

CHAPTER 4: CONSULTATION AND COORDINATION

4.1 INTRODUCTION

As mandated by NEPA, the EIS process is a collaborative endeavor. This chapter summarizes the BLM's efforts to include the public and relevant agencies and organizations in formulating and completing this analysis. In addition, a summary of the public's comments on the Draft EIS, and the agency's response to these comments is included.

4.2 AGENCY CONSULTATION AND COORDINATION

In the course of completing the analysis, the EIS team contacted a number of federal, state, and local government agencies, as well as several non-governmental organizations, to solicit input or information on the issues addressed. These included the following agencies and organizations.

4.2.1 Federal Agencies

- U.S.D.A. Forest Service
- U.S.D.I. Fish and Wildlife Service
- U.S. Geological Survey

4.2.2 State Agencies

- Colorado Department of Public Health and Environment, Air Pollution Control Division
- Colorado Department of Public Health and Environment, Water Quality Control Division
- Colorado Department of Transportation
- Colorado Division of Minerals and Geology
- Colorado Division of Water Rights
- Colorado Division of Wildlife
- Colorado State Historic Preservation Office

4.2.3 Local Government Agencies

- San Juan County Administration
- San Juan County Health Department
- San Juan County Sheriff Department
- Town of Silverton Administration

4.2.4 Other Organizations

- Animas River Stakeholders Group
- Colorado Avalanche Information Center
- Colorado Natural Heritage Program
- Gold King Mine
- Northern Ute Tribe
- Silverton Avalanche Forecast Office
- Silverton Snowmobile Club
- Southern Ute Indian Tribe
- Sunnyside Mine
- Ute Mountain Ute Tribe

4.3 PUBLIC INVOLVEMENT

4.3.1 Public Meetings and Scoping Comment Periods

As detailed in Chapter 1 (section 1.8) several opportunities for participation by interested individuals, organizations, and agencies have been provided through the course of this EIS process. Two formal scoping comment periods were completed. The first was from August 9 through September 7, 2001, following initiation of the original EA process. Public meetings were held during this period in Durango (August 22) and Silverton (August 23). The BLM received 139 scoping responses comprising 408 specific comments.

When the decision was made to complete an EIS, the September 3, 2002, the NOI and associated public notices announced another scoping period, ending October 30, 2002. A public meeting was convened in Silverton on September 24, 2001. This scoping effort generated responses from 206 individuals, organizations, and agencies raising 630 specific comments.

Public notices of the meetings and scoping periods were published in the *Durango Herald* and *Silverton Standard* newspapers. A list of interested parties also received notice of the meetings and scoping periods by direct mail.

Following these scoping periods, responses were reviewed and specific comments were extracted, sorted, and summarized. This process was documented in a scoping report prepared for the project (TetraTech/Cirrus 2002). That report, coupled with internal, interdisciplinary review, established the scope of the EIS.

4.3.2 Public Comments on Draft EIS

The *Silverton Outdoor Learning and Recreation Center Draft Environmental Impact Statement* was released by the BLM, San Juan Public Lands Center, in June 2003. A NOA of the Draft EIS was published in the Federal Register on June 20, 2003. The Draft EIS was mailed to the standard agency mailing list and to organizations and individuals who requested copies of the document in response to a notice mailed by the San Juan Field Office to interested parties. The notice also informed recipients that the Draft EIS was posted on the San Juan Public Lands Center website. After the release of the Draft EIS, there was a 3-month period for public written comments, ending September 18, 2003.

Fifty-two letters and e-mails were received during the 3-month comment period following release of the Draft EIS from a combination of agencies, environmental and recreational organizations, businesses, and individuals. Table 4-1 identifies commentors and the categories addressed in their comments.

In accordance with NEPA, the Council for Environmental Quality Guidelines for the Implementation of NEPA, and BLM NEPA regulations, the agency must respond to substantive comments on a Draft EIS. The guidelines used to identify substantive comments are outlined below in section 4.3.3. Substantive comments and BLM responses are presented below in section 4.4 (Response to Public Comments). Non-substantive comments are not addressed further in this document but will be considered by the decision maker.

4.3.3 Determination of Substantive Comments on Draft EIS

Substantive comments provide useful information on public issues and concerns that can enhance project planning and analysis. To be considered substantive, comments must be within the scope of the proposed action, specific to the proposed action, directly related to the proposed action, and must include supporting reasons for the decision maker to consider.

The decision maker will consider all substantive written and oral comments submitted during the official comment period. Examples of substantive comments include, but are not limited to:

- 1) Comments that provide new information pertaining to the proposed action, preferred alternative, or other alternatives considered in the analysis.
- 2) Comments that identify a new issue or expand upon an existing issue.
- 3) Comments that identify a new alternative that meets the purpose and need for the proposed action.
- 4) Comments that provide an opinion regarding one or more alternatives and includes the rationale for that opinion.
- 5) Comments that point out a specific flaw in the analysis.
- 6) Comments that identify a different source of credible research which, if used in the analysis, could result in different effects.

Examples of non-substantive comments include, but are not limited to:

- 1) Comments that constitute a vote for an alternative without giving supporting rationale or opinion.
- 2) Comments regarding a subject outside the scope of the analysis.
- 3) Comments that lack the necessary specific information to support a change in the document or to permit a meaningful response.

Commentor	Affiliation	Address	Received	Comment Category
Aaron Brill (AB)	Manager, Core Mountain Enterprises, LLC	P.O. Box 856, Silverton, CO 81433	Sep. 17, 2003	Recreation, NEPA, Safety, Water Resources.
Arthur I. Mears (AIM)	Natural Hazards Consultants	555 County Road 16, Gunnison , CO 81230	Aug. 4, 2003	Land Use, Safety.
B. Apple (BAP)		N/A	Sep. 18, 2003	No substantive comments.
Brian Fullmer (BF)	President, San Juan 2000 Development Association	P.O. Box 722, Silverton, CO 81433	Sep. 18, 2003	No substantive comments.
Brooke Hontz (JJSN)	Jack Johnson Company	1777 Sun Peak Drive, Park City, UT 84098	Sep. 15, 2003	Vegetation and Wildlife, Land Use, NEPA, FOIA, Recreation, Safety .
Carolyn Erdman (CE)		P.O. Box 529, Silverton, CO 81433	Sep. 15, 2003	No substantive comments.

Table 4-1. List of commentors on the SOLRC Draft EIS.				
Commentor	Affiliation	Address	Received	Comment Category
Charles B. White (CBW)	Petros & White LLC, Attorneys at Law	730 Seventeenth St., Suite 820, Denver, CO 80202	Sep. 17, 2003	Vegetation and Wildlife, FOIA, Land Use, NEPA, Safety, Water Resources, BLM Process.
Craig Stermenz (CS)		N/A	Sep. 19, 2003	No substantive comments.
David Josephs (DJ)		N/A	Jul. 15, 2003	No substantive comments.
Dick Lunceford (DL)		N/A	Sep. 15, 2003	Safety.
Don Bachman (DB)		3910 Sourdough Rd., Bozeman, MT 59715	Sep. 2, 2003	Emergency Services, NEPA, Safety.
Ernest F. Kuhlman (EFK)	Chairman, San Juan County Board of County Commissioners	P.O. Box 466, Silverton, CO 81433	Sep. 10, 2003	No substantive comments.
Francisco A. Walker (FW)		N/A	Sep. 17, 2003	No substantive comments.
Frank G. F. Davis (FGFD)	Director, Rocky Mountain Division of the National Ski Patrol	Box 3192 University Station, Laramie, WY 82071	Sep. 17, 2003	No substantive comments.
J. Jackson (JJN)	President, White Gold LLC	N/A	Sep. 18, 2003	No substantive comments.
J. Shoemaker (JSH)		421 East Main, Bozeman, MT 59715	Sep. 18, 2003	No substantive comments.
JAA Deep Snowpack LLC (DSP)		N/A	Sep. 18, 2003	No substantive comments.
James D. Huffman (TOS)	Mayor, Town of Silverton	P.O. Box 250, Silverton, CO 81433	Sep. 11, 2003	Socioeconomics.
James Wilkes (JW)		N/A	Jun 20, 2003	No substantive comments.
Jason McGowin (JMG)		3556 Smuggler Way, Boulder, CO 80305	Sep. 18, 2003	No substantive comments.
Jeffrey A. Berman (JAB)	Executive Director, Colorado Wild	P.O. Box 2461, Durango, CO 81301	Sep. 19, 2003	Vegetation and Wildlife, Safety, Aesthetic Resources.
Keith Roush (KR)		N/A	Sep. 10, 2003	Safety.
Kelly Rubin (KRN)		N/A	Sep. 15, 2003	NEPA.
Kevin Ahern (KAH)		N/A	Sep. 17, 2003	No substantive comments.

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Commentor	Affiliation	Address	Received	Comment Category
Kevin Forrester (KFR)		N/A	Jun. 27, 2003	No substantive comments.
Larry and Rose Raab (LRRR)		P.O. Box 502, Silverton, CO 81433	Sep. 15, 2003	No substantive comments.
Larry Svoboda (EPA)	Director, NEPA Program, EPA Region 8	999 18th St., Suite 300, Denver, CO 80202	Oct. 2, 2003	Vegetation and Wildlife, NEPA.
Lorena Williamson (LW)	Owner of Marshall Ney and Marshall Bertrand mining properties	P.O. Box 133, Silverton, CO 81433	Sep. 17, 2003	Land Use, NEPA, Transportation.
Luann Cline (LC)		1781 C.R. 205, Durango, CO 81301	Sep. 15, 2003	Land Use, Socioeconomics.
Marissa Raab (MR)		N/A	Sep. 17, 2003	No substantive comments.
Melody A. Skinner (MAS)		P.O. Box 612, Silverton, CO 81433	Sep. 3, 2003	Transportation.
Michael Constantine (MCN)		P.O. Box 616, 1332 Empire St., Silverton, CO 81433	Sep. 15, 2003	No substantive comments.
Mike Friedman (MFM)		N/A	Sep. 18, 2003	Land Use, Safety.
Mr. Ricardi (R)	JAA Mountain LLC	N/A	Sep 18, 2003	No substantive comments.
Nancy and Gerald Swanson (GNS)	Owners of Villa Dallavalle B&B	1257 Blair St., Silverton, CO 81433	Sep. 14, 2003	No substantive comments.
Nick Logan (NL)		N/A	Sep. 18, 2003	No substantive comments.
Noise LLC (NLLC)		N/A	Sep. 18, 2003	No substantive comments.
Parker Newby (PN)		N/A	Sep. 16, 2003	No substantive comments.
Peter Jamieson (PJM)		220 Mesa Linda Dr., Durango, CO 81303	Sep. 22, 2003	Safety.
Peter Shelton (PSN)		71269 Buckhorn Rd., Montrose, CO 81401	Sep. 13, 2003	Vegetation and Wildlife, Socioeconomics.
Rob Perlman (RPM)	CEO, Colorado Ski Country USA	1507 Blake St., Denver, CO 80202	Sep. 16, 2003	No substantive comments.
Rodney D. Campbell (RDC)	Campbell's Guided Fishing Trips LLC	N/A	Sep. 12, 2003	No substantive comments.

Table 4-1. List of commentors on the SOLRC Draft EIS.				
Commentor	Affiliation	Address	Received	Comment Category
Ryland Gardner (RG)		P.O. Box 724, Silverton, CO 81433	Sep. 17, 2003	Noise, Safety, Socioeconomics, Transportation, Aesthetic Resources.
Scott M. Toepfer (SMT)		N/A	Sep. 14, 2003	No substantive comments.
Scott McInnis (SMI)	Member of Congress	N/A	Sep. 17, 2003	No substantive comments.
Stefan Berkel (SBL)	Utah Olympic Park Patrol Manager	N/A	Sep. 16, 2003	Safety.
Sue Kurtz (SKZ)	Sheriff, San Juan County	P.O. Box 178, Silverton, CO 81433	Sep. 18, 2003	No substantive comments.
Todd C. Hennis (TCH)		P.O. Box 474, Silverton, CO 81433	Sep. 15, 2003	No substantive comments.
Todd C. Hennis for Salem Minerals (TCH)	Salem Minerals	P.O. Drawer I, 611 Water St., Silver Plume, CO 80476	Sep. 15, 2003	No substantive comments.
Unknown (UKN)	JAAB Mountain	N/A	Sep. 18, 2003	No substantive comments.
Walter Walker (WW)		N/A	Sep. 18, 2003	Vegetation and Wildlife, Land Use, Noise, Safety.
William E. Alsup, Jr. (WEA)	President, Lift Services Inc.	93 Rio Grande Dr., Durango, CO 81301	Sep. 15, 2003	No substantive comments.

4.4 RESPONSE TO PUBLIC COMMENTS

Substantive comments received on the SOLRC Draft EIS are presented below in sections 4.4.1 through 4.4.14, in italics and arranged by general topic. These comments are ordered to reflect the organization of the Draft EIS and are generally repeated verbatim from the letters. Individual comments are linked to the commentor using a code which appears after each commentor's name in Table 4-1 and after each comment. Each substantive comment or group of similar comments is followed by the agency's numbered response. Non-substantive comments are not shown. However, authors of all comments are included in Table 4-1, section 4.3.2. All comment letters, with substantive and non-substantive comments denoted, are included in the project record.

4.4.1 NEPA - Purpose and Need

The stated purpose and need in section 1.5 of the DEIS [Draft EIS] fails to establish the need for the proposed action. No indication is given as to why the radio repeater must be located on public land or why the footbridges are necessary. (CBW-4)

Response 1: As discussed in section 1.5 of the Draft EIS, the BLM has received and is processing a request for a land-use authorization for an activity that would further the agency's objective of providing a broad range of recreational opportunities on lands under BLM administration. Concisely stated, that is the agency's purpose and need in considering the Proposed Action. Rationales for the radio repeater and foot bridges are provided in section 2.2 of the Draft EIS. The foot bridges are to allow skiers to safely and comfortably cross the creek and get to the road for shuttle pick up. Siting of these facilities reflects primarily topography, and there is little flexibility in that regard.

The DEIS fails to establish any need for the proposed authorization to use BLM lands as recreational opportunities are already offered on SOLRC land and provided at Durango Mountain Resort. (CBW-5)

Response 2: See Response 1 above. Section 1.1 notes that addition of public lands to SOLRC would substantially increase the recreational opportunity provided by the private land operation. As noted in section 1.5 and elsewhere in the Draft EIS, and as discussed in detail in sections 1.6.1 and 3.7.3.1.4, SOLRC is intended to offer a unique skiing experience, different from and complementary to the standard ski resort experience found at DMR and other ski resorts in the region.

The DEIS does not disclose the need for the hiking or mountaineering trails, or why those trails cannot be developed for public use independently of the proposed action. (CBW-7)

Response 3: Section 1.5 spells out the purpose and need for the Proposed Action as a whole, including the direction to provide unique forms of recreation and a broad range of opportunities, which encompasses the trails and mountaineering route. Section 2.2 explains the rationales for the hiking trails and mountaineering route, which are consistent with the overarching purpose and need. These recreational amenities complement the overall operation, particularly the chairlift which delivers people to the starting points for the trails and mountaineering route. While the trails and mountaineering route could theoretically be developed by BLM independent of the Proposed Action, it is unlikely that demand for such recreational amenities would warrant the investment of public resources without the associated SOLRC facilities.

The DEIS does not establish a need for a permit granting continuous, exclusive control of the permit area by SOLRC. This requirement is contrary to other ski resorts in this region and BLM policy. (CBW-8)

Response 4: Continuous, exclusive control of the permit area by SOLRC is not proposed or assessed in the Draft EIS. Administration of the permit area is and will remain the responsibility of the BLM. The only restriction on other uses of the permit area is the boundary management plan currently in place and recommended to be maintained for safety reasons (see Draft EIS mitigation measure 21 and Appendix C). This plan would close a large portion of the permit area to public, winter, recreational use to protect the public from avalanche hazards in the closed area. Such closures are common at ski resorts in the region. As indicated in section 2.2, the type and term of any land use authorization are not part of the Proposed Action and will be determined by the decision maker. Authorization of the requested land use would not preclude the BLM from considering authorizing other compatible uses of public lands in the permit area.

The Purpose and Need statement on page 1-5 does not describe what is viable in terms of size of area, number of skiers, or exclusive use, making it difficult to ascertain the economic feasibility. (JJSN-3)

Response 5: Economic feasibility is not an issue addressed in this EIS and in fact is not in itself an issue appropriately addressed under NEPA. CEQ regulations found at 40 CFR 1508.14 state:

Economic or social effects are not intended by themselves to require the preparation of an EIS. When ...economic or social and natural or physical environmental effects are interrelated, then the EIS will discuss all of these effects on the human environment.

The economic and physical effects are not interrelated because there will be almost no physical impacts created on the BLM land. Whatever the economic situation, the physical effects will remain the same. As discussed in section 1.5, the purpose and need for the Proposed Action center on provision of a unique recreational opportunity, not on the economic aspects of the proposed operation. However, as noted in section 1.8.6 and addressed in section 3.7, the question of whether adequate demand exists to justify the proposed commitment of public resources was raised and is addressed in the Draft EIS.

The Purpose and Need fails to provide reasoning to dictate the restriction of use by the public of public lands. (JJSN-5)

Response 6: See Response 4.

The DEIS does not establish why tree thinning proposed under Alternative C is necessary to accomplish the purpose and need of the proposed action or otherwise in the public interest. (CBW-28)

Response 7: Section 1.5 spells out the purpose and need for the Proposed Action as a whole. Section 2.3.4 explains the rationale for the proposed thinning, which is based on public safety and is consistent with the overarching purpose and need.

4.4.2 NEPA - Proposed Action

It is unclear how the Notice of Realty Action (NORA) factors into the proposed action, and whether the NORA determination is limited to the permit area or extends to a broader portion of the public lands. (DB-28a)

Response 8: The NORA and NEPA are two separate processes. A NORA is a public notification that the BLM is considering a realty-related action. The NORA (1) notifies the public that the BLM has received a proposal(s) for land development, (2) solicits comments on the proposal(s), and (3) solicits formal applications for the proposed land development. Relevant to this project, the NORA notified the public of two ski area development proposals. These two proposals were in the same general area, from Gladstone south toward Silverton. Only one completed application was received. The Proposed Action is part of the NEPA process. It reflects SOLRC's formal application submitted in response to the NORA's request. That formal application triggered the NEPA process.

Please revise and reissue the Draft EIS to reflect the fact that the action as proposed is not legally feasible. No approval of the use of BLM lands for skiing or avalanche control work should be given. (LW-15)

Response 9: If the BLM were to determine that the Proposed Action was not legal, the legal deficiency would be rectified and addressed as appropriate through the NEPA process, or consideration of the Proposed Action would cease.

The SOLRC claim education as a component of their operation. There is no information in the DEIS as to potential impacts. The education proposal and operations plan should be required components of the requested permit. (DB-32)

Response 10: Like skiers, hikers, and other potential users of SOLRC, people involved in educational programs are considered as part of the pool of SOLRC visitors, and their potential impacts are assessed on the basis of proposed use of terrain and facilities. Nothing in the current description of the educational program suggests unique impacts associated with use. As the educational program evolves, it will be documented in SOLRC's annual operating plan.

4.4.3 NEPA - Alternatives

4.4.3.1 No-Action Alternative

The No-Action Alternative fails to comply with the requirements of NEPA, CEQ, and BLM. It assumes that the current temporary boundary management plan, which limits public access to BLM lands in the permit area, will remain in place. The inclusion of project-driven changes in the no-action alternative is biased. No decision has been made to close public lands and no NEPA documentation has been prepared that would support such a decision. The result of this assumption is that the No-Action Alternative tilts the analysis in favor of the proposed action, which would give SOLRC exclusive control of those lands. (CBW-10)

The No-Action Alternative in the SOLRC DEIS, does not meet the criteria for a no-action alternative as described in the BLM Handbook H-1790-1. The No-Action Alternative should allow unrestricted public access on public land, as is currently allowed in the San Juan Region. (JJSN-9)

Response 11: The No-Action Alternative does not assume that the current temporary boundary management plan would remain in force. As discussed in the description of the No-Action Alternative (section 2.3.2), if no authorization were issued to SOLRC, a different boundary management plan would be developed under which public lands surrounding SOLRC's private lands would be closed to access from SOLRC lands by SOLRC visitors only. The intent would be to offset the easy access to these lands potentially provided by SOLRC's facilities and protect SOLRC visitors from uncontrolled avalanche hazards on public lands. Otherwise, public access would not be restricted under this alternative, and there would be no project-driven change to public use of the permit area. See Response 4.

4.4.3.2 Alternative C

Alternative C is intended to encompass all practical safety measures, the helicopter usage described in Alternative B should be included in Alternative C. (AB-6)

Avalanche control from helicopter should be allowed in any action alternative. There could be a stipulation that the BLM permit administrator must authorize individual missions. (DB-35)

Response 12: As discussed in section 2.3.3, Alternative B is intended to emphasize guided operations. Use of a helicopter to transport guests would be consistent with a guided operation, so it is included under Alternative B to provide a basis for analysis of this option. The decision maker will have the opportunity to structure the decision as he/she feels is appropriate on the basis of the EIS and other relevant considerations (see section 1.7). Inclusion of the helicopter under an alternative other than C will be an option.

4.4.3.3 Range of Alternatives

The scope of alternatives is inadequate to fully illustrate the impacts of the Proposed Action. A legitimate range of alternatives would reflect, in addition to the snow safety issue, the key issues of: whether or not to restrict public access to BLM lands with and without authorizing SOLRC activities on those lands; whether or not to limit SOLRC's use of public lands to the winter season; whether or not to alter the size and shape of the permit area to avoid trespass on other private lands and to minimize the need for road closures; whether the term of authorization should be 40 years or a lesser period; whether or not to restrict the number of skiers in recognition of the limited capacity of the current and proposed base facilities, the risk of trespass, and the legal limitations on avalanche control; and whether to condition any permit issued to SOLRC to allow subsequent use of the same public lands in connection with VPI's tramway project. (CBW-9)

An alternative that reduces the acreage of the permit area to a size that allows avalanche work only to take place on SOLRC land, eliminating additional costs for snow safety while allowing a backcountry experience was not considered. (JJSN-11)

Response 13: As discussed in sections 1.8 and 2.3.1 of the Draft EIS, snow safety was determined to be the only alternative-driving issue identified through scoping and internal agency review. Both the agency's responsibility for making this determination and process employed to make it were consistent with NEPA and the agency's regulations regarding NEPA implementation. Other alternatives suggested during scoping and internal review were considered, and some – including limiting SOLRC use to winter months, altering the size and shape of the permit area, issuing a short-term authorization, and limiting permitted visitor numbers to less than the number proposed – were subsequently dropped from detailed analysis for the reasons outlined in section 2.3.5. Further, the BLM authorization would not restrict use of the private portion of the SOLRC operational area, and Alternative B would limit use of the public portion to 100 skiers per day.

Regarding the other alternatives suggested in these comments, there is no reason to consider closure of permit area lands to the public without authorization of SOLRC activities. The issue of trespass is determined to be a legal issue that would be addressed as called for under applicable state statutes (see sections 2.2, 2.3.3, 3.5.3.2, 3.5.4.1.1, 3.5.4.1.2, and 3.5.4.2.2). As indicated in section 2.2, the type and term of any land use authorization are not part of the Proposed Action

and will be determined by the decision maker (see Response 15). As discussed in section 3.7.4.1, the capacity of the proposed base facilities is assessed as adequate for 475 skiers per day. Finally, the BLM will consider any future applications for compatible land uses in the permit area (see Response 4).

The DEIS admits that there is no market data to support whether the projected number of skiers will come to SOLRC. This creates a need for further evaluation before any permit is granted, and at a minimum, establishes grounds for the analysis of alternatives ranging from a short-term permit to a smaller permit area. (CBW-6)

Response 14: See Responses 5 and 13.

The reasoning used on page 2-11 for an alternative to decrease the land use authorization to 1 or 5 years is not supported. (JJSN-12)

Response 15: We believe that section 2.3.5 provides adequate support for the decision not to address 1- or 5-year authorizations in detail. Routine administrative activities are categorically excluded from NEPA process under DOI manual direction (516 DM Ch. 2, App.1, 1.7). The BLM considers determination of the length of the permit to be an administrative function that would not change the environmental impacts disclosed in the EIS.

Limit Silverton Mountain to use of it's own private land...or limit Silverton Mountain to permit areas that either do not need avalanche control or areas that can be controlled with early morning bombings/staff inspection. (KRN-3)

Response 16: Under the No-Action Alternative, SOLRC's operations would be restricted to private land. As discussed in section 3.8.3.1, the project area could not be safely skied on a commercial basis without avalanche control, and early morning explosives use and inspections are the primary control activities.

4.4.3.4 Preferred Alternative

We recommend some additional language be included in the FEIS [Final EIS] (sec. 2.6 Preferred Alternative) to assist readers in understanding why BLM's preferred alternative emphasizes providing "the greatest recreational opportunity" over the Proposed Action. The Proposed Action dramatically increases recreational opportunity in the project area while emphasizing least impacting measures to achieve recreation benefits. (EPA-1)

Response 17: Section 2.6 explains our rationale for identifying Alternative C as the preferred alternative. Providing the greatest recreational opportunity was not the only factor in this decision. As noted in the second bulleted paragraph, this alternative best addresses safety concerns, which were a primary consideration. Further, as noted in the third bulleted paragraph of section 2.6, the analysis indicates that Alternative C would result in no notable environmental impacts beyond those associated with the Proposed Action.

4.4.4 NEPA - General

4.4.4.1 Process

The Applicant tendered its application in this matter in March, not August, of 2001. The Applicant initiated the land use proposal process in 1999 through consultations with your office. (AB-9)

Response 18: SOLRC's application was accepted in March of 2001, not August. The PRMP Amendment/Final EIS has been changed accordingly in the introductions to the Summary and Chapter 1. The land use authorization process was initiated earlier, in 1999, as indicated in the comment.

4.4.4.2 Term of Permit

The BLM should limit the permit term to no longer than 10 years from the date of the ROD. This reasonable period of time will allow for the BLM to review the wisdom of this decision in view of the uncertainties of this unique and unproven operation. (DB-31)

The Applicant respectfully reiterates its position that the term of the requested land use authorization should be the customary ski area permit term of forty years, as long-term uses are authorized by the Federal Land Policy and Management Act. (AB-2)

Response 19: The EIS analyzes the potential impacts of long-term commercial operations on public lands. As indicated in section 2.2, the type and term of any land use authorization are not part of the Proposed Action and will be determined by the decision maker. See Responses 13 and 15.

4.4.4.3 Resource Management Plan Revision

The NOI and SOLRC DEIS do not identify the proposed amendments to the RMP; only small references to the amendment are made in the EIS. RMP revisions and amendments must comply with FLPMA and its implementing regulations (43 CFR 1610.1). The proposed amendment to the RMP cannot be found anywhere in the DEIS, therefore, the DEIS is insufficient to support an amendment to the RMP. (CBW-34)

Response 20: The RMP amendment that would be required if a land use authorization were issued to SOLRC is discussed in several section of the Draft EIS (e.g., 1.2, 1.4, 1.5, 1.6.2, 1.7, 2.2, and 2.3.2). These sections describe the amendment, its effect on the NEPA process, the legal authority under which it would completed, pertinent appeal regulations, and which alternatives would require it. The RMP would be amended to include lift-served skiing and sightseeing to the list of authorized forms of recreation available on lands specific to the SOLRC permit area, within the Silverton SRMA. This amendment change would apply to Appendix 1 of the *San Juan/San Miguel Planning Area Resource Management Plan* under Management Guidance for Area C: Emphasis on Recreation. The decision to amend the RMP to allow for the proposed activity will be made under 43 CFR 1610.5-5, Resource Management Plan Approval, Use, and Modification – Amendment, and approved by the State Director. The decision will be documented in the Record of Decision that will be prepared and released at the conclusion of this EIS process. See Response 24.

The Proposed Action in the DEIS would violate essential provisions of the RMP that are not even suggested to be amended. The RMP provides that additional recreational opportunities will be evaluated on a case-by-case basis, but that development will occur

only when an identified need cannot or is not being provided by the private sector. In light of the absence of a demonstrated need for SOLRC to use public lands, the expansion of SOLRC's operations would not be necessary to satisfy an identified need that cannot or is not being provided by the private sector. (CBW-35)

Response 21: See Responses 1, 2, and 5 regarding the rationale for considering addition of public lands to SOLRC's operating area and demonstrated need for the Proposed Action. The need was identified through the NORA process, which demonstrated the desire for development of a ski area in this locale. The private sector is not providing the identified need. This assessment is consistent with the cited RMP provision.

1.6.2 states: "...the Resource Management Plan would be amended to include lift-served skiing and sightseeing to the list of authorized forms of recreation available in the Silverton Resource Management Area." I can't find discussion of the amendment in 1.4. (DB-25)

Response 22: See the paragraph following the bulleted list in section 1.4. Also see Response 20.

It is unclear if the RMP amendment is granted by the ROD based on the EIS process. (DB-26)

Response 23: As stated in section 1.7, the decision regarding amendment of the RMP will be documented in the ROD. Also see Response 20.

It is unclear if the RMP amendment is only for the permit area or covers all of the Silverton Resource Management Area. (DB-27)

The implications of these [RMP] amendments and actions on future developed ski area proposals or expansion of the existing ski area permit area should be made clear. (DB-28b)

Response 24: The amendment would apply only to BLM-administered public lands within the SOLRC permit area (approximately 1,300 acres). Therefore, the RMP would be amended to include lift-served skiing and sightseeing to the list of authorized forms of recreation available on lands specific to the SOLRC permit area, within the Silverton SRMA. Section 1.6.2 has been modified to reflect that the amendment would apply only to the SOLRC permit area and not to the entire SRMA. See Response 20.

Given that SOLRC now exists and is proposing use of Federal lands, it seems an opportune time to revisit the recreational goals for this area. (EPA-4)

Response 25: The recreational goals have been revisited through the proposed RMP amendment (section 1.6.2). Furthermore, the BLM began revising the RMP in early 2004. The desired recreational goals for the SRMA will be reassessed and re-determined in the revision process, and SOLRC will factor into planning and decision making.

4.4.4.4 Citations

The reference section lists many sources of personal communication. This provides the reader with no recourse to check these sources or any peer review of the statements made. (JJSN-26)

Response 26: All references, including personal communications, are in the project files and are available for public review.

4.4.5 Water Resources

4.4.5.1 Restroom Facilities

A second restroom facility at the base of SJC Road 52 is not necessary or environmentally desirable, as evidenced by the approval the Applicant has already received from the San Juan Basin Health Department. (AB-3)

Response 27: In the BLM's view, the cited facility would improve the recreational experience provided on public lands in the permit area. See section 3.7.4.1. It would also decrease watershed impacts by reducing coliform. See section 3.2.4.1.2.

The DEIS does not adequately evaluate the need for, or impact of, sanitary facilities associated with the SOLRC development. (CBW-30)

Response 28: The need for sanitary facilities is addressed as an aspect of the balance between base-area and on-mountain facilities in the Recreation section (see section 3.7.4). The potential water quality impacts of sanitary facilities is addressed as the second issue in the Watershed Resources section (see sections 3.2.3.4 and 4.2.4.1.2). We believe the cited text provides adequate documentation of the need for, and the impacts of, SOLRC's sanitary facilities.

4.4.5.2 Explosives Residue

The DEIS does not indicate whether the results of the Utah study on explosives residue and water quality have been adjusted to reflect the frequency and intensity of explosive use at SOLRC. The analysis of whether these compounds bioaccumulate is lacking. (CBW-31)

Response 29: The Utah study cited in section 3.2.3 (U.S. Geological Survey Water-Resources Investigations Report 03-4007), was conducted in a study area selected because it represents very high levels of explosive use over a long period – as close as possible to a worst-case scenario. Conditions at SOLRC could not match these for decades. No data on bioaccumulation is available. The Utah study raised the issue as an unanswered question, not as a serious concern. There is nothing to suggest that it is a significant issue requiring further analysis, so NEPA does not require further investigation.

4.4.5.3 Miscellaneous

The lifeline is 40-35 degrees, not 50-40. (AB-13).

Response 30: Section 3.2.4.2.3 of the PRMP Amendment/Final EIS has been revised accordingly.

4.4.6 Vegetation and Wildlife

4.4.6.1 Alpine Habitat

Much of the anticipated summer activity on public land will take place in the sensitive alpine landscape above treeline. Impacts to vegetation and soils in alpine tundra can be effectively irreversible due to the unique hydrology and short growing season. We

therefore recommend the FEIS and ROD include more specificity around the mitigation measures proposed to limit alpine impacts (Vegetation Mitigation #8). (EPA-5)

Response 31: Guests will be educated about the sensitivity of alpine vegetation verbally and through the use of brochures and/or interpretive signs. Forest Service trail management guidelines and specifications will be followed for trail designation to prevent user-defined trails and damage to alpine habitat. Language has been added to mitigation measure 8 to reflect this.

4.4.6.2 Selective Tree Removal

We encourage the BLM to reduce the 182 acres of “limited thinning, limbing and cleanup on forested north-facing slopes” as much as possible. (JAB-1)

Reduce potential impact to snowshoe hare browse and the quality of lynx foraging habitat by 1) limiting the number of acres permitted to be thinned, limbed, or otherwise modified each year (to 5 or fewer acres for instance), or 2) more narrowly specifying areas with the 182 acres identified in Figure 2-2 (DEIS at 2-10) as ski run areas (that would still encompass gladed forested skiing), or 3) incorporating limitations on the removal of foraging trees that would enjoin removal of any more than a specified maximum number of foraging trees (including both new growth and older growth with needles to the snowline), as well as preservation of any denning habitat (coarse woody debris, etc). (JAB-2)

There is conflicting evidence in the Biological Assessment for SOLRC regarding the impact of tree thinning on lynx. The BA states that no coarse woody material would be removed from site, and any limbs or trees that were cut would be retained on the ground. It also states that there is a potential for shrub and seedlings to increase in thinned areas. Since the thinned polygons are being cleared to allow for safe tree skiing, logically these areas need to be continuously cleared and removed of logs and debris that could potentially injure a skier using the area. The 182-acre impact area should be revisited as part of the Wildlife impact discussion [in the EIS]. (JJSN-21)

Response 32: Selective tree removal (referred to as thinning in the Draft EIS; see section 1.10 in the PRMP Amendment/Final EIS) has been proposed within a general area comprising approximately 190 acres of forested habitat (see revised Figure 2-2), as described in sections 2.3.4, 3.3.4.4, and 3.4.4.4 of the EIS. SOLRC is in the process of evaluating the forested slopes for suitability, and has defined more precisely the areas where tree removal would likely occur. It is currently estimated that selective tree removal would actually occur on about 75 acres of this area, targeting dispersed constrictions in areas that are conducive to tree skiing and that would require minimal removal of trees. As this process would continue to evolve during the initial years of SOLRC's operations, these specific areas where trees would likely be removed within the larger polygons are not depicted in Figure 2-2 of the PRMP Amendment/Final EIS.

Large patches of trees would not be removed, and large ski runs traditionally created in lift-served ski areas would not be created. Rather, individual trees or small groups of trees would be selected for removal from existing small, linear openings in the forest interior to facilitate tree skiing. The discussion of selective tree removal in Sections 2.3.4, 3.2.4.4.3, 3.3.4.4, and 3.4.4.4 of the PRMP Amendment/Final EIS has been modified slightly to reflect this.

The openings created for safe skiing would not be groomed. With the exception of the addition of woody debris and the occasional removal of a hazard tree or stump, the understory habitat

would not be modified. Since logs and debris would be laid flat after being cut, minimal hazards would be posed to skiers and habitat features important to lynx would be maintained.

Selective tree removal would not occur all at once, but instead would occur over time, as needed and feasible, and as ski paths evolved. Proposed tree removal would be part of SOLRC's annual operating plan and would be reviewed and approved by the BLM prior to ground operations. Efforts would be made to minimize tree removal in the interest of avoiding unnecessary environmental impacts.

4.4.6.3 Lynx Analysis and Mitigation

In section 3.4 Wildlife, it is unclear how acreage for direct and indirect impacts to lynx habitat is determined. (JJSN-20)

Response 33: The acreages in Table 3-7 of the Draft EIS were determined by computing the acreage of lynx habitat that would be disturbed, modified, or removed by the use of the chairlift, Lift Trail, and CR 52 and the potential development and use of the access route and Alternative Lift Trail. Additional data has been added to this table in the PRMP Amendment/Final EIS that depicts a closer approximation of the acreage where tree removal to facilitate tree skiing would likely occur. As outlined in section 3.4.2, lynx habitat was mapped using digital coverages developed by the Colorado Natural Heritage Program, based on input provided by Forest Service, BLM, and Colorado Division of Wildlife Biologists and natural resource specialists.

BLM should clarify the requirements of Mitigation Measure 16 (DEIS at 2-14). The methods, type of equipment and duration of scans for animals before using explosives for avalanche control could be specified. (JAB-5 & 6)

Should an animal be spotted, particularly lynx (or wolverine), the mitigation should require a continual search regimen. Only after four hours (or other reasonable specified time period) following said identification should continued avalanche control work be allowed to resume. Given likely lynx reproduction in the area, a mistake in this regard (i.e., triggering an avalanche and "taking" a lynx) could result in not only the death of a single animal, but offspring as well. (JAB-7)

Response 34: Mitigation measures 16 and 17 were developed by the BLM through informal consultation with the FWS and will be employed to avoid potential impacts to lynx that may be in the area. Scans for animals would be conducted with the use of binoculars. This methodology has been added to measure 16 in the PRMP Amendment/Final EIS. Duration of scans would be dependent on the terrain, weather, and visibility, and therefore is not specified. As written in the Draft EIS, measure 16 calls for a 4-hour delay in commencing control activities after a lynx or wolverine is spotted. An additional clause has been added to measure 16 in the PRMP Amendment/Final EIS to ensure that avalanches are not intentionally set off when a lynx is known to be in the vicinity.

Given the nature of Canada lynx denning (begins in late spring and occurs within mature forest stands with dense volumes of woody debris and/or live vegetation), avalanche control activities pose little risk to lynx kittens; control activities would occur primarily outside of the denning season and not within lynx denning habitat.

4.4.6.4 Noise Impacts to Wildlife

The EIS fails to address the impact of loud explosive noise on the endangered lynx population. The daily use of explosive charges has created a problem that extends from Red Mountain Pass to Lake Emma and from Ross Basin to Anvil Mountain. (WW-6)

[Do] I understand the EIS to say that these four and a half tons of explosives, detonated most days of the winter, every winter from here on out, will have no impact on lynx, ptarmigan and grouse living within the permit area? (PSN-2)

Response 35: The impact of the use of explosives on lynx is addressed in section 3.4.4.1.1 of the Draft EIS. Potential impacts to ptarmigan and grouse range from none to alertness and temporary startle response, and these impacts have been added to section 3.4.4.1.2 of the PRMP Amendment/Final EIS. As there is no known research that has recorded direct observations of these species after the use of explosives, the impact analysis draws general conclusions about noise disturbance to wildlife based on limited research.

4.4.6.5 General

The DEIS must be revised and made available for further public comment in the event that any findings in the FWS's Biological Opinion are premised on terms, conditions, or mitigation measures that have not been disclosed in this DEIS or alter any of the key assumptions of the DIES, or require analysis of additional alternatives. (CBW-29)

Response 36: Because of on-going communication and consultation with the FWS, it is unlikely that any findings in the Biological Opinion (BO) will be premised on information not disclosed in the Draft EIS. But if this were to happen, appropriate steps would be taken to insure that NEPA's public involvement requirements are met. The BO will be part of the public record.

4.4.6.6 Cumulative Ecological Impacts

EPA is concerned that future expansion of this facility is foreseeable, and potentially carries more significant impacts to ecological functions in the area. (EPA-2)

Response 37: The BLM is not aware of any current or reasonably foreseeable plans for SOLRC to expand operations beyond those described in this analysis. Any future proposal involving public land would be subject to NEPA review. See also Response 24.

We encourage BLM to consider at this time, those ecological functions that BLM wishes to retain in the project area. We encourage BLM to look forward and determine whether there are ways to condition the permit, or modify the Management Plan, to assure these desired resources are protected in the long term. (EPA-3)

Response 38: The BLM began revising the RMP in early 2004. The desired ecological resources and functions that the BLM wishes to retain and protect in the SRMA will be assessed and determined during this revision process. In the meantime, the proposed land use authorization would be in compliance with the RMP, amended as proposed (section 1.6.2).

4.4.7 Land Use

4.4.7.1 Public Access

The single public access point allowed at the end of CR 52, as shown on Figure C1, does not provide safe or reasonable public access to public lands. The DEIS does not disclose the geographical extent of the land that will be effectively closed to access under the proposed action. Public access at this location will likely result in trespass on lands owned by VPI. (CBW-33)

I am concerned that giving SOLRC the green light to exclude the public from large tracts of public land is setting a terrible precedent, that might continue to snowball as more and more privateers seek to nab public ground for their own personal gain. (LC-5)

Response 39: As discussed in section 2.2, the intent of boundary management planning outlined in the Draft EIS is to comply with pertinent policies for ski areas operating on public lands. The policy is intended to reduce public exposure to avalanche hazards, provide a reasonable degree of opportunity for backcountry skiing, gain consistency in boundary management practices, and minimize public exposure to known avalanche risk zones by restricting access. This policy is not precedent setting. The closure of portions of the permit area and the public access point included in the boundary management plan are consistent with those objectives. The area of closure is illustrated on Figure C1. It encompasses approximately 780 acres of public lands. SOLRC's avalanche control efforts would reduce the hazard of accessing these lands via CR 52. See Responses 50 and 51 regarding trespass specifically.

4.4.7.2 Private Residence Evacuation

My properties and cabin are described in several places in the Draft EIS, including pages 3-68 and 3-119; my cabin is shown as the "private residence" on Figure 2-1. Contrary to what the EIS says, the cabin is and will be frequently occupied. (LW-11)

Response 40: The description of cabin occupancy has been modified in section 3.5.3.2 of the PRMP Amendment/Final EIS.

SOLRC has no right to force me to leave my property when it conducts avalanche control work. The avalanches and debris that will enter my property as a result of SOLRC operations will prevent me from using my land as I choose. (LW-13)

Clearing the private cabin of occupants prior to avalanche control work is a major impact to the property owner. The owners and occupants of this cabin are under no obligation to follow these instructions. The EIS needs to examine how the control operations and skiing will be affected if the occupants do not leave the premises. (JJSN-18)

Neither SOLRC nor the BLM has any right to force private parties to vacate their property or to cause avalanches and debris to enter that property. The BLM must evaluate the feasibility and safety of the proposed action on the basis of the limitations that state and federal laws impose on the activities of the proponent and the agency alike. (CBW-23)

The cabin is located in the run-out zone of an avalanche path which will require explosive testing. It has been previously hit by a natural avalanche and will require

evacuation prior to use of explosives because explosive-induced avalanches are at times much larger than expected. (AIM-3)

. . . the cabin itself, which can and has been occupied in winter must also be evacuated during these times. Depending on the current occupant of the cabin, this may not always be convenient or even possible. The restricted use of this cabin will affect current and all future owners and/or occupants. (AIM-4)

Response 41: Neither the BLM nor SOLRC would force evacuation of the cabin. SOLRC would take reasonable measures to determine whether the cabin was occupied and to notify occupants prior to initiating avalanche control activities on the Cabin Slide or other paths potentially affecting the cabin. Section 3.8.3.1.2 has been modified in the PRMP Amendment/Final EIS to reflect this approach. Although clearing of this residence could be an inconvenience, this impact would be short-term and would ensure the safety of cabin occupants. The cabin was built in an obvious avalanche path and has been hit and rebuilt in the past. Control efforts should reduce the likelihood of it being hit again, but even slides caused by control work can be unpredictable. A program of ongoing control work, including notification of occupants and subsequent, temporary evacuation, provides the best scenario for continued, safe use of the cabin.

4.4.7.3 Private Property Rights and Development Potential

The DEIS asserts that private property rights and private property development potential would not be impacted by the proposed action. These statements are false because closure of roads and public lands which must be crossed to access private property, trespass on private land, the interference of the landowner's use of property from avalanches caused by explosives use, and the requirement to clear private property in the permit boundary will all result in restrictions on the use and enjoyment of private property and will violate both state and federal law. (CBW-25)

It is stated on page 2-22 and 3-71 of the DEIS that private property rights would not be impacted, yet the proposed action and some other actions described limit the use and enjoyment of private properties. These impacts should be analyzed. (JJSN-17)

Response 42: The Draft EIS addresses potential impacts on private property rights and development potential in sections 3.5.4.1.2, 3.5.4.2.2, 3.5.4.3.2, and 3.5.4.4.2. The first paragraph in section 3.5.4.1.2 notes that there would be impacts to private property access from road closures associated with avalanche control activities. The second paragraph notes that there would not be impacts to private property rights from SOLRC proposed developments, land management, and commercial activities, and the fifth paragraph notes that private property development potential would not be impacted, concluding that these values would not be affected because facilities and activities would not occur on private land without the owner's authorization and because county zoning and land use provisions would not be affected. Impacts on these and other aspects of private property cited in the above comments (i.e., road closures, access, trespass, and use) are addressed in these and additional sections of the Draft EIS and in the following responses to comments (Land Use and Transportation). The cited conclusion has been modified in sections 3.5.4.1.2, 3.5.4.2.2, and the summary of impacts in Table 2-2 of the PRMP Amendment/Final EIS. See Response 9 for a discussion of the legality of the Proposed Action.

4.4.7.4 Road Closures and Private Property Access

The proposed use of explosives will result in additional road closures, this will reduce the time during winter in which the cabin can be accessed or when one can leave the cabin. Flexibility in using this private property will therefore be reduced. (AIM-2)

The frequent closures of State Highway 110A and County Road 52 will prevent me from gaining safe access to my property. (LW-14)

CR52 must always be “swept” prior to use of explosives, which is probably not a problem . . . (AIM-4)

There is no basis for assuming that such closures [of SH 110A and CR 52 at the direction of SOLRC] can lawfully be enforced, or would not result in an unconstitutional taking of the access rights of other landowners. (CBW-24b)

The impacts of private property access limitations should be further described in terms of the number of days and hours of closure, inconvenience to landowners, cumulative impacts to future property development, and fiscal impacts of road management. (JJSN-13)

Response 43: Impacts on private property access and use due to road closures are discussed in the Draft EIS in sections 3.5 and 3.9. Section 3.5.4.1.2 begins by stating that “the Proposed Action could impact access to private property.” This section goes on to discuss the likely frequency and duration of such closures and how they would affect private property access. Frequency of road closures for the last four ski seasons has been added to this section of the PRMP Amendment/Final EIS and updated in section 3.9.3.3. Avalanche cycles cannot be predicted in advance, so further quantification is not possible. The stated intent of the proposed closures is to protect travelers on the roads; while access *per se* would be limited periodically due to road closures, safe access would increase as a result of control efforts.

It is also important to note that avalanche control efforts, and associated road closures, have been undertaken on CR 110 (formerly SH 110A) since at least the mid 1970s, initially to support operations at the Sunnyside Mine. Private land access has been limited, and made safer, by avalanche control activities on CR 110 for decades. See Responses 9 and 42.

CR 110 is under the jurisdiction of San Juan County. Therefore, access of this road, and closures, are ultimately the responsibility of the county, as opposed to SOLRC, the state, or the BLM. See responses 52, and 100 to 102 below for further discussion of the basis for and enforcement of closures of this road.

4.4.7.5 Land Ownership and Mapping

The BLM files do not reflect a complete statement of ownership of the land described in the DEIS as being under Core Mountain's control. This information should be verified. The DEIS should identify the nature and duration of agreements Core Mountain has made with other landowners and evaluate the consequences for operations if those agreements are not renewed for the duration of the permit. (CBW-27)

Response 44: As stated in section 3.5.3.2 of the Draft EIS, approximately 194 additional acres are available for use by SOLRC under current leases and easements. However, any such arrangements are subject to change without any involvement by the BLM. As a result, the

analysis documented in the Draft EIS was based on three facts: (1) all actual and proposed facilities are located on SOLRC or BLM land; (2) an adequate boundary management plan, developed in recognition of the complex pattern of land ownership and use agreements and consistent with applicable regulations and statutes, is in place to protect private property (sections 2.2 and 3.5.4.1.2); and (3) SOLRC is not dependent on any private land other than their own and could operate in some fashion without any arrangements to use other private property (as supported by point 1 above and the fact that several ski routes lie on SOLRC-owned land.

The basis for the depiction of land ownership boundaries in Figure 2-1 of the DEIS is not disclosed. Land survey data has not been provided for review. No basis exists for making a land use decision that depends on Core Mountain's ability to lawfully use certain real property within the project area. (CBW-12)

Figure 2-1 does not indicate the source of the property ownership data and the hatch markings portray an unrealistic picture of ownership. (JJSN-6)

Response 45: Figure 2-1, derived from SOLRC's master plan, is a schematic representation of the SOLRC permit boundary, land ownership categories, and proposed developments. This map was not intended to portray land ownership by individual, and further detail was not warranted for the analysis. See Responses 44 and 48.

At least one reference cited in section 3.5.2 in the DEIS is false. The reference to Jack Johnson Co. 2001 is listed as the SOLRC Master Plan. (CBW-13)

The statement on page 3-65 section 3.5.2 regarding property survey is incorrect and does not reflect what was written in 2000 by the Jack Johnson Company. Also, the company did not survey or provide survey research for any SOLRC property within the permit area. Plans prepared by Jack Johnson company showed only conceptual use of private land. (JJSN-23)

Response 46: The SOLRC Master Plan submitted to the BLM is dated March 2001, and it was prepared by Jack Johnson Co. It is correctly cited in section 3.5.2 of the Draft EIS. However, the master plan was inaccurately paraphrased in the cited section of the Draft EIS. Reference to the Master Plan has been removed from section 3.5.2 of the PRMP Amendment/Final EIS.

Jack Johnson Company did not survey any portion of the SOLRC facilities or land ownership, and was not provided with any surveys by Core Mountain in the course of its work. The depictions of land ownership that appear in maps produced by Jack Johnson Company were based solely on drawings made by Core Mountain. (CBW-14)

Response 47: Thank you for the clarification. The Draft EIS was not intended to suggest otherwise.

VPI provided the BLM and Cirrus with accurate mapping of land owned by VPI and its affiliates. The DEIS does not mention VPI's mapping of property boundaries or provide an analysis of the disparities between that mapping and the boundary information provided by Core Mountain. The BLM has made no effort to determine whether the land ownership data on which the DEIS is based is valid. This is in violation of several BLM and Federal regulations. (CBW-15)

The DEIS is based on incomplete and inaccurate mapping of land ownership in the permit area, thus invalidating significant portions of the analysis. (CBW-11)

Response 48: The BLM received a land ownership map, dated August 1, 1999, from VPI while the Draft EIS was being prepared. The BLM reviewed this map but did not alter the Draft EIS based on that review for the following reasons: (1) There was little discernible difference between the property boundaries depicted on the VPI map and the map used in preparation of the Draft EIS; (2) the source of the property ownership shown on the VPI map was not documented; and (3) the system used to geographically reference the VPI map was not provided, making valid comparison with the SOLRC map, using GIS, impossible.

It should be noted that following publication of the Draft EIS and closure of the comment period, VPI contracted a survey of their land holdings in and adjacent to the permit area and submitted the results to the BLM. Again, there were only minor, discernible differences from the mapping used in preparation of the Draft EIS. Record of this survey has been added to section 3.5.2 of the PRMP Amendment/Final EIS.

The agency lands and survey personnel assigned to this project have reviewed the property ownership information provided by SOLRC and VPI, as well as pertinent information on record with the BLM and San Juan County. While the available information suggests some minor discrepancies among the various depictions of property boundaries, no threats to the content or conclusions of the Draft EIS have been identified. This is primarily because of the three criteria outlined in Response 44 above which guided analysis of private property issues. The agency has confirmed that actual and proposed facilities and infrastructure lie on SOLRC or BLM land. The boundary management considerations discussed in the Draft EIS provide adequate, legal protection to private property, and no changes in arrangements for SOLRC use of other private property would fundamentally alter the analysis documented in the Draft EIS.

Simply stated, the Draft EIS's analysis of private property issues was designed to accommodate the permit area's complex land ownership patterns and the inherent difficulty of accurately mapping such patterns. As a result, the property ownership information presented in the Draft EIS is sufficient. Disputed boundaries should be addressed between landowners in accordance with Colorado Revised Statutes under Title 38, Article 44.

4.4.7.6 Trespass

SOLRC cannot operate as contemplated in the DEIS without continuing to trespass upon, and injure, land owned by VPI and affiliates. Ski runs depicted in Figure 3-6 require skiers to enter onto property not owned by or under the control of Core Mountain. (CBW-17)

It is impossible for SOLRC to perform the activities described in the proposed action without violating the laws of trespass of the State of Colorado. (CBW-26)

Feasibility of the resort is not examined based on the enforcement of trespass laws. (JJSN-16)

Response 49: See Response 44. The BLM's review of the Proposed Action and land ownership within SOLRC's proposed operating area has not identified any aspect of the operation that would require trespass. The lack of access to some private parcels makes operations less efficient but not impossible. The BLM's Snow Ranger is involved in the operational and permit-compliance aspects of SOLRC, and he has pointed out several locations where the lack of private

land access makes avalanche control work and/or skier access difficult or impossible under high or extreme avalanche conditions. However, if adequate control work cannot be done, the ski run in question will not be opened to commercial skiing until natural conditions reduce the hazard. If the logical entry to a ski run lies on closed private property, an alternative entry will be used in order to ski the run. SOLRC must operate without trespassing on closed, private property, or they will face the legal ramifications discussed below (Responses 50 and 51).

Unguided skiers will present a risk of trespass. Property posting under the CO Ski Safety Act has not been effective in the last several seasons of operation. Reasons for the failure include the inaccuracy of mapping of private property boundaries and the lack of enforcement by Core Mountain. (CBW-19)

There is no factual basis for the assumption made in the DEIS that the boundary management plan for the project will demonstrate compliance with applicable state laws regarding trespass. In the three years of operations, SOLRC has failed to rope off, post, and enforce private property boundaries that have been mapped by VPI. (CBW-16)

What are the terms in the operating plan for addressing trespass? How will county authorities find trespassers? Why does the county instead of SOLRC have to find and prosecute trespassers? How can SOLRC employees conduct avalanche control without trespassing? (JJSN-8)

Response 50: As discussed in the Draft EIS (sections 3.5.3.2, 3.5.4.1.1, and 3.5.4.1.2), the private property and boundary management terms of SOLRC's operating plan center on compliance with applicable regulations and statutes, particularly the Colorado Ski Safety Act. The Colorado Ski Safety Act spells out roles and responsibilities for the ski area operator, skiers, and adjacent property owners. The operator or the property owner is responsible for posting closed private property boundaries. Skiers are responsible for respecting closures. While the operator may opt to patrol boundaries and report violations, reporting of trespass is ultimately the responsibility of the landowner, and enforcement is the responsibility of the county sheriff. The Colorado Ski Safety Act has been included as an appendix to the PRMP Amendment/Final EIS.

As administrator of authorizations to use federal lands, the BLM plays a role in monitoring and ensuring compliance with the terms of the authorization, including the private-land stipulations of the operating plan. Noncompliance can result in penalties, including suspension or termination of the authorization. SOLRC records indicate that key areas where trespass is a concern have been posted by SOLRC for the past three seasons. Further, private landowners have recently posted additional property boundaries. Known private property boundaries that have been surveyed and posted must be avoided by the permittee. If the commentors note instances of noncompliance, they are encouraged to notify the appropriate authority, either the county sheriff or the BLM. See Response 48 in regard to mapping accuracy.

The impact summary regarding trespass issues is not adequate. Trespass could result from SOLRC guests crossing private boundaries, SOLRC employees crossing boundaries during avalanche control activities, and indirectly, by avalanche debris from SOLRC land travelling onto private property. Cumulative impact from these actions and the feasibility of the resort are not explained. (JJSN-15)

Response 51: The issue of trespass is discussed in sections 2.2, 2.3.3, 3.5.3.2, 3.5.4.1.2, and 3.5.4.2.2 of the Draft EIS. This discussion centers on role of applicable state statutes, particularly the Colorado Ski Safety Act of 1979, in protecting private property. SOLRC's operating plan

cites the provisions of the Colorado Ski Safety Act. The Colorado Ski Safety Act has been added as an appendix to the PRMP Amendment/Final EIS. While it is recognized that trespass could occur under some of the scenarios noted in the comment, trespassers would be in violation of state statutes. Disclosing that potential and citing the applicable statutes is the appropriate way to address this issue in a NEPA analysis. Avalanche debris is not viewed as constituting trespass, and no statutes related to avalanche debris and trespass have been identified during the EIS process. Regarding potential trespass occurring during avalanche control activities, see Response 52. Regarding the cumulative effect and the feasibility of the resort, see Responses 44 and 49.

Avalanche control work will result in SOLRC personnel entering and using explosives on land not under the control of SOLRC. Avalanches resulting from control activity will also enter onto private property. Trespass could occur in portions of Zones 1, 2, 4, 5. As a result, these areas should be removed from the permit boundary. (CBW-21)

Response 52: On November 20, 2003, San Juan County adopted the *SOLRC/San Juan County Cooperative Avalanche Reduction Plan for San Juan County Roads 110 and 52*, authorizing SOLRC to conduct specified avalanche control activities and associated road closures in portions of the CR 110/52 corridor. This plan parallels the previous agreement between SOLRC and the Colorado Department of Transportation (CDOT) which was in place until CR 110 was turned over to the county in 2003. The purpose of the plan is to keep these roads safe for public use. The plan authorizes avalanche control activities on public and private lands, regardless of ownership. To the degree that SOLRC avalanche control activities are completed under the auspices of this plan, such activities are not viewed as constituting trespass. Avalanche control activities that were not called for under the plan would be subject to the same statutory controls on trespass noted under Response 51. The PRMP Amendment/Final EIS has been revised to reflect the new plan. As noted above, avalanche debris is not viewed as constituting trespass, and no statutes related to avalanche debris and trespass have been identified during the EIS process. In light of these considerations, removal of the cited zones from the permit area is not warranted.

Use of the mountaineering route would be dangerous to navigate as mapped and thus trespass would likely result as private lands offer a safer and easier route. (CBW-18)

Response 53: There are inherent risks to mountaineering and like many backcountry activities can be dangerous if not performed conscientiously, and with the required equipment, skill, and expertise. Mountaineering courses will be offered at SOLRC to provide training and experience. Most use of the mountaineering route is anticipated to be associated with these courses. During the winter, the route would be managed the same as ski terrain, open only when deemed safe by the snow safety director with agency oversight. Trespass would be addressed in the same manner outline in Responses 50 and 51. While the mountaineering route veers from the most logical line to avoid a private parcel just south of 13,053 Peak, this detour is not the most challenging terrain on the route.

Trespass in the summer months, when the requirements of the Ski Safety Act are not applicable, must also be addressed. Trespass could occur on the mountaineering route and hiking trail. (CBW-20)

Response 54: The terms of the Ski Safety Act and other trespass laws (e.g. CRS 18-4-504) are applicable year-round.

It is unclear how the SOLRC EIS was able to determine the type and quality of a potential historic site located on private land within the SOLRC boundary. Why is the

EIS reviewing and attempting to place controls on other private land within the boundary? (JJSN-25)

Response 55: The cultural resource surveys completed for this analysis were conducted according to State Historic Preservation Office protocols. Consistent with NEPA, the purpose was to document any historic sites, disclose any potential impacts to such sites that would result from the Proposed Action or alternatives, and identify any measures to protect such resources that the pertinent agency or property owner should consider. No trespass occurred in the course of the surveys, as no land in the survey area was posted. No attempt will be made to place controls on private land.

4.4.7.7 Property Damage/Insurance

BLM should require SOLRC to directly insure property owners against damage from avalanche control and require SOLRC to post a bond or other security to insure the fulfillment of the terms and conditions of the land use authorization (43 CFR 2920.7). (CBW-22)

SOLRC's policy as written only covers structural damage to property (the cabin) from avalanches. There is no description of insurance coverage for loss of life within this structure caused by SOLRC activities. (JJSN-19)

Response 56: As described in section 3.8.3.1.2 of the Draft EIS, the issue of liability for injuries associated with avalanches or other aspects of commercial ski operations is comprehensively dealt with by the Ski Safety Act. SOLRC carries commercial liability insurance and has listed San Juan County as an additional insured to cover bodily injuries or death and property damage associated with ski area operations and avalanche control activities. Liability insurance has been required as a stipulation of past SOLRC permits and will be specified in any authorization granted in response to the current proposal.

4.4.7.8 Helicopter Skiing

When helicopter skiing was initially permitted in the San Juan Mountains in 1983 (not 1996 as mis-stated in the DEIS)... (MFM-1)

Response 57: Helicopter skiing was initially permitted in the current SOLRC permit boundary in 1996. It was permitted in other portions of the San Juan Mountains, including parts of the Columbine Ranger District, in 1983. Section 3.5.3.3 of the PRMP Amendment/Final EIS has been amended to reflect this. Note also that the current Helitrax permit does not include the SOLRC permit area, and future permits will no longer include this area. Section 3.5 of the PRMP Amendment/Final EIS has been modified accordingly.

4.4.7.9 Snowmobile Use

The recreation data used in the EIS is flawed. From past experience I can tell you that the Silverton Snowmobile club inflates their usage numbers by as much as a factor of ten. Yet, Jim Huffman's estimates on the number of snowmobile use is listed as factual information. In order for the EIS to have accurate data the BLM needs to conduct their own research. Before SOLRC was allowed to control backcountry access the number of skiers and snowmobilers using the public lands was as much or more than the current number of guided skiers at SOLRC. Now that public land is closed off there is no way to get an accurate count of backcountry use. (WW-7)

Response 58: The number of years that snowmobiles have been operating in the Silverton area was a general figure based on information from several sources. The Huffman citation has been removed from section 2.4.1 of the PRMP Amendment/Final EIS as it was intended only to reference the information about the snowmobile special event. The information reviewed in the course of this analysis indicates that public use of the permit area was substantially less than SOLRC's authorized or actual use. If the commentor has other, defensible figures to offer, the BLM will consider them.

4.4.7.10 Cumulative Effects

The DEIS fails to evaluate the cumulative impact on the environment of the eventual development of private property owned or controlled by SOLRC at the base of the ski area or the potential installation of other lifts within the project area. The EIS should also consider the cumulative impacts of the SOLRC project and VPI's proposed aerial tramway project, since the development of a tramway is reasonably foreseeable. (CBW-32)

Response 59: See Response 37 regarding potential SOLRC expansion. Reasonably foreseeable private property development is described under the No-Action Alternative, section 2.2.3, and is made part of the analysis of effects in Chapter 3. VPI's proposed aerial tramway is not considered reasonably foreseeable because a complete application for this project has not been submitted to the BLM. Any such proposal submitted by VPI will receive appropriate agency consideration.

4.4.8 Socioeconomics

4.4.8.1 Population

In 3.6.3.1 Population, it is stated that 300 underground miners were laid off by the final wave of closures during the 1990s. And yet the population change reflects a decline of only 185 people total, from 1990 to 2000. Assuming that most of the miners left Silverton with the loss of their jobs, these numbers indicate a possible increase in population of up to 100 new people. (PSN-6)

Response 60: The discussion in section 3.6.3.1 of the Draft EIS refers to data reported by the 1990 and 2000 U.S. Census. Comparisons made in the discussion were based on those two data sets. Additional information has been added to this section of the PRMP Amendment/Final EIS recognizing that prior to and possibly since the mine closure, the town of Silverton and therefore San Juan County experienced an increase in population since the difference in the two populations do not equate to 300.

4.4.8.2 Local Economy and Employment

One of the issues that we wish to point out is that the EIS on page 3-78 shows the unemployment rates for the Silverton community and San Juan County to be 1.8% and 2.1% respectively. As an economic development group we feel that it is important for those considering the project to understand the significance the SOLRC has had and will continue to have on our community in regards to increasing the employment opportunity in Silverton both directly and indirectly. (BF-2)

The report's depiction of Silverton's current economic conditions and the potential for significant improvement of such conditions as a result of the development and operation of this proposed project appears to be understated. On page 3-78 of the DEIS, Table 3-9

depicts unemployment rates for the Town of Silverton and San Juan County as 1.8% and 2.1% respectively. We have researched the unemployment records, as reported by the State of CO, for Calendar Years 2000 - 2002, and we find that San Juan County has the highest reported annual average unemployment rate in the state of CO at 12.7% - significantly higher than the DEIS's reported 2.1%. Furthermore, to fully understand the town's situation, it is important to recognize that from 1999 - 2002, the town's winter unemployment rate averaged 24.4% (ranging from 14.3% to 30.3%). The Silverton community experiences severe economic distress throughout the winter seasons - year after year - and the significance of the SOLRC project to improving the winter economy should not be understated. (TOS-6)

Response 61: The figures referred to above were taken from the 2000 U.S. Census, which typically provides reliable data and information. However, due to the size of the Silverton area and the potential coarseness of the census data, it appears that the data gathered by the state may more accurately reflect the true conditions in San Juan County, including seasonal fluctuations that occur. Data gathered from the Colorado Department of Labor and Employment has been used to update the analysis in section 3.6.3 and Table 3-9 in the PRMP Amendment/Final EIS. Regardless of the exact figures, the result will be that employment opportunities will increase.

Because he wants to provide food and drink and housing himself, how will Silverton really benefit from this? (LC-4)

Response 62: In terms of food and beverage service, SOLRC proposes very basic facilities that would narrowly accommodate a capacity crowd during the course of an operating day (section 3.7.4.1.2). Lunch would likely be the emphasis. Regarding lodging, the proposal calls for 10 yurt or cabin type units accommodating only a small portion of the ski area's capacity. In short, there would be ample excess demand for goods and services offered in Silverton if visitation achieves projected levels.

4.4.8.3 Emergency Services

Does the ski area intend to ask their customers purchase of a Colorado "rescue card"? This was once a part of their marketing. Does the rescue plan suggest SAR assistance as a routine element? What impact will ski area rescue requirements have on San Juan County? (DB-38)

Response 63: This issue is discussed in sections 3.6.3.4 and 3.6.4.1.4 of the Draft EIS. SOLRC determined that visitors could not be compelled to purchase a rescue card. It is anticipated that SOLRC's snow safety and ski patrol personnel would handle most search and rescue operations. However, additional assistance may be required at times, as occurred last season when helicopter evacuations were required for two medical emergencies. Therefore, the state SAR fund would be occasionally affected as a result of SOLRC soliciting assistance from the County Sheriff or local search and rescue organizations for emergency evacuations or other emergency needs. Section 3.6.4.1.4 has been modified in the PRMP Amendment/Final EIS to reflect this.

4.4.8.4 Economic Viability of SOLRC

Since there is no intermediate terrain, and most new ski areas see this as their bread and butter, is SOLRC really economically viable? (RG-2)

Response 64: As noted in section 1.5 and elsewhere in the Draft EIS, and as discussed in detail in sections 1.6.1 and 3.7.3.1.4, SOLRC is intended to offer a different recreational product than

typical resorts. Its anticipated market niche is extreme skiing, drawing from a similar population as heli- and cat-skiing operations. See Response 5 regarding economic viability.

If there are 450 skiers per day, [and avalanche danger high,] will the area not get completely tracked out in a very short time? If they are billing/marketing this as a powder skiing experience, how will this play out? (RG-3)

Response 65: Mountain capacity is addressed primarily in section 3.7.4.1.2 of the Draft EIS, which concludes that the mountain could readily accommodate 475 skiers per day. However, the quality of the ski experience would vary depending on how much powder was available due to weather, terrain limitations, and demand. Natural backcountry conditions vary more than at typical resorts. Regardless of snow conditions, the ski area would still provide a unique, niche form of recreation, and therefore, would meet the purpose and need for the project. SOLRC's marketing strategy would be independent of the BLM land use authorization.

I would like to see a strategic plan for base area build out and any real estate development plans that Mr. Brill and SOLRC have for the land at the base of the mountain. In today's economy, most ski areas are keeping their heads above water by selling real estate. (RG-4)

Response 66: See Responses 5, 37, and 59.

4.4.9 Recreation

4.4.9.1 Demand for Backcountry Skiing

The backcountry ski industry is not stagnant, in fact, according to the Colorado Avalanche Information Center (CAIC), it has seen large growth, as has demand for skiing at Silverton Mountain. (AB-10)

Response 67: Section 3.7.3.1.3 of the Draft EIS describes rapid growth trends in alternative skiing and other winter activities. This is in contrast to overall ski industry, which has experienced little growth for over a decade.

The statement made about market data on page 3-107 of the DEIS is not sufficient to support the claims of a viable enterprise. The basis of expected skier numbers for SOLRC off of general ski industry trends in the US and backcountry equipment sales seems unconvincing to justify 450 skiers per day. (JJSN-4)

Response 68: See Response 5 regarding economic viability. The cited page refers to and summarizes the more extensive assessment of market conditions presented in section 3.7.3.1.3.

4.4.9.2 Mountain Capacity

Limit skier days to 100, but I would like to see the carrying capacity analysis. I believe that making a decision on skier days as it relates to the carrying capacity of the mountain borders on negligence without this type of analysis having been completed. (RG-14)

Response 69: Alternative B would limit the operation to 100 skiers per day on public lands. The capacity of 475 skiers per day was determined primarily by San Juan County, based largely the capacity of the chairlift. In terms of terrain capacity, 475 skiers on over 1,300 acres would result in a substantially lower skier density than typical ski areas. Further, there is no established skier-

density standard for the unique, backcountry style experience SOLRC is intended to offer. As a result, more detailed analysis of mountain capacity was not deemed to be necessary. Also, see Response 65 regarding capacity analysis.

4.4.9.3 Summer Recreation

All summer trails constructed and/or utilized on BLM land should be multi-use trails for non-motorized uses including bikes, hikers and horses. All uses would, of course, be subject to amendments to the Applicant's annual operating plan. (AB-8)

Response 70: Agency recreation and natural resource specialists who reviewed SOLRC's proposal determined that trail access between the lift top and the base area and the lift top and Colorado Basin was desirable to provide recreational opportunity and protect resources. However, it was determined that the primary need was for hiker access on the Colorado Basin trail, and that other forms of use risked increased recreational conflict and resource damage on public lands. Mountain bike access is considered in the analysis on the Alternative Lift Trail and the base area to address demand for lift accessed downhill mountain biking.

4.4.10 Safety

4.4.10.1 Access Route

The DEIS implies, at 3-40, that snowmobile access is possible without full road construction. At the very least, we would like to see a more concrete assessment process outlined for future determination of the need for this safety access road. (JAB-4)

The Applicant did not propose that an access trail be constructed to the top of the lift. The Applicant suggests that if the BLM require such a facility be constructed, that it, and attendant tree thinning, occur incrementally over as long a period of time as practicable, and in an environmentally sensitive manner (e.g., leaving materials on site). (AB-4)

If such an access trail were required by BLM, the applicant recommends that an initial attempt be constructed by hand. Finally, future safety needs, as related to such an access trail, should be re-evaluated at a later time. (AB-5)

Response 71: As discussed in section 3.8.4.1.1 of the Draft EIS, emergency vehicular access between the base area and the top of the lift was identified by the BLM as an important safety consideration. This consideration is addressed by Mitigation Measure 26 (section 3.8.4.5), which calls for an access route passable by at least a tracked vehicle in the winter. This is the option analyzed in the EIS. Based on further consideration of this issue, the agency recognizes that reliable winter access, by snowmobile, would adequately address the safety concern. This might be accomplished by a one-track-wide snow road, established without any earthwork. The alignment of the proposed alternative hiking and biking trail could be the logical location for such a snow road. In any case, the agency's intent would be to meet the need for emergency, winter access with the least impact possible. As the Draft EIS addressed the option with the greatest impact potential, the decision maker could require anything from a simple snow road to the all-season road analyzed. Section 3.8.4.1.1 and Mitigation Measure 26 have been revised accordingly in the PRMP Amendment/Final EIS.

My review of the EIS draft saw no mention of a plan for the evacuation of injured skiers. I don't clearly see how a plan could be devised for the swift and rapid evacuation of a severely injured patient from this terrain (PJN-4)

Response 72: SOLRC has prepared a rescue plan that has been reviewed and accepted by the BLM, included in their operating plan, and posted in their base-area office. See Draft EIS section 3.8.3.1.2.

4.4.10.2 Snow Safety Planning and Documentation

The snow safety document is referenced but not provided for review. The EIS should provide who the snow safety experts were, their qualifications, when they reviewed the snow safety documents, as stated on page 3-120, and what their comments were. (JJSN-24)

Response 73: The document referred to is SOLRC's March, 2001, Snow Safety Document, discussed primarily in section 3.8.3.1.2 of the Draft EIS. That section quotes reviews by Craig Sturbenz and Liam FitzGerald. The document was also reviewed by Forest Service winter sports specialists Ken Kowynia and Dave Ozawa, who are on the agency's ID team. Sturbenz is the snow safety director at Telluride ski area. The qualifications of the other reviewers are outlined in section 4.4 of the Draft EIS. The document and any written comments from the reviewers are included in the project record.

Backcountry guided skiing, and its associated avalanche risk management, is very different than ski resort avalanche mitigation (3.8.3.1.1), and thus appears to represent a significant challenge for SOLRC. Unfortunately, The DEIS has thus far failed to either adequately define or merge these two unique operational priorities. (MFM-2)

Much of section 3.8.3 is filled with graphs and references to common avalanche literature that is far removed from the admittedly unique combination of terrain and snowpack found in the SOLRC proposal. The DEIS makes an important point regarding the differences between ski area mitigation and backcountry avalanche avoidance, though fails to deliver on any specifics. Oddly, one of the "primary" sources quoted in the DEIS is an Outside Magazine article (Kerasote, 2003) which incorrectly states that "among heli-ski operations, until January 2003 nobody had been killed (by an avalanche) in 17 years." (MFM-3)

There is no indication within the DEIS that SOLRC has developed an in-house "snow safety program" addressing both compacted ski area terrain and backcountry guiding. The contents of the "Snow Safety Document" do not include any mention of a written plan for backcountry ski guiding, or how SOLRC would merge the often conflicting priorities of ski area mitigation with hazard evaluation outside of its boundaries. (MFM-4)

The DEIS draws certain "conclusions" from SOLRC's two winter's experience and safety studies regarding the "potential for safe, expanded commercial skiing operations." These observations are far from conclusive, and should serve as the foundation for ongoing refinement of avalanche safety protocols rather than as justification for the immediate vesting of a conventional ski area permit. (MFM-9)

Response 74: In addition to the Snow Safety Document (see Response 73), SOLRC develops an annual operating plan each season, and a snow safety plan is part of the operating plan; (see sections 2.2, 2.3.3, and 3.8.3.1.2). Operating Plans have been required for all four years (2000 – 2004) as part of the SRPs. These plans direct the snow safety operation, and they have evolved each year on the basis of cumulative knowledge and experience with the area and the operation.

Mitigation Measure 25 is intended to insure that this evolution continues through mandatory, annual updates of the snow safety plan, involving ski area and BLM personnel. Details at the level provided in the snow safety plan would be inappropriate to include in the EIS, but the plan is included in the project record.

Further, as noted in section 2.2, operating plans are typically not prepared until after NEPA analysis and approval of ski area projects. In recognition of the importance of a thorough snow safety analysis, the BLM required advance preparation of an initial operating plan, including snow safety provisions, to set the stage for the EIS. Under BLM administration, SOLRC's snow safety program will continue to evolve.

Regarding the Kerasote quote, review of the www.avalanche.org website indicates that three heli-skiers have been killed by avalanches in the U.S. and 11 in Canada since 1995. Section 3.8.3.1.1 of the PRMP Amendment/Final EIS has been revised accordingly.

4.4.10.3 Snow Safety Reporting

The Applicant has now completed four years of snow safety study, not three as indicated in this section. (AB-14)

In all my years of working in the field of avalanche safety I have never encountered an operation that takes greater risks than the SOLRC. Any ski operation that proposes to ski avalanche slide paths in the San Juan Mountains is going to have fatalities. When I read the avalanche summary reports for SOLRC I am shocked at how little information they provide on their avalanche program. The program has been in place for four years yet SOLRC only produced a report for the last two years. The report for 2001/2002 failed to mention an avalanche incident that buried a Black Diamond equipment retailer to his neck. This same accident was not reported to the Colorado Avalanche Information Center. I found the avalanche summary reports to be so lacking in detail that they are useless. (WW-1)

Response 75: The BLM's requirements for reporting have evolved over the past 4 years. Initial requirements were associated with the Snow and Avalanche Study permit (Draft EIS section 1.3), and they were met primarily through provision of the Snow Safety Document and supporting data. Separate post-use reports were submitted under the initial Special Recreation Permits (SRPs). By the third season, reporting procedures were refined, and a *SOLRC Year End Weather and Avalanche Summary* was submitted for 2001/02 and 2002/03. The last of those reports combined the reporting requirements of the snow study permit and the SRP. These reports contain details of a season's operations and provide a foundation for continued evolution of the snow safety program. They are included in the project record.

The cited April 3, 2002 incident involving a Black Diamond employee was reported to the BLM in the SOLRC post-use report for 2001/02. After SOLRC reviewed the details of the event it was not reported to the CAIC due to the insignificant nature of the incident, as no injury was reported by the victim and he continued skiing the rest of the day. Liam FitzGerald, the snow safety expert on the contractor team, was on site shortly after the incident and confirmed that it did not require reporting to CAIC.

4.4.10.4 Avalanche Control

Hand thrown explosives are currently used in Zone 3 and have proven not to be impractical as the text suggests. While somewhat difficult to reach, Silverton Mountain's guests skied parts of Zone 3 throughout the 2002/2003 season. (AB-17)

Response 76: The skier's left portion of the zone cannot safely be controlled using hand charges, and the agency will require Avalauncher coverage or other means of explosive control in the area's operating plan.

I am bothered by the description of active control work occurring in areas adjacent to those open to skiing; this operation should occur only during periods of diminished avalanche potential. The area should be closed during periods of high avalanche potential to address risk of fracture propagation into open areas and to insure that full attention can be given to control work. (DB-40)

Response 77: The potential for fracture propagation during control work was reviewed following the 2002/03 season, and as a result the 2003/04 operating plan includes a stipulation that the ski area will be closed during periods of high avalanche potential when active control efforts are underway. In addition to such closures, during periods of high avalanche hazard SOLRC will implement a buffer area (a ski run or entire zone) to keep clients away from adjacent areas where active control efforts are underway. This is intended to keep the clients a safe distance away and reduce any chance of fracture's propagating into the area they are skiing in. See Response 74.

When unguided skiers are on the mountain during regular operating hours, I have seen nothing in the snow safety plan to address the eventuality of skiers crossing ropes into closed areas. These adjacent closed areas should be aggressively controlled by explosives. Ropes and signs are not a good deterrent for keeping skiers out of areas that are unsafe to open. When SOLRC provides lift access, they should also carry responsibility for controlling areas that are accessible to these same skiers. (DL-4)

Response 78: The Draft EIS addresses the need for effective boundary management in sections 2.2, 2.3.3, 3.5.4.1.2, 3.8.4.1.1, and 3.8.4.3.1. Section 3.8.4.1.1 compares the relative need, difficulty, and efficacy of boundary management under the Proposed Action and alternatives. The provisions of the Ski Safety Act are also relevant to this comment, as they specify the roles and responsibilities of ski areas and skiers regarding safety (Draft EIS sections 3.5.3.2, 3.5.4.1.1, and 3.8.3.1.2). SOLRC would control slopes adjacent to open areas in each operational zone as a safety measure to protect unguided skiers. This stipulation will be a standard procedure of the annual operating plan.

4.4.10.5 Avalanche Hazard Evaluation/Forecasting

Under the heading of "Avalanche Hazard Evaluation/Forecasting," there is little or no mention of SOLRC's avalanche forecasting methodology. All of the outside forecasting sources referenced are specific to terrain or hazards completely separate from Silverton Mountain. (MFM-6)

I believe the Avalanche Hazard Evaluation/Forecasting portion of this section, as summarized in the main document is somewhat deficient, is lacking in detail, and does not provide a clear framework for SOLRC implementation or recommendations. (AIM-5)

The required elements to be used in a modern forecasting program have not been specified in the DEIS except by a general reference to pages 207-233 of the Avalanche Handbook, much of which does not apply to the proposed use of SOLRC of public lands. (AIM-6)

Evaluation of snowpack stability in this generally weak continental snowpack requires daily evaluation of the snowpack and prevailing weather conditions. (AIM-7)

The snowpack stability must be checked and quantified by appropriate shear-strength-to-stress tests. These must be conducted in areas which are representative of the many starting zones where SOLRC clients will be using the steep BLM avalanche prone terrain. (AIM-8)

Records must be kept of the results of these stability tests, which must be on going during the entire season. Two or three formal "master" snow pit locations at various exposures and elevations must be updated on a weekly (or more often) basis to provide an ongoing assessment of the prevailing seasonal "snow climate" of each season. Detailed records must also be kept of these master pits. (AIM-9)

Weather must also be recorded on a daily basis, including diurnal temperature fluctuations, precipitation (snow) rate and accumulation, and wind. These data must then be used in conjunction with the snow structure data . (AIM-10)

There is little emphasis in the EIS of avalanche forecasting using recorded meteorological events and systematic snow stratigraphy studies. These are essential in a good snow safety program. I would suggest a daily forecast sheet which would include the above data and be made available to all members of the on-mountain crew. (DL-6)

Explosive tests must only be used to supplement the other data on snowpack stability. (AIM-11)

In the EIS snow safety section there is much mention over and over of control by explosives. In my experience, explosives are one tool to test snow stability and it is not always an accurate test. (DL-5)

Detailed records must be kept of all the elements and tests used to evaluate the snowpack stability. These records will be essential when the unavoidable avalanche-related accident occurs and SOLRC and the BLM are required to show the records that prove they have made appropriate attempts to follow the industry "standards" in snow-safety procedures. (AIM-16)

CAIC backcountry forecasts are state-wide and very general, CDOT forecasts are germane to the hazards associated with highway avalanche paths, and Telluride Ski Area does 300,000 skier days per winter within its boundaries. These observations are useful to SOLRC, but are no replacement for an operational in-house avalanche forecasting methodology. The necessity of generating site-specific daily forecasts when working in the San Juan snow climate cannot be overemphasized. Record keeping of avalanche control activities, strict reliance on explosives for stability evaluation and use of "recycled" forecasts are simply no substitute. (MFM-7)

I strongly recommend that a modern, state-of-the-art forecasting program be used at SOLRC that includes all of the elements mentioned earlier in this letter. (AIM-18)

Response 79: SOLRC's avalanche forecasting and evaluation approach is summarized in section 3.8.3.1.2. The operating plan includes more detail and is constantly being updated and improved, as noted in Response 74. The BLM and SOLRC recognize that a state-of-the-art forecasting and stability evaluation program is essential to successful operations in the San Juans, and most of the points noted above have been included in the current operating plan. Other points will be considered in the course of annual operating plan revisions. SOLRC's Snow Safety Director is currently updating and rewriting the forecasting methodology for next season's operating plan. The details of the operating plan regarding forecasting and evaluation are beyond the scope of the EIS but will be reviewed by the BLM and included in the project record.

The snow safety study ... should be a permanent element of the safety and operating plan. Data collection and analysis is an integral part of stability evaluation and forecasting. Continual 'study' of the snow safety program is essential to the operations of this or any other avalanche threatened ski area. The EIS should not suggest otherwise. (DB-36)

Response 80: The agency concurs, and the Draft EIS was not intended to suggest otherwise. See Response 74.

Internet access to National Weather Service forecasts should be included as data source. The NWS GJT office provides frequent updated information during periods of changing winter conditions. (DB-37)

Response 81: The agency concurs, and SOLRC has been consulting the NWS Grand Junction office. This source of weather information has been included in section 3.8.3.1.2 of the PRMP Amendment/Final EIS.

4.4.10.6 Skier Compaction

The amount of skier traffic (up to 100 skiers/day) is at least an order of magnitude less than at other areas of comparable size, therefore compaction will not be as effective at SOLRC as at other areas. (AIM-12)

The steep avalanche tracks and starting zones are not amenable to machine compaction, therefore this common element of stabilization will not be available. (AIM-13)

Compaction will be less effective when large, sustained storms occur (e.g. February, 1993; February 1995; March, 1995; Jan-Feb, 1996; March, 1998). During major storms closure will be the only effective mitigation. (AIM-14) Closure should persist until it can be shown, objectively, that it is safe to open. (AIM-15)

The cornerstone of an effective snow safety program for the avalanche terrain in this area should be skier compaction. Skier traffic is the only effective way of artificially creating a stronger snow pack. Focused skier compaction by effectively "skiing out" an area is essential. (DL-5)

Response 82: SOLRC' operating plan recognizes both the potential benefits of skier compaction and the difficulty of achieving effective levels of compaction given the expanse of the area and the limits on skier numbers. As a result, the plan includes boot packing and directed, guided skiing focusing on key avalanche starting zones to maximize the benefits of limited skier

compaction. Skier compaction is just one aspect of an integrated forecasting, evaluation, and control program.

4.4.10.7 Avalanche Risk

Section 3.9.3.2 of the Draft EIS states that the base area parking lot is located under two small avalanche paths, Dump North and Dump South, and that since 1971, there have been two reported avalanches from each chute that have hit 110A. I have to question the accuracy of this information as the topo map indicates the top of the catchment basin is 1,000 vertical feet above the run out zone of the Jump slide, and 1,800 feet above the road in the Dry gulch path. Additionally both catchment basins are quite large with the Dry gulch basin measuring 1/2 mile across. These are hardly "small paths." The catchment basins also face east and will tend to load quickly with the prevailing westerly winds. (PJN-2)

It would also seem to be ill advised to place the bomb cache in even a small avalanche path as indicated in Figure 2-1. The majority of the inbound slides will do little damage as they will be controlled or in closed areas, any slide above the parking areas during business hours will do considerable property damage. Should they occur at the beginning or end of the day, they could involve a large number of victims as well. I feel the EIS draft underestimates the risk to the parking areas and base area, including the bomb cache presented by the Jump and Dry Gulch slide paths. (PJN-3)

Response 83: The cited figures for the Dump North and Dump South paths came from CDOT records, included in the Draft EIS as Appendix D and an assessment of highway avalanche risk prepared by Dave Ozawa, a Forest Service winter recreation specialist on the project ID team, based on available records. The Jump and Dry Gulch paths, particularly the former, have demonstrated the potential to hit CR 110. Historic frequency of avalanches on these paths has been low. Control of these paths is projected to occur under the provisions of the *SOLRC/San Juan County Cooperative Avalanche Reduction Plan for San Juan County Roads 110 and 52* (see Responses 52 and 100).

What do they plan to ski when the avalanche danger is high and rising? (RG-3)

Response 84: The terrain most likely to open under high and rising avalanche hazard is in Zone 1, where use and skier compaction is likely to be highest and several runs are in trees, below timberline. However, in accordance with the operating plan, the area will be closed if there is no reasonable assurance of safe conditions even in Zone 1.

4.4.10.8 Boundary Management

The Applicant respectfully disagrees with the utilization of the proposed boundary management plan as a mitigation tool. The effect of this may be to steer backcountry skiers who have not undergone our ski safety orientation, and may not be carrying appropriate safety gear, towards some of the most challenging terrain. (AB-11)

Our snow safety director believes that, instead, the subject area(s) should be closed during the winter to non-customers. We therefore request the operational flexibility to maintain the ski area boundary as safely as possible. (AB-12)

Response 85: The external boundary management discussed in these comments is included in the Draft EIS as Appendix C. It is discussed in sections 2.2, 3.5.3.2, 3.5.4.1.1, and 3.7.3.3, and it

would be retained under Mitigation Measure 21. Consistent with the Ski Safety Act and agency policy, this plan is intended to provide the public reasonable access to public lands – at their own risk – while protecting them from hazards created by the ski area.

4.4.10.9 SOLRC Staffing

There also appears to be no mention of a ski patrol in the EIS, and the impact it would have under the different Alternatives. In all plans there would be a need - as mentioned above- to evacuate injured skiers. (PJN-5)

Mandate adequate staffing for snow safety program and insure that criteria and parameters for operations are established and strictly monitored. (RG-9)

The snow safety manager must also have an adequate number of patrollers, exclusive of guides, to be able to open the mountain to skiers after a storm cycle. (SBL-3)

Mandate adequate staffing for reasonable guide to client ratio. (RG-10)

Response 86: Table 3-16 in the Draft EIS describes projected staffing levels, including snow safety/ski patrol, under the Proposed Action and alternatives. At SOLRC, these two categories are interchangeable. The operating plan currently calls for four full-time snow safety staff (up from two during the 2002/03 season) to be on the mountain whenever it is open. See also section 3.8.4.1.1 and Table 3-20 in the Draft EIS. The maximum guide-to-client ratio has been set at 8 to 1 (section 2.3.3).

There would also be a need for trained personnel who could evacuate a lift in the event of a lift breakdown as well as maintain trail closures and in general help provide a reasonably safe environment in which to ski. Although these personnel could also be guides, there has to be additional people to “sit coverage” at the top of the lift to be available in the event of a serious injury or lift break down. The convention at larger ski areas is to have a minimum of four extra patrollers at each duty station available to respond at any time. Clearly this demand would be greater in the unguided alternatives and under this plan a system would be required to sweep the runs at the end of the day to assure there are no stranded skiers remaining on the mountain overnight. (PJN-6)

Response 87: SOLRC’s required lift evacuation plan is on file with the Colorado Passenger Tramway Safety Board and is cited in their operating plan. The operating plan also notes that all lead guides and lift operators are trained in lift evacuation. SOLRC regularly conducts lift evacuation practice on site. Table 3-16 in the Draft EIS indicates staffing requirements under the Proposed Action and alternatives. The operating plan will address end-of-day sweeps and other standard practices for unguided operations if such operations are approved. See Response 86.

As an avalanche safety professional I am shocked at the low standards for guides at SOLRC. The fact that most of the professionals in avalanche safety want nothing to do with the Silverton Mountain Ski Area should be a huge red flag for the BLM. The standards used by the Canadian Avalanche Association for Level II certification would be an excellent starting point for apprentice guides at SOLRC. Head guides should have at least ten years experience in the San Juan snowpack with extensive experience in backcountry medical care and evacuation. (WW-3)

Response 88: As stipulated in SOLRC’s operating plan, all lead guides must be familiar with the continental snowpack, have avalanche training at Level II or above, and have lift evacuation

training. SOLRC has endeavored to recruit a highly skilled guide staff. (See Responses 86 and 87.) There has been long debate regarding guide certification in the U.S., similar to the cited Canadian and European systems. However, no such certification program or requirement is currently in place in the U.S.

4.4.10.10 Selective Tree Removal

Cut limbs and trees that are retained on the ground after thinning creates a safety concern for skiers as their equipment can catch on these items within the snowpack. (JJSN-22)

Snow safety concerns as expressed in the EIS would be adversely affected by tree thinning as mentioned in 3.7.4.4 and 3.8.1. Tree thinning would certainly add to the amount of skiable terrain, but would also add to the time and expense of avalanche control. (KR-12)

Response 89: As discussed in section 2.3.4, the objective of the proposed selective tree removal is increased safety, and part of the selective tree removal program would be removal of limbs on naturally fallen trees so they lay flat on the ground and would be sufficiently covered by snow pack. Hazardous limbs and trees would also be removed, and all cut material would be scattered rather than piled. This would also reduce risk of insect problems. Tree removal would not be conducted in areas where it would increase avalanche hazard. Similar to other runs, tree runs would not be open until safe conditions prevailed, including adequate snow cover. Overall, these efforts would decrease the risk to skiers in forested areas. Section 2.3.4 of the PRMP Amendment/Final EIS has been revised to clarify these points. See Response 32.

4.4.10.11 Permit Phasing

It is my belief that the DEIS as it relates to snow safety does not yet adequately address the issues which would be of concern to land managers in arriving at a fully informed decision. I see a valuable recreational opportunity taking shape at Silverton Mountain and would suggest further study, BLM oversight and a phased/incremental approach to permit allocation. (MFM-12)

Response 90: The analysis documented section 3.8 of the Draft EIS and reflected in identification of Alternative C as the preferred alternative constitute a phased approach. The knowledge and experience gained through several years of annual snow study and SRP permits (section 1.3) was carried into formulation of the Proposed Action and alternatives (section 2.3.1) as well as into the impact analysis and mitigation requirements. As discussed in section 3.8.3.1.2 and Response 74, SOLRC's snow safety program is designed to continually evolve, with active BLM oversight. Failure to provide adequately for safety would be grounds for permit suspension or termination. Overall, safety concerns have been identified and addressed at the appropriate level for this phase of the process.

4.4.10.12 Miscellaneous

Can SOLRC afford to provide for public safety under their plan when even Berthoud Pass ski area, with close proximity to Denver and the Front-Range ski market could not afford to stay open? (KR-18)

Response 91: Section 3.8.4.1.1 and Table 3-20 in the Draft EIS address the relative cost of snow safety programs under the Proposed Action and alternatives. As noted in Response 5, the BLM's interest is provision of a safe, unique recreational opportunity at SOLRC, not the operation's

economic situation *per se*. If conclusions based on this analysis prove incorrect and an adequate safety program proves to be economically impractical, SOLRC may not survive.

The Applicant's weather station was installed in 2000. (AB-15)

Response 92: The PRMP Amendment/Final EIS has been revised accordingly.

3-121. Guided operations at Silverton Mountain ended June 1, 2003, not April 13th. (AB-16)

Response 93: According to records provided to the BLM, the date reported in the Draft EIS is correct.

Since SOLRC operations cannot legally or safely reach Zone 5, this acreage should be eliminated from the permit area. (JJSN-10)

Response 94: Based on this analysis, there is no legal or safety related reason to exclude Zone 5 from the permit area. For reasons outlined in section 2.3.5, the proposed permit area will remain as originally defined.

A glossary of snow safety-related terms should be considered, including such terms as hazard, danger, avoidance, mitigation, reduction, control, controlled, etc., including a discussion as how these terms are used to qualify that snow safety goals are achieved. For instance, guided skiers in Zone II may have exercised "hazard avoidance," but do they continue to avoid hazards while getting back to the base area under Zone IV where hazard has been "reduced." (DB-41)

Response 95: A glossary of snow safety and avalanche terms has been added to the PRMP Amendment/Final EIS, prior to the Summary, following the glossary of acronyms.

SOLRC Project Elements map (Figure 2-1) includes the location of the explosives cache. I was surprised to see this addition. After the terrorism of 9/11/2001 and the safety measures instituted by the U.S. government I am surprised that you would want to so publicly advertise the location of explosives. (MAS-8)

Response 96: Thank you for pointing this out. The caches have been removed entirely from Figure 2-1 in the PRMP Amendment/Final EIS. The caches are secure facilities, in accordance with the applicable regulations, including those of the Colorado Division of Oil and Public Safety.

Will the area still "qualify" its customers and require beacons and shovels? (DB-39)

Response 97: While the idea of qualifying visitors has some logical appeal, it has not proved to be a useful tool and has been dropped. According to SOLRC's operating plan, all visiting skiers will be required to carry an avalanche beacon, shovel, and probe.

The Matrix of Alternatives provided in Table 3-20 conspicuously lacks detail in the following areas: Cost of Snow Safety Program, Internal Boundary Management, and Skier Compaction. It seems that a reasonable quantitative analysis could be performed as part of the DEIS versus the current broad-brush qualitative approach. (MFM-10)

Response 98: A table is by definition a summary, and the text associated with Table 3-20 provides supporting discussion. As documented, the analysis allows differentiation among the Proposed Action and alternatives and identification of any potentially significant impacts. This satisfies the intent of NEPA.

Summer operations should include a discussion regarding lightning hazards. (DB-33)

Response 99: Thanks for pointing this out. Lightning is a major issue at SOLRC, and summer operations are routinely curtailed as a result. Discussion of this issue has been added to section 3.8 of the PRMP Amendment/Final EIS. A mitigation measure has been suggested in section 3.8.4.5 to reduce the risk of lightning to SOLRC guests.

4.4.11 Transportation

4.4.11.1 Road Closures

The EIS assumes that SH 110A and CR 52 will be closed at the direction of SOLRC. This assumption is unwarranted because CDOT and San Juan County have not made a determination to allow this closure on a long-term basis. Furthermore, there is no basis for assuming that such closures can lawfully be enforced. The EIS must consider the consequences if road closures cannot be implemented. (CBW-24a)

Response 100: As discussed in Response 52, the SOLRC/San Juan County Cooperative Avalanche Reduction Plan for San Juan County Roads 110 and 52 was officially read, passed, and adopted by the Board of Commissioners of San Juan County on November 20, 2003. Under this plan, the county has delegated SOLRC the authority to close CR 110 (formerly SH 110A) and CR 52 as needed when SOLRC is performing avalanche reduction work in accordance with plan. The avalanche reduction plan and associated resolution are filed in the project record. The plan has been reviewed by the BLM and appears to constitute a legal agreement.

Page 3-70 of the document allows “The following entities would be exempt from the public lands access restrictions, ...(4) CDOT...” I would like to call into question the need for CDOT access. San Juan County will take over former Highway 110A and I question whether CDOT would want any access to an area 9 miles from the nearest state highway. (MAS-7)

Response 101: Under the SOLRC/San Juan County Cooperative Avalanche Reduction Plan discussed previously, the county may contract CDOT to perform avalanche reduction work for CR 110. As access to CR 52 or other portions of the SOLRC may be necessary, CDOT would be exempt from the public lands access restrictions while performing avalanche control activities. Section 3.5.4.1 of the PRMP Amendment/Final EIS has been amended to include the conditions of this exemption.

There should be set criteria and parameters that govern the opening of SH 110A for snow safety regarding plow drivers and individuals and employees driving to the ski area. (RG-12)

Response 102: Exceptions to the closure are a matter for the county to consider, within and outside the terms of the SOLRC/San Juan County Cooperative Avalanche Reduction Plan for San Juan County Roads 110 and 52. Discussion of such exceptions is beyond the scope of this analysis.

4.4.11.2 Road Maintenance

The impact of increased costs to the county for snow removal and maintenance should be discussed. (JJSN-14)

Response 103: Winter maintenance associated with CR 110, including snowplowing, will continue to be conducted by San Juan County. As the road is no longer managed by the state, the cost of this maintenance has been shifted to the County. Snow removal responsibilities associated with avalanche control activities are outlined in the *SOLRC/San Juan County Cooperative Avalanche Reduction Plan for San Juan County Roads 110 and 52* and has been added to section 3.9.3.1 of the PRMP Amendment/Final EIS. Removal of avalanche debris associated with avalanche reduction activities on CR 110 adjacent to SOLRC and on CR 52 is the responsibility of SOLRC, similar to past CDOT permits. Snow removal associated with avalanche control activities on the lower portions of CR 110 is the responsibility of San Juan County. The cost for snow removal is not anticipated to increase notably, and any increase would be offset to some degree by the reduction of large-scale slides that have historically covered the road during high snow years, given the regular avalanche control work that will occur as part of SOLRC's operations.

4.4.12 Aesthetic Resources

4.4.12.1 Visual Resources

We recommend against approval of the access road between the base area and top of the chairlift specified in Mitigation Measure 26 (DEIS at 2-15) on the alignment of the Alternative Trail. Roads are frequently recognized as the most significant landscape impact possible with proposals such as this (for instance the 3 acres of cut and fill on steep slopes noted in the DEIS at 2-20). (JAB-3)

Response104: The visual impact of the access route is discussed in section 3.10.4.1.1. As noted in Response 71, the access route will be minimized as much as possible to reduce impacts while providing reliable emergency access.

I would like to see some kind of restriction relating to ridgeline or skyline development and building. (RG-6)

Response 105: No ridgeline construction is proposed on BLM lands with the exception of one radio repeater. A visual analysis was conducted for the location of this repeater in section 3.10.4.1.1 of the Draft EIS, concluding the visual impact would be minimal. Because of the nature of radio operations, there is no viable location for the repeater other than a ridgeline.

4.4.12.2 Noise

I would like to see helicopter use regulated specifically for skier safety and evacuation reasons. (RG-7)

Response 106: Helicopter use was proposed under Alternative B (section 2.3.3 of the EIS) to increase recreational access to permit-area terrain and to allow for more rapid and wide ranging stability testing and avalanche control activities. A helicopter dedicated solely to skier safety and evacuation at SOLRC would be economically infeasible. However, as noted in SOLRC's operating plan, helicopter medical evacuation service is available locally.

The EIS states that avalanche explosives are no more of a problem than the sound of snowmobiles. To compare noise from explosive charges as equal to gasoline engines is extremely poor data. (WW-5)

While the EIS acknowledges that the noise impact from the avalanche control bombs will be significant, it implies that it will be no worse than the noise produced by the snowmobiles that use the area. After approximately 15 days of backcountry skiing north of the ski area last season, we never heard a snowmobile, but we did hear blasting nearly every day. This detracted significantly from our backcountry experience. (PJN-8)

Response 107: Noise impacts are discussed in sections 3.10.3.2, 3.10.4.1.2, 3.10.4.2.2, and 3.10.4.3.2. The only comparison noted between explosive noise and snowmobile noise is in regard to their relative duration. The discussion does not state that snowmobiles are more of a problem than explosives or that the noise produced is comparable.

4.4.13 FOIA

The BLM and Forest Service has not responded fully to VPI's FOIA request. The following documents were not made available for review: the complete SOLRC Snow Safety Plan; the complete SOLRC master plan and operating plan; the complete SOLRC boundary management plan; land surveys; SOLRC's analysis of economic feasibility; wildlife inventories and habitat mapping; biological opinion from the FWS; historic/cultural resources studies; and all files in the possession of Cirrus that are not in the BLM offices in Durango. No decision approving the application can be made if information related to the DEIS has not been made available for public review during the comment period. (CBW-1)

VPI reserves the right to submit additional comments on the DEIS at such time as the necessary documents have been made available for review. (CBW-2)

Response 108: The NEPA and FOIA processes are separate. VPI's FOIA request is being processed by the BLM in the order it was received, in accordance with the Colorado BLM FOIA policy. Processing of the request will include determination of which requested documents can and cannot be released. Proprietary financial information which the applicant does not wish to be released may not be. The BO has not been received from FWS yet. The schedule for the NEPA process will not be affected by processing of the FOIA request.

4.4.14 BLM Process

The BLM has unlawfully impaired VPI's right to apply for a land use permit for its own project (Silverton Tramway Project). (CWB-3)

Response 109: As noted in Responses 4 and 13, the BLM will consider any future applications for compatible land uses in the permit area.

