative 2 is chosen, you will add some impact to this area north of Peak 6, but the DEIS does say that Backcountry Skiers have minimal impact on Lynx.***

The complete assessment of anticipated backcountry use on Peak 5 is disclosed in the DEIS and FEIS (FEIS p. 3-262). In addition, the opinion of U.S. Fish and Wildlife Service (Biological Opinion p. 5) states, “The presence of skiers within and adjacent to the developed portion of BSR, has likely degraded the inherent value of lynx habitat in proximity to BSR. Beyond the current development boundary, undeveloped timbered areas likely experience some level of skier intrusion, which may degrade the value of these areas for lynx as foraging and security areas. We conclude that although high quality lynx habitat may occur adjacent to the ski area, its functionality may be degraded due to human intrusion into the habitat resulting in a lack of prey within disturbed areas.”

***13.30 The USFWS is concerned in general that analyses of effects and the mitigation measures of DEIS Alternative 2 and Alternative 3 for Canada lynx (Lynx canadensis) do not meet the standards set forth in the CEQ regulations and guidance. Both Alternatives 2 and 3 would result in loss of valuable lynx habitat in the ski area and in the Swan River lynx analysis unit (LAU); however, the DEIS does not discuss mitigation for loss of these lynx habitats for either alternative. The USFWS recommends that the DEIS be modified to address mitigation for this lost habitat.***

Lynx conservation measures are included in the FEIS to address the loss of habitat. Refer to Response to Comment #13.11.

***13.31 The USFWS does not believe the project design criteria and best management practices described in the DEIS will be adequate to offset potential impacts to lynx diurnal security habitat and winter forage habitat. The Forest Service’s efforts to prevent skier use of wildlife habitats within ski areas of WRNF (e.g. Breckenridge and Vail Ski Area) have not been shown to be entirely successful, and no information presented in the DEIS leads us to believe that those same measures for this project would necessarily be adequate. In other words, no information is given to suggest that those practices would be either effective or adequate to mitigate indirect adverse effects associated with Action Alternatives 2 and 3.***

As discussed in the Wildlife Section of the FEIS, rope closures for tree islands on Peak 6 have been eliminated from analysis. The FEIS includes additional lynx conservation measures that were recommended by the USFWS (commenter) and incorporated into the Proposed Action (also refer to Response to Comment #13.11).

**13.32** *Even if the inter trail islands were large enough for DSH or other habitat, the constant presence of skiers during operation of the ski area would make the habitat ineffective. As the DEIS admits, the proposed “bumblebee” rope closures are not likely to be effective in keeping skier/snowboarder use of the inter trail islands in Peak 6 pod low enough to conserve the diurnal security habitat. DEIS at 3-256.*

The commenter is correct. The DEIS and FEIS disclose that this design measure is not 100 percent effective.

**13.33** *The effectiveness of rope closures of intertrail islands and the effect on DSH must be updated. Text on p. 88 states that such closures are 54-97 percent effective in areas with a history of skiing. Note: It is not clear how this effectiveness level is measured. This should be stated in the revised BA. However, in light of recent experience at BSR, Vail, and other resorts, it appears that this effectiveness level is seldom if ever achieved. Thus the effects from the action alternatives on DSH are likely greater than stated in the BA and DEIS.*

The BA references two fence monitoring studies that occurred at BSR (Thompson 2009 and 2010 found in the project file). These reports describe how effectiveness was measured, and to summarize, skier tracks were recorded within fenced and non-fenced areas. The BA, DEIS and FEIS disclose an impact to lynx due to increased skier use. The Biological Opinion from U.S. Fish and Wildlife agreed with the findings of the BA and DEIS. The FEIS has been updated to include lynx conservation measures recommended by U.S. Fish and Wildlife Service.

**13.34** *Impacts to wildlife from glading were “determined to be more wide-spread than impacts from developed trails and concentrated skier use”. DEIS at 2-23. For this reason,”[g]lading on Peak 6 was eliminated [from alternative two] based on impacts to wildlife and habitat”. Ibid. But under alternative three, 97 acres would be gladed in the Peak 6 1/2 pod (DEIS at 2-8), resulting in impacts to 168.0 acres of lynx habitat. DEIS at 3-275.*

The commenter is correct. However, the majority of the glading proposed for Alternative 3 would occur in “other” habitat, which is not as high of value as “winter foraging” or “denning” habitat.

**13.35** *“It is likely that the closure of the large Peak 6 intertrail islands would be largely effective because 1) the terrain does not have a history of use. 2) the Peak 6 forest has a dense, multi-layered understory making it difficult to ski through, and 3) it is not particularly attractive skiing.” In response to this we would say that this terrain does see some use. There are some portions of the Peak 6 forest which are actually quite skiable, especially when you parallel Cucumber, South Barton and the North Fork of South Barton creek beds. Also, take a look at what skiers within the BSR current footprint do through all the dense ‘unattractive’ woods between the cut runs.*

To clarify, the “history of use” statement is in regards to terrain within the existing ski area boundary and used in general by guests of BSR and inferred for Peak 6 terrain and proposed inter-trail tree islands. Peak 6, comparatively, does not have a history of use by the general guests of BSR. The portions of areas referenced by the commenter (Cucumber and South Barton through areas of high quality lynx habitat, and the vast majority of North Fork of South Barton) would be roped and closed to skier use.

***13.36 Construction of facilities could destroy habitat for, and displace, boreal toad, and make it more difficult for toads to migrate in and use habitat in the project area.***

As stated in the DEIS and FEIS (FEIS p. 3-271), it is possible, though unlikely, that extreme female home range or dispersing toad movements could extend from the Cucumber Gulch breeding complex into the Alternative 2 project area. As such, loss of forest cover associated with ski trail development could individually or collectively adversely affect habitat connectivity. It is also possible, though unlikely, that toads dispersing towards or into the Peak 6 development area could be killed by construction (a direct effect) and maintenance vehicles (an indirect effect) and by construction activity (a direct effect).

Therefore, Alternative 2 **“may adversely impact individuals, but is not likely to result in a loss of viability in the planning area, nor cause a trend toward federal listing.”**

***13.37 In addition to a usage study of Imperial, that a study be made of the impact on plant and animal life, including, but not limited to, the lynx, ptarmigan, elk, and pika. The same study should be completed at Cucumber Gulch.***

Impacts to plant and animal life, including lynx, white-tailed ptarmigan and American elk, within the project area (which includes Cucumber Gulch) is included in the Vegetation and Wildlife sections of the EIS. Pika have not been identified as a threatened, endangered or R2 sensitive species and therefore were not included in detailed analysis.

***13.38 Peak 6 is the main movement corridor for species to travel to and from the upland habitat from the Cucumber Gulch Preserve. Habitat disturbance during the construction phase of the project and continued disturbance from the ski area activities prevents this important wildlife habitat from being a refuge for megafauna with large home ranges, such as moose and lynx. My most recent research on moose under the BreckConnect Gondola shows that moose avoid the gondola corridor during hours of operation.***

Moose were not analyzed in the DEIS as it is not a species of concern and are not present in the project area. Lynx is analyzed in the DEIS and FEIS.

***13.39 The proposed mountain road from Pioneer to the base of the new lift is essential. The area under Independence Lift needs to be re-examined. This area has always been in a forest service closure for boreal toads. However, I believe that there is probably room just above Manley’s Moguls for a road that does not interfere with the toads.***

The DEIS and FEIS (FEIS p. 3-241) discloses, “The boreal toad analysis area for this project extends outward from the Cucumber Gulch breeding complex approximately 2.5 miles, the maximum, documented, post-breeding, female dispersal from a breeding site (Loeffler, 1998). There are no other known, extant breeding sites close enough to the project disturbance areas such that female toads dispersing from those sites could be affected by the Proposed Action... The closest proposed disturbance area is approximately 4,900 feet from the closest pond in the Cucumber Gulch breeding complex, with an intervening beaver pond complex (approximately 4,000 feet below the closest proposed disturbance area) above County Road 3 and the Peak 8 and Peak 7 base areas.”

**13.40** *On 3-244 you claim that Elk might be on Peak 6 with early snowmelt for calving and that the most important value of the area is as calf-rearing habitat. We would add that we have seen elk on Peak 6 as late as early December on Peak 6 at treeline.*

Thank you for your comment. The location of elk is dependent on weather patterns.

**13.41** *The proposed snow fences at the top of the mountain should be erected in manner that would not interfere too much with migration of the elk herd that summers on the north side of Peak 6 and Peak 5.*

The proposed snow fences will have breaks that would be of a length that would not affect elk migration.

**13.42** *The development of Peak 6 will displace the elk herd that lives in the glade at treeline.*

Construction activities on Peak 6 would displace elk using those areas during the construction period, however once construction is complete, the local elk may recover and habituate those areas again; refer to the Wildlife analysis for a detailed discussion of elk use in the Peak 6 area.

**13.43** *The DEIS should include a look at cumulative impacts to Ptarmigan, Elk and other species.*

The DEIS and FEIS include a cumulative effects analysis for ptarmigan, elk and other species required for analysis.

**13.44** *Some ptarmigan would remain during winter, as they do in Peaks 7, 8 and 9 alpine ski terrain. Please tell us where exactly this is on Peak 7, 8 and 9 since we never see ptarmigan inbounds in these areas. There is nothing in this DEIS on how much damage Imperial Express has had on ptarmigan habitat...Often in the early 1990's we'd surprise the Ptarmigan at the top of 6 chair as we skied down. Often, before Imperial Express, we'd see ptarmigan on the boot pack trail up to Lake Chutes, but no longer.*

The commenter's information is appreciated. The DEIS and FEIS (FEIS p. 3-241) provides field survey information regarding ptarmigan. In developed and undeveloped portions of the BSR Special Use Permit (SUP) area, alpine areas are used as summer habitat, breeding range, and as winter range (primarily by a lower number of males). The cumulative effects analysis provides a discussion of present actions, including ski area management and use (e.g., Imperial Express), and discloses that these actions have likely contributed minor, additional impacts to wintering male (on the ski area) and potential female (around Goose Pasture Tarn) ptarmigan habitat effectiveness, although wintering males are expected to persist in and beyond active ski terrain.

**13.45** *On 3-266 DEIS states that the willows will be buried once ski season begins. This isn't true. On normal winters willows are still visible, especially at top terminal of Alt 3 lift, until January. How will grooming inhibit willows?*

The DEIS and FEIS (FEIS p. 3-272) states, "There would be no physical loss of alpine willow stands in the Peak 6 basin from increased skier use (virtually all are now buried under snow before skiing begins) or extended ski area management (i.e., avalanche control). However, the winter effectiveness of alpine forging and roosting areas skied would be reduced appreciably in the Peak 6 area due to skiing activity and snow compaction." With respect to the Alternative 3 lift, willows are adjacent to the top terminal location. Grooming would occur and may clip the tops of the woody vegetation. This would reduce the

functional value of the willow with respect to wildlife habitat to a certain extent. A PDC has been incorporated into the FEIS to address avoidance of willows by grooming machines to the greatest extent practicable.

***13.46 Various other species that need continuously forested areas for secure habitat need the area that is proposed for clearing in alternative 2. This is part of one of the few solid blocks of forested habitat on the east side of the Ten Mile Range.***

Analysis is presented in the Wildlife section of the DEIS and FEIS. This analysis includes proposed, threatened, endangered, Region 2 sensitive and management indicator species.

***13.47 Despite on 3-235 where the DEIS states that American Peregrine Falcon are “rare on the WRNF” we used to always see Peregrine Falcon at the ski area but not lately. (A few years back a peregrine falcon was seen close to the base of Peak 8 eating a parakeet!)***

The DEIS and FEIS (FEIS p. 3-235) states that potential habitat exists within the study area. In addition, the DEIS and FEIS (FEIS p. 3-240) states, “An active peregrine falcon eyrie is present in the Tenmile Range such that the Peak 6 project area could be considered to be within a hunting territory.”

***13.48 The Peak 6 habitat is composed of mature mixed conifer habitat with a well-developed understory. This vegetation structure is necessary for successful reproduction of many species of birds and mammals. The activities that are proposed in alternatives 2 and 3 will result in disturbance to these populations during the most sensitive period of their life cycle, the summer reproductive period.***

Wildlife species with potential habitat within the study area that are required to be analyzed under the Endangered Species Act and Forest Service direction are included in the DEIS and FEIS.

***13.49 There is no mention of mountain goat habitat loses.***

Mountain goat was not a species required for analysis.

***13.50 As stated in the DEIS, Memorandum of Understanding (#08-MU-1113-2400-264) between the Forest Service and USFWS provides for conservation of migratory birds. For the proposed action, the Forest Service has accomplished many of the conservation activities described in the MOU framework. However, specific measures under section D (3) (c) of the MOU do not appear to have been addressed in the DEIS. We recommend that those measures for this project be specified in the final EIS.***

Design criteria have been incorporated into the FEIS (Table 2-4) to address minimization of impacts to migratory birds to the extent practicable.

## 14. FOREST HEALTH

***14.1 The DEIS does not adequately analyze the impact of clear cutting healthy spruce/fir forest amidst the largest-scale pine beetle forest health problems in history.***

The DEIS and FEIS (FEIS p. 3-317) disclose tree removal by vegetation type under each alternative including 70.1 and 16.0 acres of spruce-fir forest under Alternatives 2 and 3, respectively. The DEIS and FEIS analyze tree removal, the mountain pine beetle (MPB) infestation and impacts to forest health under Alternatives 2 and 3 in the Forest Health section under direct, indirect and cumulative effects.

***14.2 How can we allow such significant amounts of forest clearing with such little knowledge of the real end result of MPB, and now what seems the next impact, Global Warming?***

A discussion of the current and future trends of the MPB infestation is included in DEIS and FEIS Forest Health section under Mountain Pine Beetle (FEIS p. 3-313). Greenhouse gas emissions were considered in proportion to the nature and scope of the project contained in the Peak 6 EIS in the Air Quality section. The effect of global warming on the biological environment within the study area is beyond the scope of this analysis.

***14.3 You can say this is but a small section of the WRNF, but I would counter that it is a huge percentage of the remaining healthy forest here in Summit Country.***

Refer to the Response to Comment #14.1.

***14.4 Disturbance of the spruce / fir forest should be minimized to the greatest extent possible, and any ski runs that may be approved should avoid these areas of healthy forest. Similarly, the removal of legacy and old growth trees should also be avoided, even if it means that any approved ski runs need to be reconsidered, removed or realigned. It is important to acknowledge that, in order to avoid disturbance of the healthy spruce / fir forest and preserve legacy and old growth trees as recommended, the number of skiable acres approved as part of the ski area expansion may need to be reduced (e.g., construct narrower runs or construct fewer runs than currently planned).***

Refer to the Response to Comment # 14.1 regarding the amount of spruce/fir tree removal for each alternative. In addition, the definition of legacy trees is provided in the Affected Environment section of Chapter 3J – Forest Health, and the area does not meet the requirements of old growth. As stated in Chapter 2D – Project Design Criteria and Chapter 3J – Forest Health, trees meeting the definition of a legacy tree would be identified and preserved to the greatest extent practicable.

***14.5 The Forest Service's DEIS (Draft Environmental Impact Statement) includes little mention of how to mitigate one of the most devastating infestations of beetle in Colorado history.***

The MPB infestation is not affected by any of the proposed projects in the DEIS; therefore, no mitigation for this issue is required. However, as stated in the Forest Health section under Alternative 1 (FEIS p. 3-316), vegetation management, including stands that have been affected by the MPB epidemic within BSR's SUP area, would be accomplished through implementation of the BSR Vegetation Management Plan.

**14.6** *On 3-301 the DEIS claims that regarding Forest Health, the scope of this analysis includes forested vegetation along the east slope of the Tenmile Range. After that there was little mention of the east slope of the Tenmile. You cannot just look at Peak 6. Most would agree that a better analysis would look at a much broader range and look at the connectivity or lack of connectivity of forest health from Hoosier Pass down to Peak 1.*

The commenter correctly identified the scope of the Forest Health analysis as the forested vegetation along the east slope of the Tenmile Range (FEIS p. 3-307). Existing MPB effects on the east slope of the Tenmile Range are disclosed in the Affected Environment section to provide context. The alternatives analyzed in the DEIS and FEIS would not have an effect on the MPB epidemic; therefore, only the site-specific analysis within the SUP boundary is included in the Direct and Indirect Environmental Consequences section. Other forest health related projects on the east slope of the Tenmile Range are included and analyzed in the Cumulative Effects section.

**14.7** *Alternative 2 offered little to no mitigation on Forest Health since there were no significant changes from the initial proposal and the proposed action.*

The commenter is correct. The DEIS and FEIS (FEIS p. 3-318) discloses that tree removal would reduce the overall forested acreage, but would not negatively affect overall forest health or potential for natural regeneration in areas not proposed for development of ski area infrastructure.

**14.8** *The DEIS's section on forest health, 3J, closes with "Vegetation removal related to the action alternatives would represent an irretrievable effect to vegetation resources within the SUP area. However, this is not considered an irreversible commitment because vegetation is a renewable resource", (DEIS, 3J; subsection: Irreversible and Irretrievable Commitment of Resources). We are just now starting to see the effects that century-old logging had on Summit County's forests. I do not understand how the DEIS can, in essence, just conclude that vegetation can grow back, without fully representing to the public the vast range of possible issues the future could face.*

The commenter correctly quoted the Forest Health – Irreversible and Irretrievable Commitment of Resources section. Irreversible commitments are those that cannot be reversed, except perhaps in the very long-term. Irretrievable commitments are those that are lost for a period of time. The DEIS and FEIS concluded there would be an irretrievable commitment of resources, but not an irreversible commitment of resources. The construction of ski trails is an example of an irretrievable loss of the forest for a period of time and the values it provides for forest health and wildlife habitat in exchange for the benefits of the recreation resource.

**14.9** *Will WRNF monitor tree cutting on Peak 6?*

As identified in the DEIS and FEIS (FEIS Table 2-4 p. 2-21), tree clearing limits and legacy trees would be identified prior to construction. Responsibility for ensuring that required PDCs and conservation measures are implemented rests with BSR and the Forest Service. Forest Service personnel would monitor the project area prior to, during and after construction activities.

***14.10 Lastly, the collector trail route from Areas 8-6 goes through a section of very large old trees (not on the legacy tree map though).***

The silvicultural team examined the Peak 6 area for legacy trees and did not identify areas in addition to those labeled on the legacy tree map in the project file. However, the PDC included in the DEIS and FEIS (FEIS Table 2-4 p. 2-21) requires, “Prior to construction, identify and flag trees meeting the definition of a legacy tree (refer to Chapter 6 – Glossary). Preserve these trees to the greatest extent practicable.” Therefore, the silvicultural team will inventory the entire project area again and flag trees for preservation prior to tree removal activities.

***14.11 Cutting old growth trees does not improve forest health, wildlife habitat, or fire resiliency or improve watershed health. Cutting down this important seed source is increasing impacts to the forest health. The National Environmental Policy Act (NEPA) regulations require agencies to specify the alternative, or alternatives which were considered to be environmentally preferable. [40 CFR 1505.2(b)] Forest Service policy (FSH 1909.15, Section 05) defines environmentally preferable as: “An alternative that best meets the goals of Section 101 of NEPA. Ordinarily this is the alternative that causes the least damage to the biological and physical environment and best protects, preserve, and enhances historic, cultural and natural resources.”***

The Record of Decision identifies the environmentally preferable alternative. None of the alternatives analyzed in the DEIS and FEIS improve forest health, fire resiliency or improve watershed health. The lynx Conservation Measures identified in the FEIS (p. 2-17) provide means to improve habitat connectivity and lynx habitat within the Swan River Lynx Analysis Unit.

***14.12 Old growth timberline spruce forests are considered by Colorado Natural Heritage Program a rare and imperiled natural community because of the limited habitat for this type of forest to subsist... Specific plant species exist in this forest because of required microhabitats with the combination of ideal growth conditions as soils, moisture, and exposure to sunlight. This type of forest was burned and destroyed on Peak 7 & Peak 10 historically. A USFS special use permit in the 1960’s destroyed more of this forest by clearing ski runs on Peak 8 and Peak 9 making the Peak 6 area even more important for this preserved habitat.***

Refer to Response to Comment #14.4 for information regarding the determination of old growth. For vegetation and forest health information and analysis, refer to sections 3G and 3J of the DEIS and FEIS.

***14.13 There are a few glaring holes in the DEIS; there is no analysis of the health and habitat of the forest generally, no analysis of the effects of the beetle infestation, or any analysis regarding global warming.***

The health and habitat of the forest are discussed in sections 3H Vegetation, 3I Wildlife and 3J Forest Health. The Forest Health section also analyzes effects of the mountain pine beetle epidemic. The EIS does not specifically address “global warming” however it analyzes greenhouse gas emissions that contribute to climate change.

## 15. WATER RESOURCES

### 15.1 *How will it affect our water in the long run and Barton Creek?*

The DEIS and FEIS provide a description of impacts to water resources in the Water Resources section. Impacts to Barton Gulch are summarized in the DEIS and FEIS (FEIS pp. 3-335 through 3-338), and a detailed discussion follows the summary.

### 15.2 *In Cucumber Creek, 0.9 acres would be cleared and 7.1 acres would be gladed in the WIZ, even though this watershed is in diminished condition for fine sediment and is at-risk for residual pool depth. DEIS at 3-352, 3-353. This would directly contrast the WCPH:*

*Allow no action that will cause long-term change to a lower stream health class in any stream reach. In degraded systems (that is At-risk or Diminished stream health class), progress toward robust stream health within the next plan period.*

*Allow no action that will cause long-term change away from desired condition in any riparian or wetland vegetation community. Consider management of stream temperature and large woody debris recruitment when determining desired vegetation community. In degraded systems, progress toward desired condition within the next plan period.*

This comment is in regards to Alternative 3. As stated on page 3-355 of the FEIS, mitigation measures (MM) for Alternative 3 were designed to “maintain or improve” stream health in accordance with WCPH MMs 1, 3, 5, and 8 along with Forest Plan Management Area 8.25 Standard 3. Refer to Chapter 2 or the Water Resources section of the DEIS and FEIS for specific mitigation measures developed under each alternative to meet WCPH MM.

### 15.3 *We wonder why BSR has not previously been required to apply remedial measures to reduce watershed impacts, given how severe they are. For example, in Jones Gulch, the stream network has been extended by 62.3 percent (DEIS at 3-331), and 41.9 percent has been graded (id. at 3-332). We believe mitigation for drainage and watershed should be required even with no expansion of the existing ski area. With any expansion, considerably greater remediation must be required, in order to offset impacts of the proposed expansion AND reduce existing impacts.*

Refer to response to comment #15.2 for mitigation required under the action alternatives. In addition, as identified in the Affected Environment and Cumulative Effects sections of Water Resources, a Mountain Drainage Plan has been developed identifying key drainage issues in each watershed and BSR and the Forest Service are working together to implement these projects to improve existing watershed conditions at BSR.

### 15.4 *The Forest Service’s Watershed Conservation Practices Handbook (WCPH) states: In each watershed containing a 3-rd (sic) order and larger stream, limit connected disturbed areas so the total stream network is not expanded by more than 10%. Progress toward zero connected disturbed area as much as practicable. Where it is impossible or impracticable to disconnect a particular connected disturbed area, minimize the areal extent of the individual connected disturbed area as much as practicable. In watersheds that contain stream reaches in diminished stream health class, allow only those actions that will maintain or reduce watershed-scale Connected Disturbed Area.*

*FSH 2509.25 (WCPH), section 11.1, design criterion 1a.*

*With the additional disturbance planned, in the form of cutting ski runs, grading some of them to achieve the desired slope, and installing lifts, the affected watersheds would not progress toward zero CDA under either of the action alternatives. Cucumber Creek is already in diminished condition for fine sediment and at-risk for residual pool depth. DEIS at 3-328, 3-329. Yet an additional 10.1 acres in this watershed would be cleared (DEIS at 3-340), with 1.7 acres of this occurring in the water influence zone (WIZ). Id. at 3-342. The proposed clearing, especially in the WIZ, would exacerbate the poor conditions.*

This comment is in regards to Alternative 2. The DEIS and FEIS (FEIS p. 3-350) include Proposed Drainage Management Measures within the Cucumber Creek Watershed to off-set the proposed impacts and maintain consistency with the WCPH.

**15.5** *Mitigation for the impacts of alternative 3 in Jones Gulch include “[r]estore hill slope and disconnect 14.3 acres of the Columbia and American ski runs” by routing the water in a drainage channel through a pipe. DEIS at 3-348. How could wide runs like these be “disconnected”? They would still drain water that would head for a water course somewhere. And how would the hill slope be restored to the point where it would significantly (and favorably) alter the drainage without significantly changing the ski runs?*

Ski trails can be disconnected by managing drainage to direct water away from stream channels. In addition, the water routed in the pipe would result in a detention pond that would remove sediment prior to re-entering the natural stream. Vegetation and slope contours where erosion has occurred would be restored on the hill slope, improving erosion problems. Refer to the discussion under Alternatives in the Water Resources section of the EIS for specific methods to disconnect connected disturbed areas of the resort.

**15.6** *Given the very high level of disturbance in this watershed [Jones Gulch], the 15 percent limit on areas with “detrimentally compacted, eroded, and displaced soil” may have already been reached. See WCPH at section 14.1. If this level has been reached, then no additional activities that would degrade soils could be allowed. See Soil Management Handbook, FSH 2509.18, R2 Supplement 2509.18-92-1, section 2.2.*

This comment is in regards to Alternative 3. Section 14.1 of the Water Conservation Practices Handbook states: “Soil quality standards are intended for areas where management prescriptions are being applied, such as timber harvest areas and range allotments. They are not intended to apply to administrative sites or other areas with dedicated uses such as the permanent transportation system, well pads or ski areas for example.” However, as stated in the DEIS and FEIS (FEIS p. 3-400), impacts to the soils resource will be minimized through the retention of stumps where appropriate, stockpiling and re-spreading topsoil and incorporation of organic amendments, avoidance of sensitive areas in the project design phase, utilization of sediment fencing, wattles, installation of cross slope drainage (i.e., water bars), and revegetation immediately following construction activities.

**15.7** *The analysis of water yield does not appear to include a discussion of the increase in streamflow and other impacts expected or already occurring from lodgepole pine mortality, combined with the increase associated with vegetation removal in the action alternatives. While this would not affect the project area very much, since most of the stands to be cut are dominated by spruce*

*and/or fir, it could affect water bodies downstream of the project area, because sediment and increased stream flow produced as a result of vegetation clearing and grading under the proposed action alternatives could be deposited in downstream reaches, where increased flows from the death of trees would occur, possibly causing a cumulative effect to streambank stability, fine sediment deposition, and residual pool depth. This would be a direct or indirect result of the project, and therefore it must be disclosed in the EIS.*

The Forest Service agrees with the commenter. As stated in the Water Resources section of the DEIS and FEIS (FEIS p. 3-352), additional MPB effects on water quality would be insignificant and undetectable because most of the Peak 6 project area is spruce-fir dominated. Although impacts to water resources from tree mortality due to the MPB epidemic are expected to occur under any of the project alternatives, recovery of affected areas would occur over time, thus reducing long-term watershed impacts.

**15.8** *Under alternative two, 69.3 acres would be cleared (DEIS at 3-340), with 4.7 acres of this in the WIZ (id at 3-343). A proposed trail would cross the main stem of South Barton Creek (ibid.). In at least this location, it would be impossible to construct water bars to direct flows away from the WIZ, resulting in more sediment-laden water being delivered to the stream.*

For clarification, as stated in the DEIS and FEIS (FEIS p. 3-348), grading would not occur within 200 feet of the stream channel. By eliminating grading adjacent the stream channel and designing mitigation measures (identified in the DEIS) to effectively disconnect the proposed graded areas from the channel network, CDA within the South Barton Gulch watershed would not increase with implementation of the Proposed Action.

**15.9** *There would be 13.9 additional acres cleared in Upper Lehman Gulch, with 1.0 acres in the WIZ (DEIS at 3-347), where 49 percent of the WIZ has already been impacted. Id. at 3-327. In Jones Gulch, an additional 5.4 acres would be cleared, with 0.12 acres in the WIZ, even though there is already more cleared area than remaining forest in this watershed (id. at 3-348), and 60 percent of the WIZ therein has already been impacted (id. at 3-327). These actions would again violate the WCP.*

This comment is in regards to Alternative 3. As stated in the DEIS and FEIS (FEIS p. 3-355), mitigation for tree removal within the Water Influence Zone (WIZ) would include felling trees into the intertrail islands that exist within the WIZ to improve large woody debris (LWD) density. In addition, branches that are cut would be scattered on trails or piled along the edge of ski runs. Implementation of these mitigation measures would be consistent with the management direction provided in the WCPH.

**15.10 The clearing in the WIZ would violate the WCPH: In the water influence zone next to perennial and intermittent streams, lakes, and wetlands, allow only those actions that maintain or improve long-term stream health and riparian ecosystem condition. FSH 2509.25, section 12.1. Also under alternative two, 13.4 acres of grading would be done. DEIS at 3-346. Even though none of this would supposedly be done within 200 feet of streams (ibid.), any grading increases the chances of soil erosion and the deposition of soil into streams. It is not sufficient to have no further increase in CDA, as the DEIS states would occur under alternative two with application of best management practices. DEIS at 3-343. Rather, the WCPH requires progress toward zero CDA.**

The WCPH (FSH 2509.25.10) states, “Progress toward zero connected disturbed area as much as practicable. Where it is impossible or impracticable to disconnect a particular connected disturbed area, minimize the areal extent of the individual connected disturbed area as much as practicable.” The ski trail that would cross South Barton is proposed with PDC that would meet this WCPH design measure. Graded areas of the proposed ski trail (outside 200 feet from the stream channel) would be topographically disconnected from surface water and would substantially reduce the potential for sedimentation of the stream channel. With the Mountain Drainage Plan at BSR, the Forest Service is consistently working with BSR to progress toward zero CDA on an annual basis, as much as practicable.

**15.11 There has been no mention in the EIS of spilled fuels merging into the ground water from snowcats or equipment.**

Thank you for your comment. Best Management Practices included in BSR’s Winter and Summer Operating Plans ensure that potential fuel spills are minimized. In addition, BSR’s Spill Pollution Prevention Plan addresses the fuels concern.

**15.12 We understand that some clearing of vegetation may occur adjacent to streams during ski slope construction. We recommend avoiding aquatic resources that are considered “difficult to replace” under EPA’s and the U.S. Army Corps of Engineers’ Final Rule for Mitigation for Losses of Aquatic Resources 133 CFR Parts 325 and 332; 40 CFR Part 230 (73 FR 19594, April 10, 2008)]. The rule emphasizes the need to avoid and minimize impacts to these ‘difficult-to-replace’ resources (i.e., fens and streams) and requires that any compensation be provided by in-kind preservation, rehabilitation, or enhancement to the extent practicable.**

Thank you for your comment, Forest Service standards and guidelines also encourage avoidance and minimization of impacts to difficult to replace resources. Refer to the Water Resources and Wetlands sections of the FEIS for a discussion of impacts and mitigation for these resources.

**15.13 It appears that the preferred alternative would include the connection of utilities to a mid-station guest services facility. We recommend that the FEIS disclose surface disturbance impacts related to installation of this system including: the location and amount of pipe proposed in wetlands (if applicable); width and depth of the necessary trenches; location on which the soil from the trench would be temporarily stored; amount of wetland soil compaction expected from related installation equipment; and identification of fill material that would be placed in the trench to promote drainage.**

The DEIS and FEIS include the temporary surface disturbance related to installation of a buried power line (no pipeline) to the junction of the Peak 6 lifts. The temporary wetland impacts associated with the

crossing of Cucumber Creek would be less than 0.1 acre as disclosed in the DEIS and FEIS (FEIS p. 3-373). BSR would use equipment in this wetland location that can bury the power line while minimizing the amount of material sidecast; an open trench would not be necessary. Crossing of the wetland with equipment at this location of Cucumber Creek would not be necessary due to dual access from each side of Cucumber Creek. Fill material would not be necessary for the burial of the power line.

***15.14 Water Quality Data: In addition to the physical and biological data examined in the Stream Health evaluation, analysis of baseline water quality data is critical given the numerous streams in the project area, as well as downstream waters which are tributary to the Blue River and Dillon Reservoir. These tributaries are included on the State's list of Clean Water Act Section 303(d) impaired waterbodies. To provide a baseline for future monitoring of impacts and evaluating of potential influence on downstream water quality, we recommend the Final EIS (FEIS) provide a summary of available monitoring data on water quality for the project area. Critical parameters include heavy metals and nutrients. Cadmium and zinc, in particular, may be of concern in downstream waters. In addition, nutrients are of interest given that State control regulations are in place to control nutrient loading to Blue River and Dillon Reservoir. Identification of any significant gaps in data also would be a valuable addition to the Stream Health evaluation and may be helpful in developing the project monitoring plan. Finally, we recommend that mitigation or restoration activities be included to reduce existing sources of pollution and to offset or compensate for pollutants generated.***

The FEIS has been updated with information regarding monitoring data for cadmium and zinc. A monitoring requirement has been included in the FEIS to measure for increased levels of cadmium and zinc in Cucumber Creek and South Barton drainages.

***15.15 The Blue River does not have the capacity or flow to support additional snow making at Peak 6 without severely impacting aquatic habitat.***

The Proposed Action does not include additional snowmaking. Alternative 3 includes approximately 40 acres of additional snowmaking coverage and diverting approximately 30 acre feet of additional Blue River water. BSR's water rights and diversion records indicate that BSR could take additional water from the Blue River to support Alternative 3, while meeting the minimum instream flow. This information is summarized in the DEIS and FEIS (FEIS p. 3-326).

***15.16 Alternative 3 requires making snow, which could require additional water at a time when our state is struggling for the precious resource.***

Refer to Response to Comment #15.15.

***15.17 The proposed action includes construction roads that cross several streams (South Barton Creek is the major one and several of its tributaries will be crossed as well). The statement that it doesn't is FALSE.***

The Proposed Action does not include the construction of roads that cross streams. Implementation of the Proposed Action would utilize existing roads with existing culverted stream crossings. The FEIS (p. 2-7) has been modified to say, "the Proposed Action could be constructed without a new stream crossing."

**15.18** *The effectiveness of the proposed drainage management measures listed at DEIS p. 3-344 is questionable. As stated above, for creek crossings, water bars could not be constructed in a way that would direct water away from the creeks. It might be difficult to do so for any water bars, as they would direct water downhill, i. e., toward the nearest water course. Installing straw bales may help reduce sediment, but in big runoff years like the current one, such features would be overwhelmed. With the difficulty of revegetation at high altitude (see DEIS at 3-390 and section VII below), it is likely that the areas cleared within the WIZ and the areas graded anywhere will continue to direct sediment-laden flow into streams.*

Drainage management strategies, similar to those presented in the DEIS and FEIS (FEIS p. 3-350), have been implemented in similar situations on the WRNF. The goal is to move the runoff via a waterbar to a heavily vegetated/forested zone, which is not in direct connection to a stream channel. The runoff would absorb in the vegetated/forested area and sedimentation would not reach a stream channel.

**15.19** *Alternative three would exacerbate the existing damaged condition in several watersheds. That is not acceptable. The proposed mitigation would help, but it would not be sufficient to reduce the damage to an acceptable level.*

*The action alternatives could also violate a State regulation for sediment:*

*Surface waters shall be free from substances attributable to human caused point source or nonpoint source discharge in amounts, concentrations or combinations which... can settle to form bottom deposits detrimental to the beneficial uses.*

*5CCR 1002-31.11. See also the State's Sediment Policy, CDPHE, 2005, which is likely applicable here. All of the streams in question are classified by the State of Colorado as Aquatic Life Cold 1, Recreation E, Water Supply, and Agriculture. We find no analysis in the DEIS of compliance with State standards and uses. This analysis is necessary to ensure that the action alternatives would comply with the Clean Water Act.*

Alternative 3 includes mitigation measures that would maintain stream health metrics, including sediment. As disclosed in the DEIS and FEIS in the Water Resources analysis, the action alternatives would comply with the Clean Water Act and the Watershed Conservation Practices Handbook.

## 16. WETLANDS

***16.1 We find no discussion in the DEIS of whether the wetlands are jurisdictional and whether or not a permit would be needed for their destruction.***

The DEIS and FEIS (FEIS p. 3-368) provide a discussion of jurisdictional and non-jurisdictional (isolated) wetlands within the project area. Additionally, the DEIS and FEIS (FEIS p. 1-22) provide a list of other necessary permits which includes a U.S. Army Corps of Engineers, Section 404 of the Clean Water Act Permit. Wetland impacts of Alternatives 2 and 3 are disclosed in the Waters of the U.S., including Wetlands section of the DEIS and FEIS. Wetland impacts would necessitate requisite permitting with the U.S. Army Corps of Engineers. Impacts may be permissible under Nationwide Permit authorization; however, an application would be prepared for and reviewed by the U.S. Army Corps of Engineers prior to ultimate authorization. Only Alternative 3 has permanent impacts associated with the project which would require mitigation. If Alternative 3, with the wetland impacts from the grading Sawmill, is approved, necessary mitigation would be determined during the 404 permitting process and prior to taking the wetland impacts in accordance with section 404 of the Clean Water Act.

***16.2 Given that development of the ski resort and the surrounding area has resulted in a “dramatic decrease of wetland acreages in the Blue River Watershed” (DEIS at 3-370), any further loss is unacceptable.***

The DEIS and FEIS (FEIS p. 3-377) discloses the cumulative effects of the action alternatives to waters of the U.S., including wetlands. As stated in Response to Comment #16.1 any permanent impacts to wetlands would be mitigated in accordance with Section 404 of the Clean Water Act.

***16.3 Wetlands: We appreciate the inclusion of Project Design Criteria (PDC) and Best Management Practices (BMPs) to protect sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. The DEIS notes that project design modifications were made to avoid wetlands; therefore, there are no permanent impacts and negligible temporary impacts to these areas. However, from EPA’s site visit with you in July, it appears that adverse impacts to adjacent wetland hydrology are likely due to cut and fill slopes associated with the top terminal lift construction under Alternative 3. Accordingly, we recommend impacts to wetlands be more fully evaluated for Alternative 3 and disclosed in the FEIS to include permanent, indirect impacts to supporting wetlands hydrology resulting from construction activities. We recommend expanding the PDCs and BMPs to ensure that wetlands are protected to the greatest extent possible. Such measures may include the following: • Re-vegetate with removed shrubs and mats of herbaceous cover (carefully stockpiled on-site) and appropriate high altitude wetland seed species as soon as possible after the disturbance. Monitor for five years to ensure successful re-vegetation of any impacted montane wetland areas. • Use bulkheads/box structures to minimize disturbance area from side casting and trench width. • Use fabric or hay layers to protect existing vegetation from stockpiled dredged material and to mark existing contours.***

The FEIS has been updated (p. 3-376) to include a quantification of permanent, indirect wetland impacts associated with the construction of the top terminal for the Peak 6½ lift in Alternative 3. Also, the FEIS has been updated (p. 2-27) to include the recommended PDCs.

***16.4 Both of the DEIS Action Alternatives describe temporary effects to wetlands. However, the DEIS does not describe mitigation measures to minimize or mitigate effects to wetlands. The document should describe the measures, taken by the Forest Service, to repair the damage associated with temporary impacts. In addition, Alternative 3 describes permanent impacts to wetlands, without a description of avoidance or mitigation measures. We recommend that the Forest Service closely coordinate with the US Army Corps of Engineers to appropriately mitigate all unavoidable impacts consistent with the CEQ regulations (stated above).***

The DEIS and FEIS include PDCs to minimize and mitigate temporary impacts to wetlands. Avoidance and minimization efforts for Alternative 3 are disclosed in the DEIS and FEIS (FEIS p. 3-374). Mitigation for permanent impacts would be required. Refer to response to comment #16.1 for information on mitigating permanent impacts.

***16.5 The power line may avoid wetlands above the mid station but it crosses Cucumber Creek below it.***

The commenter is correct, as stated on page 3-373 of the FEIS, “The power line would cross Cucumber Creek where it flows through an abutting wetland. Temporary wetland impacts at this location would be less than 0.1 acre. If it is deemed appropriate at this location, the power line may be bored under the stream channel and wetland to avoid temporary impacts. Due to the minor extent and temporary nature of the crossing, impacts to wetlands would be negligible and would be restored.”

## 17. AIR QUALITY

### *17.1 What is the effect of the pollution associated with the nonmoving vehicles?*

Nonmoving vehicles contribute to GHG emissions. The Air Quality section of the EIS modeled emissions by vehicle miles per gallon (mpg), because the traffic analysis found that the level of congestion would remain similar to existing conditions, no additional congestion—or vehicle stoppage time—is anticipated.

### *17.2 We are pleased that the DEIS provides a qualitative discussion and some data regarding existing ambient air quality in the area. To more fully characterize baseline conditions, we recommend that the FEIS also include the following: identification of sensitive receptors (such as population centers and Class I and Sensitive Class II areas in the vicinity); identification of lakes and streams in the area sensitive to acid deposition effects; and additional ambient air quality data including air quality trends at the nearby Class I areas over the past several years. Such data are readily available from the Colorado Department of Public Health and Environment (CDPHE) and/or the EPA AirExplorer web site (<http://www.epa.gov/airexplorer>). Information regarding current conditions will be an important tool for monitoring the impacts of the various project activities implemented in the future.*

Class I airsheds are identified in the in the Air Quality section of the DEIS and FEIS (FEIS p. 3-381). The DEIS and FEIS state, “Average wind direction as measured at BSR is predominantly from the west and it is unlikely that any emissions generated directly or indirectly by BSR’s operations currently affect the Eagle’s Nest or Rocky Mountain National Park Class 1 Areas (Maroon Bells Snowmass Wilderness area is approximately 50 miles west of BSR).” For this reason, the DEIS and FEIS do not provide baseline information for these Class I airsheds, nor does the DEIS or FEIS provide an impact analysis to these Class I airsheds; no impact is anticipated. The project file also contains a Class 1 airshed map. The Affected Environment section includes a description of existing air quality as it pertains to the Peak 6 EIS. The Forest Service did not identify lakes or streams in the DEIS and FEIS sensitive to acid deposition effects. The DEIS and FEIS determined that based on the project components and their likelihood to deliver proximate air quality effects, no long-term effects to air quality in the Summit County basin are expected to be measureable. Alternatives 2 and 3 are not anticipated to result in violations of state or federal air pollution control laws and regulations or to have an appreciable effect on air quality.

### *17.3 Emissions Inventory: The DEIS notes that no long-term air quality impacts are expected as a result of the proposed project and short-term impacts such as fugitive dust would be addressed through BMPs for dust control. We recommend the FEIS include an emissions inventory of predicted emissions that may result under the various alternatives so the decision-maker and the public can better understand the magnitude (large or small) of air quality impacts resulting from project construction activities and any increased traffic resulting from project build-out. We note that the Traffic, Parking and Ski Area Access analysis addresses traffic volume, but the Air Quality analysis does not quantify associated emissions. We suggest expanding the analysis to include a discussion of likely vehicle miles traveled associated with increased visitor capacity, as well as the related mobile source emissions inventory. We recommend estimating mobile source emissions with EPA’s MOVES2010a mobile sources emission model and re-entrained road dust emissions with use of EPA’s Compilation of Air Pollutant Emission Factors (AP-42). If total*

***emissions are substantial, then an air impact analysis presenting direct, indirect, and cumulative impacts on sensitive receptors would be a reasonable next step.***

The alternatives discussions in the DEIS and FEIS (FEIS pp. 3-381, 3-382 and 3-384) compare predicted long-term air quality emissions as a result of skier visitation increases under each alternative. Emissions impacts are based on EPA's Greenhouse Gas Equivalencies Calculator found at <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>. The Forest Service determined that due to the project area not being located in a non-attainment area, the FEIS would not be updated to utilize EPA's MOVES2010a (or MOVES2010b as requested in a follow-up discussion with the EPA). The model was modified to apply to this site-specific project and anticipated vehicle miles traveled by BSR day and destination guests. The quantification of emissions, including vehicle miles travelled is found in the Administrative Record. In addition, short-term construction related emission have also been quantified in the DEIS and FEIS. The modeling results disclosed in the DEIS and FEIS allows the decision maker to compare emissions from increased mobile sources under the No Action, Alternative 2 and Alternative 3.

***17.4 We support the PDCs and BMPs related to traffic, parking, and dust control. To reduce air quality impacts, we recommend consideration of additional measures including the following: expand free shuttle services for skiers and workers; prohibit unnecessary idling of construction vehicles; use low-sulfur or alternative fuels in construction vehicles; and require prompt re-vegetation of disturbed areas and monitoring for five years to ensure success.***

The FEIS has been updated to include a PDC in Table 2-4, "The Forest Service encourages the expansion of the free shuttle service for skiers and workers" and, "The Forest Service encourages the use of low-sulfur or alternative fuels in construction vehicles," but the Forest Service will not make these a requirement of a decision. The PDC to "prohibit unnecessary idling of construction vehicles" has been added to the Table 2-4 in Chapter 2 of the FEIS. Finally, prompt revegetation was already included in Table 2-4. Table 2-4 of the FEIS has been updated to state, "Prior to ground-disturbing activities, BSR must submit a Re-vegetation Plan for review and approval by the Forest Service" and "BSR must provide the Forest Service with annual re-vegetation monitoring reports detailing the successful or unsuccessful re-establishment of vegetation on all disturbed areas. BSR will submit annual re-vegetation monitoring reports for a duration of at least five years subsequent to ground disturbing activities in an area or until the annual re-vegetation monitoring report determines successful re-vegetation has been achieved within an area. This plan must identify a methodology for determining success criteria that would be, at a minimum, consistent with the Forest Plan requirements."

Success of PDC would be monitoring by BSR and Forest Service personnel.

***17.5 Visitation rate assumptions must be adequately explained and justified given the associated implications for resource impacts. The DEIS indicates that the proposed project would not result in an increase in annual visitation beyond a Forest-wide projection of a 2% growth rate annually, as determined by population growth and consistent with past average annual growth at BSR. Further, the DEIS notes that peak day visitation would not increase, but there could be an increase in the number of peak days per season. If the proposed expansion could attract additional visitors beyond the Forest-wide projection described in the DEIS, then more skiers and related daily vehicle trips could potentially result in more resource impacts. We recommend that the FEIS expand discussion on the USFS rationale that the addition of terrain, lift and guest facilities would not result in increases in peak day visitation or in annual visitation (beyond the Forest-wide projection based on population growth).***

Refer to growth rate discussions under Population and The Economy in the Social and Economic Resources section of the DEIS and FEIS for a description of annual skier growth. Also refer to the Purpose and Need section of this Response to Comments for additional discussion of annual growth rates and the lift and terrain. A visitation management conservation measure has been included in Chapter 2 of the FEIS.

## 18. GEOLOGY AND SOILS

*18.1 How can the Forest Service even consider an alternative that includes this much manipulation of soils in unstable areas? The potential for serious, and possibly permanent, impacts to soils and watersheds would be quite high. It might violate the National Forest Management Act, which requires that timber can be harvested only where “soil, slope, or other watershed conditions will not be irreversibly damaged”. 16 U.S.C 1604(g)(1)(E)(i).*

The DEIS and FEIS (FEIS p. 3-400) indicates that the effects of soil movement and loss would be primarily temporary in nature and minimized by design components such as spot grading, leaving stumps in sensitive areas such as wetlands and adjacent streams, minimizing new road construction, stock piling and re-spreading topsoil, surface netting and mulch applications, proper timing of soil disturbance, and sub-soiling or scarification of compacted soils, the Action Alternatives are not anticipated to result in significant long-term impacts. No timber harvest is planned within any of the project areas.

## 19. CUMULATIVE EFFECTS

**19.1** *Despite Breckenridge Nordic Center having a draft master Plan for their proposed development on all the land adjacent to this proposed action, there is no analysis on how these two projects will work together or how this impacts Forest Health, wildlife habitat, recreation, etc.*

The Forest Service has not received a Master Plan from the Breckenridge Nordic Center for review and consideration. Therefore, it is speculative to consider cumulative effects of a new master plan.

**19.2** *Peak 6 is totally unique to the rest of the southern Tenmile Range. There are no roads, trails, few humans. Trailheads and non-downhill recreation both winter and summer are already too busy and overused, but the DEIS does nothing to address the cumulative impact we will have from being displaced from our current trailheads and now Peak 6. Non-downhill activity is growing at a faster rate than downhill.*

The DEIS and FEIS disclose the direct, indirect and cumulative effects of the Proposed Action on the recreation resource.

**19.3** *The Forest Service has not addressed cumulative impacts to the busiest national forest in the U. S. What happens to traffic, recreation, and trail use when more people stress an already overburdened community infrastructure? If “non-downhill” skiing is growing faster than downhill skiing, why was no mitigation offered to backcountry skiers who would now lose one of the few areas in Summit County that is not very prone to avalanche activity? And why were no efforts made to add new backcountry gates, parking, and protection of other threatened backcountry areas?*

Peak 6 is allocated in the current Forest Plan as Management Area 8.25 – Ski Areas (Existing and Potential). The impacts to the backcountry terrain and experience are disclosed in the DEIS and FEIS. The Forest Service would consider the potential for additional backcountry access points to be located along the northern boundary of the proposed operational boundary.

**19.4** *DEIS Chapter 1, Section C lists eight environmental reviews related to or influencing the management of the Breckenridge Ski Resort (BSR) that occurred between 1994 and 2005. Of those documents, the six directly tied to BSR received a “Finding of No Significant Impact.” At what point does “Finding of No Significant Impact” repeatedly over time develop into a cumulative impact, and has that possibility been evaluated within this DEIS? Those past documents need to be addressed within the context of the current proposal.*

The past approvals at BSR are analyzed cumulatively in the various resources sections. Many of those project components are a part of the new environmental baseline; therefore, the effects are considered against Forest Plan standards and guidelines.

**19.5** *From what I've heard the responses in the DEIS to issues such as forest health, traffic, recreation, backcountry skiing, wildlife - were mostly dismissed with little analysis and with statements like, "Some people will not like the removal of spruce fir trees for this expansion." Well that doesn't cut it. You are required to research the cumulative impacts and they also go a little further than just the boundary of Peak 6.*

What the commenter has quoted is the Quality of Life section of the DEIS at it relates to how some people may value different resources the study area provides. As the title of the section implies, the analysis is qualitative in nature. The quantitative analysis, including cumulative effects, for forest health, traffic, recreation, backcountry skiing and wildlife is presented in the different sections of the DEIS and FEIS.

**19.6** *The Peak 6 expansion proposal needs to be considered in the context of total impact of all the various users on this part of the White River Forest.*

The DEIS and FEIS analyze Direct, Indirect and Cumulative impacts of resources and issues identified during the scoping process. If a user group would be affected by Alternative 2 or 3, the user group was considered part of the scope of the analysis and was analyzed. Conversely, if the Forest Service determined a user group is beyond the scope of the analysis, that group was not considered in detail.

## 20. INVENTORIED ROADLESS AREAS

**20.1** *The Ten Mile Roadless Area must be restored to its original, intended size, to include all the land that is currently roadless on the east side of the Ten Mile Range and north of the existing ski area. The Forest Plan should be amended accordingly.*

The project area is not designated as “roadless” as stated in Appendix C of the DEIS and FEIS (FEIS p. C-7). This comment is beyond the scope of this analysis.

**20.2** *This area is also roadless. It should be in the Ten Mile Roadless Area (RA), as it once was intended to be, but it appears to have been removed from roadless, likely illegally, in the Forest Plan to cater to the desires of BSR. See our scoping comments on Peak 6, dated February 11, 2008, at section II B. These comments, as applicable, are hereby incorporated by reference in their entirety. In the latest version of the Colorado Roadless Rule, this RA was reduced even further in size. See Rulemaking for Colorado Roadless Areas, Revised DEIS at A-11 versus A-20.*

Refer to Response to Comment #20.1. In addition, comments regarding the Colorado Roadless Rule, and the process to authorize roadless areas, are beyond the scope of this analysis.

## 21. FOREST PLAN

**21.1** *It is entirely appropriate for the Forest Service to permit the ski area to expand within its existing permit area to serve the large numbers of visitors who choose to recreate on the White River National Forest. Ski areas located on the National Forest System host roughly 20% of all recreation visits to the National Forests annually yet ski areas occupy less than one tenth of one percent of all National Forest System lands and help fulfill the important mission of recreation on the Forest.*

The 2002 Forest Plan identified lands appropriate for ski areas as Management Area 8.25 – Ski Areas (Existing and Potential). The Proposed Action project area is within Management Area 8.25 and BSR’s Special Use Permit area. In addition, the 2002 Forest Plan articulates the partnership between the USDA Forest Service and the ski industry to achieve common goals of alpine recreation.

**21.2** *The 2002 Forest Plan should be updated prior to any significant expansion.*

Updating the 2002 Forest Plan is beyond the scope of this Peak 6 analysis.

**21.3** *When BSR was given Peak 6 as part of their future expansion possibilities (wasn’t this in 1999?) no one thought to discuss all the issues that have arisen since then; the growing popularity of backcountry skiing; a bad economy means more folks looking for alternatives to downhill skiing; mountain pine beetle and climate change.*

The 2002 Forest Plan programmatically allocated the proposed project area as Management Area 8.25. BSR’s SUP boundary was adjusted to reflect the 8.25 Management Area. The DEIS and FEIS include the site-specific analysis of backcountry skiing, the economy and mountain pine beetle. The DEIS and FEIS do not specifically address “climate change” however it analyzes greenhouse gas emissions that contribute to climate change.

**21.4** *Just because Peak 6 falls within the 2002 Forest Plan’s 8.25 prescription, does this mean that nine years later this prescription still makes sense given all that has changed since then?*

Please refer to Response to Comment #21.2. The DEIS and FEIS include a Forest Plan Consistency Analysis and discloses where the projects and anticipated impacts are consistent and/or inconsistent. The Purpose and Need for the action was also analyzed in the DEIS and FEIS to determine the effectiveness of the action versus the desired outcome. The Decision Maker will evaluate the analysis in determining a decision.

**21.5** *If the land has already been designated for the use of skiing and snowboarding, then it seems asinine that the resort could potentially be denied the opportunity to develop land that has already been designated for this use. After learning that the White River National Forest is over 2.2 million acres, I feel that the impact of expanding a mere 550 acres (or 2 tenths of a percent) is minimal considering the vast size of the forest.*

Refer to Response to Comment #21.1.

## 22. USFS ADMINISTRATION

**22.1** *The access to the Tailor Lode may appropriately be considered in connection with “Construction Practices” (e.g., page 2-5 of the DEIS), “Traffic and Parking” (e.g., page 3-16 of the DEIS), “Past, Present and Reasonably Foreseeable Future Projects” (e.g., page 3-24 of the DEIS), “Traffic, Parking and Ski Area Access” (e.g., pages 3-104 to 3-106 of the DEIS), “Ski Area Access” (page 119, apparently intended to be 3-119, of the DEIS). Because of the long term, if not permanent, commitment of routes which offer alternatives to the RS-2477 public road referred to above, and the certain conflict between proposed ski terrain and any route leading to the Tailor Lode, the Peak 6 Project, as proposed, would, in fact, constitute an “irreversible and/or irretrievable commitment of social or economic resources” which the DEIS indicates has not been identified in connection with any of the alternatives analyzed in that document. (DEIS, page 3-187).*

The Forest Service can only meaningfully evaluate proposed projects from a reasonably foreseeable cumulative effects standpoint. However, for disclosure purposes, the Tailor Lode is included in the FEIS from a summary and public information perspective. The Tailor Lode has been added as a reasonably foreseeable future action to Appendix A of the FEIS, and analyzed in the appropriate sections of the FEIS. A decision for the BSR Peak 6 project does not preclude a future decision concerning the Tailor Lode access; therefore, it does not constitute an irreversible or irretrievable commitment of resources.

**22.2** *The DEIS indicates that the analysis of whether the Project alternatives comply with the Management Plan is found in Appendix B (DEIS, page 1-2). At page B-31 of Appendix B, the DEIS indicates that all three alternatives are “consistent” with the “valid outstanding rights that may conflict with the occupancy and use of corridors” However, the DEIS has failed to deal in any manner with the pre-existing requirement for recognition of legitimate access to the Tailor Lode under RS-2477 or under any other more desirable routing...the Draft Environmental Impact Statement does not address the need for access to the Tailor Lode or the conflict between the encircling nature of the Peak 6 Project and the fact that permitting that Project as currently proposed would prevent access to the Tailor Lode, absent some provision dealing with the apparent conflict in historic and required use contrasted to the proposed use. The Project should not be permitted to go forward until and unless the conflict posed by the need for access to the Tailor Lode is resolved.*

The Forest Plan standard states “Consider the valid outstanding rights that may conflict with the occupancy and use of corridors.” Outstanding rights for occupancy and use of corridors were considered in conjunction with the alternatives. At the time of the DEIS and FEIS, a formal proposal and draft SF 299 Application was presented by the owner/proponent of the Tailor Lode to the Forest Service for consideration.

In recognition of the Alaska National Interest Lands Conservation Act (ANILCA) status of the project, need for access to private lands, and potential pre-existing rights, the Forest Service reviewed the proposal for compliance to both initial and second-level screening for accepting a special use permit application, established in 36 CFR 251.54(e). The proposal passed eight of the nine initial screening criteria, and there was insufficient information to address one of the second level criteria. Specifically, the proposal did not clarify how the project would not unreasonably conflict or interfere with administrative

uses of the Forest Service or with other scheduled or authorized existing uses on or adjacent to National Forest System lands (Initial Screen Criteria #5) and determine any technical and financial capability requirements for development or operation of the project and whether the proposed project is economically feasible (Second-Level Screen Criteria #5). In addition, the Forest Service facilitated two separate meetings on November 21, 2011, between the proponent, BSR and Breckenridge Nordic Center to informally discuss potential conflicts, issues and opportunities with the proposed access to the Tailor Lode. In the spring 2012 the proponent was notified that the special use permit application cannot be accepted for further processing and the next step in the process is for the proponent to communicate directly with Breckenridge Nordic Center and BSR to clarify their comments and gather additional information as necessary to address the preliminary issues and concerns and screening criteria mentioned above.

Therefore, the official and specific need for access is as yet unclear to the Forest Service and the special use permit application for any access to the Tailor Lode has not been accepted. The Forest Service can only meaningfully evaluate proposed projects from a reasonably foreseeable cumulative effects standpoint. However, for disclosure purposes, the Tailor Lode is included in the FEIS from summary and public information perspective.

**22.3 *There appears to be nothing in the DEIS which recognizes the right to or need for access to the Tailor Lode or which suggests that a right, need or requirement for documented and confirmed access will be considered in the approval process for the Project. It should be emphasized that Mr. Sasick does not wish to have access to the Tailor Lode interfere with any active ski terrain within the Peak 6 Project, if that Project is approved. Further, because the proposed ski terrain would encircle the Tailor Lode, the approval of the Project as currently under consideration would effectively isolate the Tailor Lode, preventing use of either the historic access route or any alternative access route which would have less impact on USFS property. This conflict may be dealt with in ways which the proponent of the Project has handled similar problems elsewhere (such as overpasses and underpasses), but, absent consideration of this issue, there is no assurance, or even any indication, that the challenge will be appropriately addressed.***

Refer to Response to Comment #22.2.

**22.4 *The Breckenridge Town Council respectfully requests that the public comment period extension to the Draft Environmental Impact Statement for the Breckenridge Ski Resort proposed Peak 6 Project be extended until August 26, 2011.***

The public comment period for the DEIS was extended until August 26, 2011, to allow adequate time for review of the DEIS and development of meaningful comments.

**22.5 *Should Peak 6 be developed by BSR, users will be forced to purchase a lift ticket to use OUR National Forest. The National Forest is for all users, not just those who can afford nearly \$100 a day to enjoy it.***

The Forest Service does not regulate ticket pricing of permittees.

**22.6** *BSR is a corporation and as such, allows access to our National Forest STRICTLY based on shareholder value rather than desired use. As you know, BSR shuts down operations nearly 4 weeks prior to the realistic season could be.*

The length of the ski season is documented each year in the Annual Operating Plan. Opening and closing dates can and have been adjusted to respond to winter conditions.

**22.7** *Alternative 2 and 3 are inconsistent with the goals of the Forest Service as stated by the Chief.*

Please refer to the Forest Plan Consistency Analysis in Appendix B of the DEIS and FEIS.

## 23. NEPA PROCESS

**23.1 *There are at least two studies that I am aware of that should be concluded, and then those conclusions be made a part of the DEIS: the Canadian Lynx study, and the New Nordic World Master Draft Plan.***

Regarding the lynx study, refer to Response to Comment #13.12 and 13.14. The New Nordic Work Master Plan has not been provided to the Forest Service for review. Therefore, the Forest Service cannot consider this plan from a cumulative effects perspective. The Forest Service determined to proceed with the BSR EIS process without the New Nordic World Master Plan.

**23.2 *Rocky Mountain Wild (RMW) and others have repeatedly asked, via a Freedom of Information Act request, for data on how often the Imperial Lift has been shut down since it first went into operation. The Forest Service so far has not provided this information, even though the request was submitted on June 21, 2011 (under the name “Colorado Wild, which is now RMW). Therefore, RMW reserves the right to supplement our comments on this issue and others where we have not received requested information if the Forest Service ever complies with the law and fulfills this request.***

The Forest Service received the Freedom of Information Act request from Colorado Wild (now Rocky Mountain Wild), dated June 21, 2011. In the correspondence from the Forest Service back to Colorado Wild, dated October 3, 2011, the Forest Service stated, “On August 19, 2011, the WRNF informed you via e-mail that documents responsive to item numbers 1, 2, 6, 7, and 8 was been posted to an ftp site (242 documents totaling 50.9 MB of data) for your access and review. In the WRNF’s response letter they let you know that records responsive to items 3, 4, 5 and 9 were referred to the Rocky Mountain Regional Office for release determination review. The WRNF does not have records that would be able to specifically answer items 4 and 9.” Item 9 is data regarding skier usage and operational days of Imperial lift since its construction. Since the transmittal of data to Rocky Mountain Wild, the Forest Service requested BSR to provide operational data for Imperial Express. Operational data for Imperial Express indicates that the lift operates approximately 95 percent of its operational capacity. In other words, when the lift can and should be operating, it runs approximately 95 percent of the time. The 5 percent when the lift is not running includes, among other things, wind events.

**23.3 *What happened to the Democratic process? Why does one person get to make this decision? Can’t the town vote to get a majority decision? We are the ones who will ultimately be affected by this decision on a daily basis and also help pay the salaries of people like yourself. If the majority of the vote says expand, then so be it.***

The lands that BSR operates on are managed by the USDA Forest Service. The Forest Service manages these lands in accordance with the National Forest Management Act. The National Environmental Policy Act directs the federal government how to analyze actions on federal lands. This EIS process has been conducted consistent with federal law.

**23.4 *Peak 5 is incorrectly labeled on all the maps in this DEIS, at least according to the USGS map which calls Peak 5 the point 12,855. It is not point 12,790 (3-44).***

This label on the DEIS figures was referencing the area so that it would be visible within the map extent. The FEIS has been updated to more accurately label Peak 5.