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20060062

Ref: 8EPR-N

MAY 4 2006

Maribeth Gufstafson, Forest Supervisor
c/o Joe Foreman
Dillon Ranger District
P.O. Box 620
Silverthorne, Colorado 80498-0620

RE: Copper Mountain Trails and Facilities Improvements - Final EIS

Dear Ms. Gufstafson:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Copper Mountain Improvement Plan Final Environmental Impact Statement (FEIS) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Our review of this document is primarily focused on the issues raised in EPA's comment letter (9/22/03) regarding the Draft EIS, and on the response to those comments in the FEIS.

Water Quality, Water Quantity and Aquatic Habitat

EPA appreciates the thoughtful responses to our questions and concerns on water quality, water quantity and aquatic habitat resources. Between the Draft and Final EISs, the USFS and CMR collected additional data and ran analyses to address most issues identified with these resources. As a result, the project includes a more detailed mitigation plan and, hopefully, more effective mitigation for impacts to these resources.

Our overall impression is that the snowmaking system for this project includes extensive effort to avoid impacts to the most sensitive resources. The analysis of potentially affected resources for snowmaking was exemplary, and that amount of detail was prerequisite for designing a system that minimizes effects to those resources. The detailed analysis allows some confidence that unanticipated impacts during implementation will be minimal. Again, for a snowmaking project of significant scale, this analysis is exemplary *and* necessary to designing a project that avoids and minimizes environmental impact.

Wetlands

Given the amount of wetland present on Copper Mountain, the USFS did a very good job of limiting wetland impacts while expanding snowmaking coverage by 40 percent, and adding a number of new trails. It is our understanding that no utility trenching will occur in fen wetlands and that the 6.4 acres of utility trench in wetlands will include clay plugs to prevent drainage of

the wetland. We are very pleased with both the USFS and CMR for taking sometimes difficult or expensive steps to avoid impacts to irreplaceable fen wetlands in particular.

Some of EPA's specific recommendations for wetland mitigation and monitoring were not addressed in the response to comments, and were not found in the mitigation and monitoring plan in the ROD. As we stated in comments on the DEIS, we believe that mitigation of impacts to wetlands from trenching and other ground disturbance has limited effectiveness. It is therefore important to monitor the effectiveness of trench plugs, vegetation re-establishment and other mitigation measures. Mitigation that is not performing should be repaired or the wetland loss should be compensated.

Visitation

The FEIS does not make a strong case regarding the need for the new Tucker Mountain Lift which provides additional high-alpine expert terrain (double black diamond). This lift will expand the developed footprint of the resort and will adversely affect wildlife (FEIS Chapter 4). Sixty two percent of the runs at Copper Mountain are classified as either advanced or expert terrain. We found no information indicating crowded conditions (either currently or predicted) on the existing advanced and expert terrain. To the contrary, one of the stated purposes for this proposed action is to encourage utilization of terrain that is "underutilized" (p. 1-3). The FEIS argues (p. D-7 Response to Comment 12) that because skiers must hike to Tucker Mountain in order to ski it, that the mountain is "underserved" and therefore requires a lift. This is not a healthy precedent for future ski area planning since all non-lift served slopes that are currently skied would be defined as underserved. The USFS has typically argued that new lift-served terrain is needed due to high skier density resulting in unsafe conditions on existing terrain. This is the first time we've noted an argument that new lift-served terrain is needed because utilization is too low.

The FEIS makes a more compelling argument that upgrading the Alpine lift will relieve pressure from the other portal lifts and reduce morning delays while improving skier flow. The decision includes other improvements for skier flow that are within the developed footprint, and are designed to reduce existing hazardous conditions, resolve skier flow problems and provide new opportunities. These facilities within the developed footprint largely avoid wetlands and sensitive resources, do not include snowmaking, and represent a more sustainable course to meeting current and future recreation needs while resolving infrastructure deficits.

If you have any questions or would like to discuss our comments, please contact me at (303) 312-6704 or EPA's lead reviewer for this project, Phil Strobel at (303) 312-6704.

Sincerely,

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation