

## **CHAPTER 1: PURPOSE AND NEED**

### **1.1 INTRODUCTION**

In March 2001, Core Mountain Enterprises, LLC, submitted an application to the USDI-Bureau of Land Management (BLM) for authorization of long-term commercial use of about 1,300 acres of BLM administered land by the Silverton Outdoor Learning and Recreation Center (SOLRC). The general location of the project area is shown in Figure 1-1.

In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), the BLM initiated an Environmental Assessment (EA) process to analyze and disclose the environmental impacts of issuing the requested authorization. The SOLRC proposal was reviewed by the BLM interdisciplinary team and by the public, organizations, and other agencies through a scoping process conducted in August and September 2001. Internal review, scoping, and initial environmental impact analysis indicated that the proposal had the potential to generate significant environmental impacts. As a result, the EA process was stopped, and the BLM prepared this Environmental Impact Statement (EIS) addressing the SOLRC proposal.

A Notice of Intent (NOI) announcing the BLM's decision to prepare an EIS was published in the Federal Register on September 3, 2002. The NOI initiated a second round of scoping, which ended October 31, 2002. The Draft EIS was subsequently prepared and released in June 2003. This PRMP Amendment/Final EIS reflects comments received on the Draft EIS and changes in the project setting since the Draft EIS was released (see section 1.10). The BLM decision on whether or not to authorize this commercial use of federal lands will be based on this analysis.

SOLRC currently operates at a small scale on private land and on BLM land used under annual permits. Their proposal to expand onto BLM-administered land would substantially increase the unique recreational and educational opportunity available to the public at the center, capitalizing on the San Juan Mountain's rugged beauty, steep and challenging terrain, abundant snowfall, and intact high-elevation ecosystems. In terms of winter recreation, the centerpiece of SOLRC's operation, the requested authorization would allow a one-of-a-kind melding of minimal ski area infrastructure with otherwise undeveloped terrain. The intended result would be an affordable opportunity for advanced and expert skiers to obtain an extreme, backcountry type experience previously available only to helicopter and cat skiers at a high price or to those with the specialized knowledge, equipment, and stamina to access high-elevation backcountry on their own. (Note that the term "skiing" is used in this document to include alpine skiing, alpine touring, telemark skiing, snowboarding, and other snow-sliding sports.) The requested use authorization would also increase the scope of year-round educational and summer recreational opportunities available at SOLRC.

Under subsequent headings, this chapter summarizes NEPA process requirements, provides background information on the project, describes the Proposed Action, outlines the purpose and need addressed by the project, defines the decisions to be made on the basis of this EIS, describes the public involvement process and its outcomes to date, identifies the permits and authorizations that may be required to implement the project, and notes changes made from the draft to the final versions of this document.

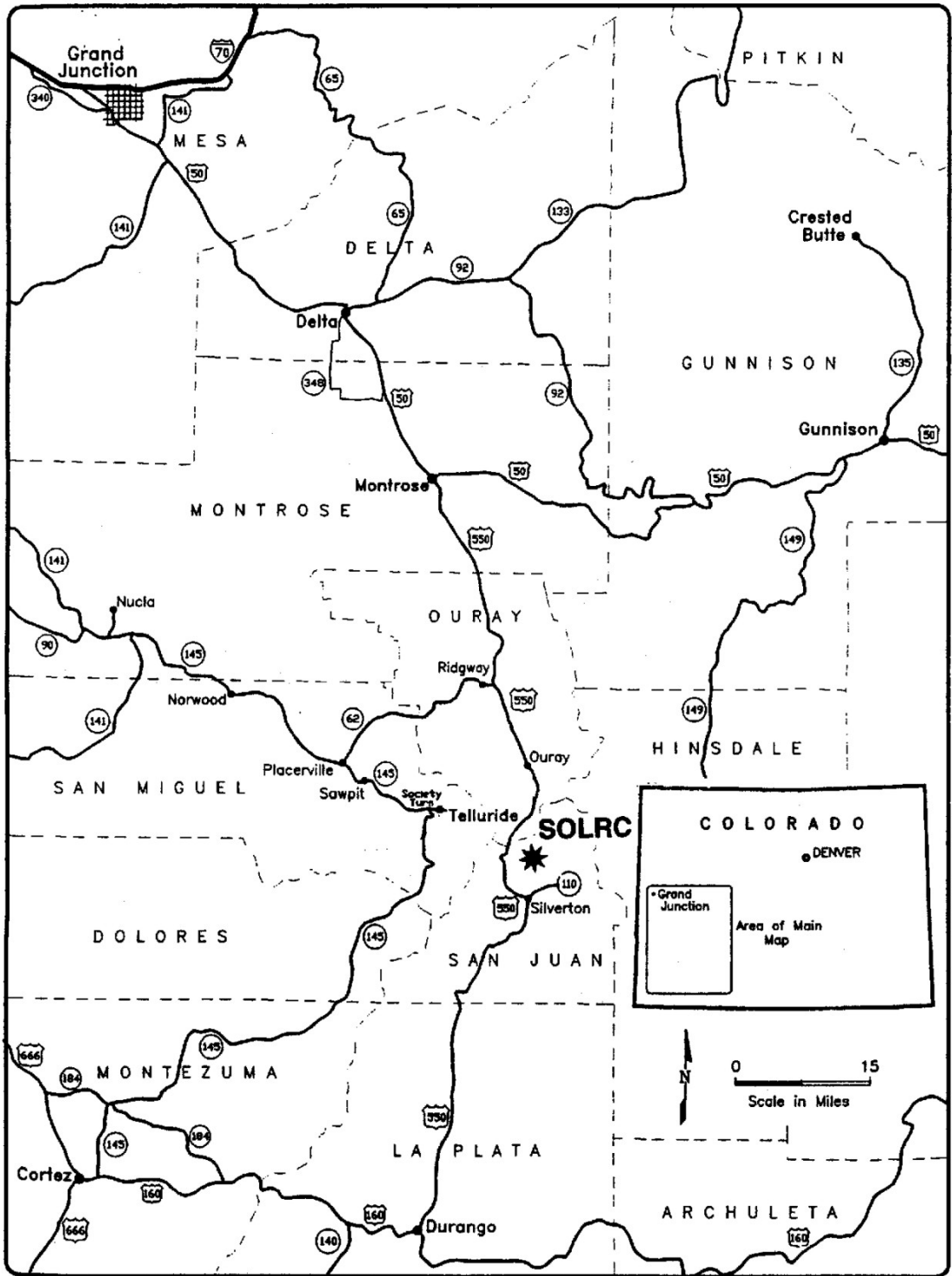


Figure 1-1. SOLRC Vicinity Map.

## 1.2 THE NEPA PROCESS

Since SOLRC's activities would involve BLM administered lands, and since issuing SOLRC the requested land-use authorization could potentially result in significant environmental impacts, NEPA requires the BLM to assess and disclose the potential environmental impacts of issuing the authorization in an EIS. NEPA stipulates that complete environmental information be made available to federal, state, and local agencies, nongovernmental organizations, and individuals that may be interested in or affected by a proposed action. Opportunities to review and comment on this information must be provided before decisions are made or actions are taken on public lands.

An EIS is a disclosure rather than a decision document. Its primary purpose is to provide environmental analysis to inform the public and to assist the BLM in reaching a decision, documented in a Record of Decision (ROD), to approve a proposed action or an alternative to it. Specific decisions to be made by the BLM in consideration of this analysis are described below (section 1.7).

Following publication of the Draft EIS on June 20, 2003, public and agency comments were accepted for 90 days. Subsequently, the BLM reviewed and responded to comments (see sections 4.3.2, 4.3.3, and 4.4). This PRMP Amendment/Final EIS was prepared on the basis of comments on the Draft EIS and changes in the project setting occurring since the Draft EIS was released (see section 1.10).

A 30-day protest period and 60-day Governor's consistency review will follow publication in the Federal Register of the Notice of Availability (NOA) of this PRMP Amendment/Final EIS to address the amendment of the *San Juan/San Miguel Planning Area Resource Management Plan* (RMP; BLM 1985). The RMP must be amended in order to approve the Proposed Action or an action alternative (see section 1.6.2 below).

The ROD will be released after the concurrent 30-day protest period and 60-day Governor's consistency review period, documenting the State Director's decisions regarding the RMP amendment and subsequent land use authorization. The decision to authorize the land use will be appealable under 43 CFR Part 4, Department Hearings and Appeals Procedures. BLM protest procedures are discussed in more detail in section 1.8.11 below.

Council on Environmental Quality (CEQ) Regulations on the application of NEPA encourage federal agencies to advise private applicants of any environmental studies and information requirements that may be required to support agency review and decision making (40 CFR 1501.2[d]). The objective is to ensure that the planning of proposed actions reflects the environmental values of an area, minimizes potential conflicts, and avoids delays in completing NEPA analysis. Agencies are further directed to utilize information collected by applicants, their consultants, or other parties as long as the agency makes an independent evaluation of the content and scientific credibility of the information (40 CFR 1506.5[c]). Any such information used in this EIS has undergone such evaluation by the BLM prior to being used in this analysis.

This EIS was prepared in accordance with the BLM *National Environmental Policy Handbook* (H-1790-1) with the assistance of Cirrus Ecological Solutions, LC, of Logan, Utah (40 CFR 1506.5[c]).

### **1.3 PROJECT BACKGROUND**

SOLRC was established in 1999 at a site about 6 miles north of Silverton, CO, near the Gladstone townsite. Their private-land operation was approved by San Juan County in June of 2000 (see section 1.6.3). Their approved Final Plan includes provision for all private-land development and supporting infrastructure including access, parking, a base lodge, overnight rental units, culinary water and wastewater systems, a chairlift, and various other adjunct facilities. Current infrastructure and services are described below. Elements of the county approved plan that have not been completed are described in detail in section 2.3.2. Based on the design capacities of the facilities comprised by SOLRC, the county-approved Final Plan projected useage at 475 visitors per day.

The center's goal is to offer small-scale, year-round outdoor education and recreation programs, with lift-served, backcountry-style skiing as a central component. To date, operations have occurred on about 344 acres of private land that SOLRC owns or has rights to use (referred to hereafter as SOLRC land) and on approximately 1,300 acres of BLM administered land used under annual Special Recreation Permits. Snow safety studies and avalanche control have been conducted for 5 years (including the 2003/04 season), under BLM Snow and Avalanche Study Permits, on the public land portion. Current programs and facilities include:

Guided skiing on private and public land (used under the BLM Special Recreation Permits cited above, which allowed 10 guided guests at any one time to access the permit area during the 2000/01 season, 20 guided guests during the 2001/02 season, 40 guided guests during the 2002/03 season, and 80 guided guests during the 2003/04 season).

A fixed-grip double chairlift from the base area to a ridge below the summit of Storm Peak (completed December 2001) on private land.

Operation of a shuttle service on County Road 110 (CR 110) to bring skiers back to the base area from various pick-up points along the road.

Summer scenic chairlift rides.

Hiking and mountain biking on a trail that roughly parallels the lift alignment, on private land owned by SOLRC.

Educational programs on private and public land, including field sessions in avalanche safety, backcountry ski travel, mountain rescue, adventure writing, and nature photography.

A temporary base lodge with basic services and a parking area, all on private land, accessed via CR 110.

Ski patrol buildings at the top and bottom of the chairlift on private land.

Two caches for avalanche-control explosives on private land near the base area.

### **1.4 PROPOSED ACTION**

The Proposed Action is BLM issuance of authorization for long-term commercial operations on the 1,300 acres of public land as requested by SOLRC. SOLRC's request is for a 40-year

authorization, but the term and other administrative details of the authorization would be at the discretion of the agency, documented in the ROD or subsequent agreements between the BLM and SOLRC. The following elements of the SOLRC operation would be authorized on BLM administered land:

Use of approximately 1,300 acres of BLM administered land for skiing in the winter, hiking in the summer, and educational programs year-round.

Unrestricted skier access to all permit-area terrain not closed or otherwise restricted by SOLRC for snow safety reasons.

Use of the permit area by up to 475 SOLRC guests per day.

Up to 17 temporary foot/skier bridges across Cement Creek within the permit area of which six would be on BLM land.

A hiking trail from the ridgeline near the upper lift terminal down into the Colorado Basin, connecting with County Road 52 (CR 52).

A summer and winter mountaineering route following the ridgeline south from the upper terminal of the chairlift, eastward across the top of Storm Peak, then northward and westward around the permit area boundary to tie into CR 52 between the cirque lake in Colorado Basin and Gladstone.

A small solar-powered radio repeater on public land near the existing radio reflector on 13,053 Peak (an unnamed peak northwest of Storm Peak, within the permit area).

In addition, an amendment of the RMP adding lift-served skiing and sightseeing to the forms of recreation authorized in the SOLRC permit area would be completed if the Proposed Action or an action alternative were selected by the agency decision maker.

Note that the Proposed Action includes only those elements of SOLRC's planned development that involve BLM administered land. Other elements involve private land only, including a permanent base lodge, 10 yurts or cabins for overnight accommodation, and two rope tows on the ridgeline adjacent to the upper chairlift terminal. These elements do not require federal agency approval and may be completed regardless of the BLM's decision regarding the Proposed Action. Therefore, these private-land elements are addressed in this analysis as part of the No-Action Alternative. The Proposed Action is described in detail in Chapter 2, section 2.2, the No-Action Alternative in section 2.3.2.

## **PURPOSE AND NEED**

### **1.5**

The CEQ regulations for implementing NEPA direct that agencies define the underlying purpose and need to which they are responding in preparing an EIS (40 CFR 1502.13). In this instance, SOLRC submitted an application for authorization to conduct long-term commercial operations on BLM administered lands. As discussed below (section 1.6.1), SOLRC's objective is to establish a viable business enterprise, drawing on the project area's outstanding natural resource base to provide unique forms of mountain recreation and education.

The BLM is responding to SOLRC's application in accordance with NEPA and FLPMA, analyzing and disclosing the environmental impacts of issuing the requested land-use authorization and reviewing the Proposed Action for conformance with the RMP. A successful operation would further the BLM's objective of providing a broad range of recreational opportunities on the lands under their administration.

## **1.6 RELATIONSHIP TO PERTINENT PLANS, PROGRAMS, AND POLICIES**

### **1.6.1 SOLRC's Objectives**

The proposal accompanying SOLRC's land use permit application includes the following statements under the heading of Concept Plan (SOLRC 2001, p. 3):

The proposal is for long-term continued operation of a small-scale, year-round, outdoor learning and recreation facility. SOLRC plans on providing continuing education programs that promote safe and responsible recreation with a strong environmental ethic. Educational programs will include but not be limited to field sessions in avalanche safety, backcountry ski travel, mountaineering, backcountry medicine, mountain rescue, weather studies, geology, environmental studies, ecology, adventure writing, film making, environmental art, nature photography, outdoor adventure, and sustainable building techniques.

SOLRC will . . . include a lift-assisted backcountry type ski area that will provide a skiing experience that resembles helicopter or guided skiing. SOLRC will serve a specialized clientele of advanced and expert skiers and snowboarders interested in difficult alpine terrain, and will offer opportunities to educate users in the skills of ski mountaineering and alpine responsibility.

The ski operation is the core of SOLRC's proposal. The project area's location, in the heart of the San Juan Mountains, provides an ideal locale for meeting the center's objectives in regard to skiing. The area is isolated, and the alpine terrain is high, steep and rugged, including ridges, bowls, and couloirs above timberline as well as natural glades and avalanche chutes below. By facilitating access to such terrain with the bare minimum of ski-area infrastructure, SOLRC intends to create and fill a dynamic new niche in a ski industry that has seen little growth in more than a decade. SOLRC will also build on the unique aspects of the setting in expanding other four-season recreational and educational programs.

As noted above under Project Background, SOLRC has offered similar programs on a limited basis for the past 4 years, using private land and BLM administered land under annual permits. Their current proposal would allow SOLRC to expand, offering a more comprehensive program to a larger segment of the public.

### **1.6.2 Relationship to BLM Plans, Programs, and Policies**

BLM policies, plans, and programs pertinent to the SOLRC proposal are reflected in the RMP. In general terms, the RMP's recreational resource objective is as follows (p. 13): "A wide range of outdoor recreation opportunities will continue to be provided for all segments of the public, commensurate with demand."

The RMP goes on to provide specific management guidance for areas with a recreation emphasis (Area C). These areas are of two types, special recreation management areas (SRMAs) "where

recreation is defined and recognized as *the* principal management objective,” and extensive recreation management areas (ERMAs), “where recreation is not the principal management objective but may be an issue or concern of some significance . . .”

For areas with recreation management emphasis, “[t]he primary management goal is to insure the continued availability of outdoor recreation opportunities which the public seek and which are *not* readily available from other public or private entities. Secondary goals include protecting resources, meeting legal requirements for visitor health and safety, and mitigating resource user conflicts involving recreation.” (RMP, p. 33.)

Recreation objectives for these recreation management areas are “to provide dispersed and resource-dependent types of recreation opportunities such as cross-country skiing, hunting, hiking, boating, jeeping, and fishing and to deal with the limited number of situations which require special or more intensive types of recreation management. Decreases in nonrecreational outputs may occur. Investments will be concentrated in SRMAs and in those ERMAs where these recreation program goals apply.” (RMP p. 33.)

The Silverton area is identified as an SRMA. The RMP includes direction to “[c]ontinue intensive recreation management of the Silverton Special Recreation Management Area. Provide for a blend of settings and opportunities that tend toward the resource-dependent end of the BLM’s Recreation Opportunity Spectrum (ROS) system.” The RMP calls for development and implementation of a recreation area management plan (RAMP) for the Silverton SRMA. This plan was completed in May, 1986 (BLM 1986b). The stated purpose of the plan is “to establish management objectives and actions to effectively provide for appropriate recreation activities, settings, and experiences” (p. 4). It notes that the ROS is the framework for planning and management of recreation, and that the ROS recognizes individual recreationists differ in needs and desired experiences. It emphasizes the dispersed forms of recreation (i.e. those that involve mobile activities on extensive land areas and are generally not site specific) that were and continue to be the primary use of the SRMA. While it does not mention fixed-base, commercial recreation of the type represented by SOLRC, the plan does recognize that the public seeks diverse and changing recreational opportunities. Thus, while the plan provides no specific direction relevant to SOLRC, the proposal is consistent with its purpose and overall objectives.

Neither the RMP nor the Silverton area RAMP specifically address lift-served skiing and sightseeing at SOLRC. To update the RMP accordingly, an amendment is being proposed to add these activities to the allowable uses (kinds and levels of recreation) authorized on BLM-administered public lands specific to the SOLRC permit area within the Silverton SRMA.

A final point to note is that few areas suitable for ski area development occur on lands under BLM administration. As a result, the agency does not have a body of policies, plans, and programs specific to this type of development. However, the office preparing this EIS and responsible for administration of any land use authorization is the Columbine Ranger District/Field Office of the San Juan Public Lands Center which is a “Service First” office where BLM and Forest Service resources are pooled. As a result, the BLM is using pertinent Forest Service policy and planning documents for guidance in completing this EIS and administering an authorization for commercial land use if one is issued.

### **1.6.3 Relationship to Non-BLM Plans, Programs, and Policies**

The most relevant non-BLM plans, policies, and programs are those of San Juan County. On June 12, 2000, the Board of County Commissioners, San Juan County approved SOLRC’s Final

Plan as it addresses development on private land. A letter to SOLRC from the Board documenting this approval states, “When making its final decision, the Board considered this [public] input along with the application requirements set forth in by San Juan County’s Zoning and Land Use Regulation . . . While the Board approved development of the SOLRC based on the proposal’s compliance with San Juan County’s land use regulations and Master Plan, the Board also supports the project on the grounds that it will likely be of great benefit to the local economy” (Board of County Commissioners, San Juan County 2000). While the project must comply with specific county regulations to obtain required permits (see Other Permits and Authorizations that May Be Required, section 1.9 below), these statements indicate that the SOLRC project has been reviewed for compliance with the county policies and plans applicable to this phase of project planning and has been found to comply.

## **1.7 DECISIONS TO BE MADE**

The decisions to be made in consideration of this PRMP Amendment/Final EIS are whether to amend the RMP to allow for the proposed activities and then whether, and under what conditions, to authorize SOLRC’s requested long-term use of the permit area. The agency official making these decisions will be the BLM Colorado State Director.

The decision maker may select a combination of elements of the Proposed Action and the alternatives if the environmental impacts of the combined elements are adequately assessed and disclosed in this EIS. The decision maker may also choose to adopt some or all of the mitigation measures identified in this EIS.

The land-use authorization will be issued under the authority of FLPMA, section 302(b), as implemented through regulations under 43 CFR Part 2920, Leases, Permits, and Easements. 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. The decision will be documented in a ROD that will be prepared and released at the conclusion of this EIS process.

## **1.8 PUBLIC INVOLVEMENT AND ISSUES IDENTIFIED**

Public involvement is a central component of the NEPA process, and several opportunities for participation by interested individuals, organizations, and agencies are being provided through the course of this EIS process. To date, two formal scoping comment periods and several public meetings have been completed to assist the BLM in identifying the environmental issues and concerns to be addressed through this NEPA process. The first scoping period was from August 9 through September 7, 2001, following initiation of the original EA process discussed above in the Introduction. Public meetings were held during this period at 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, 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).

This public scoping input complemented the results of the agency's internal review of SOLRC's proposal. NEPA requires interdisciplinary analysis, and the interdisciplinary team (ID team) of agency specialists assembled for this NEPA process reviewed the proposal and identified the issues and concerns they felt the EIS should address. Some of these involved compliance with various statutory requirements such as pertinent terms of the Endangered Species Act, the National Historic Preservation Act, and Section 404 of the Clean Water Act. The results of ID team review are also documented in the scoping report.

Collectively, scoping and internal agency review yielded a number of substantive issues that guided the analysis documented in the Draft EIS. The scoping report itself provides more detail on the content of the comments, and it was consulted by the specialists completing the analysis of these broad topics. Comments on the Draft EIS and changes in the project setting triggered changes in the analysis of some of these broad issues, as documented in this PRMP Amendment/Final EIS (see section 1.10).

The issues addressed in the EIS are presented below in order, from physical resources, to biological resources, to human aspects of the environment. The same ordering guides the organization of Chapter 3, Affected Environment and Environmental Consequences. While all substantive issues identified through scoping and internal interdisciplinary review were addressed in this analysis, only one issue, snow safety, resulted in the generation of alternatives, as discussed in more detail in Chapter 2 (see section 2.3).

### **1.8.1 Watershed Resources**

The Cement Creek watershed has been severely impacted by mining activity, and a number of concerns were raised regarding additive impacts due to the proposed SOLRC operation. These concerns included: the potential for human waste to contaminate water, increased soil erosion due to construction and bicycle use, and the water quality impacts of avalanche-control explosives. Concern regarding the availability of adequate potable water for SOLRC was also noted.

### **1.8.2 Vegetation**

The permit area comprises different vegetation types, ranging from wetland and riparian areas in Colorado Basin and along Cement Creek, through upper montane spruce-dominated forest, to alpine communities at higher elevations. Comments cited potential impacts of construction and summer recreation on special status plant species (i.e., federal and state listed threatened and endangered species as well as BLM and Forest Service identified sensitive species), on alpine vegetation communities, and on wetlands and riparian areas.

### **1.8.3 Wildlife**

Associated with the project area's diverse vegetation communities are a range of wildlife species. Potential impacts to special status species, particularly Canada lynx, were identified as a key concern. Potential impacts to elk, grouse, ptarmigan, subnivian species, and aquatic species were

noted, and assessment of the effects of summer recreation, winter recreation, avalanche control, and facility construction on these species was requested.

#### **1.8.4 Land Use**

Public land and resources in and adjacent to the proposed project area provide for a number of current uses, including various forms of dispersed recreation, livestock grazing, and mining-related activities. There are also a number of private inholdings within the proposed permit area. These are patented mining claims, some of which have not been developed beyond the level necessary to secure the original patent, while others have been developed with recreational or year-round residences. Right-of-way authorizations exist in the vicinity of the proposed permit area for roads (CR 110, CR 52, and access roads), powerlines, telephone, and communication sites. Concerns regarding the Proposed Action's impact on land use involved changes in public land access and use, the impacts to existing uses of public lands, SOLRC's ultimate objectives, and impacts to other private property and property rights within the proposed permit boundary.

#### **1.8.5 Socioeconomics**

The potential for positive impacts to the depressed economies of Silverton and San Juan County was the basis for many expressions of support for the project. Specific issues raised included effects on local business, resident and visitor populations, and local schools. Potential increases in property values, taxes, and the cost of public services, including search and rescue and emergency medical services, were also noted, as was the availability of adequate emergency medical services.

#### **1.8.6 Recreation**

Comments in this category cited the unique nature of the SOLRC skiing experience (i.e., advanced, lift-served backcountry skiing with limited associated infrastructure), its lower level of impact on the environment, and its lower price relative to other resort or commercial guided skiing options. The main issue raised was whether SOLRC would in fact attract enough guests to achieve the desired purpose and need and to justify the allocation of public resources. An adequate balance between on-mountain and base-area capacities at SOLRC was also a cited concern. (Note: the issue of access to the permit area by other recreationists is addressed under Land Use.)

#### **1.8.7 Safety**

The proposed permit area is subject to frequent and severe avalanche hazard, and the primary safety issue raised was snow safety. Specific concerns included SOLRC's capability to adequately provide for the safety of their guests and the issue of liability for avalanche related injuries. The potential hazard to SOLRC visitors posed by abandoned mines was cited, as were the potential for collisions between SOLRC skiers and snowmobilers on CR 52, the potential for heightened wildfire hazard due to increased visitation, and the risk of lightning strikes.

#### **1.8.8 Transportation**

Access to the project area from Silverton is via CR 110. Commentors questioned the capacity of the road to handle the additional traffic, the adequacy of parking for SOLRC, the impact of avalanche control efforts and associated closures on traffic and parking, and how emergency access would be maintained.

### **1.8.9 Aesthetic Resources**

The relatively undisturbed, natural character of the project area accounts for much of its attraction to recreationists, sightseers, other visitors, and residents. The potential impacts of construction noise and dust, avalanche control explosives, and proposed structures on the area's aesthetic values were noted by commentators, as was concern over the long-term visual impact if the operation should fail.

### **1.8.10 Cultural Resources**

The project area includes several historic mining sites. Potential impacts to such sites were a cited concern.

### **1.8.11 Protest Procedures**

The BLM planning process includes an opportunity for public, administrative review of proposed land use plan decisions during a 30-day protest period following release of the PRMP Amendment/Final EIS. Any person who participated in the EIS process and has an interest that is or may be adversely affected may protest approval of this EIS and land use plan decisions contained within it (see 43 CFR 1610.5-2) during the 30-day protest period. Only those persons or organizations that participated in the EIS process may protest.

A protesting party may raise only those issues submitted for the record during the EIS process leading up to the publication of this PRMP Amendment/Final EIS. The protesting party or others may have raised these issues. New issues may not be brought into the record at the protest stage.

The 30-day period for filing a protest begins when the U.S. Environmental Protection Agency (EPA) publishes in the *Federal Register* its NOA of the PRMP Amendment/Final EIS. There is no provision for any extension of time. To be considered timely, a protest, along with all attachments, must be postmarked no later than the last day of the protest period. The protest period ends on September 7, 2004.

A letter of protest must be filed in accordance with planning regulations in 43 CFR 1610.5-2(a)(1). Protests must be in writing.

Protests sent via electronic mail or facsimile will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, BLM will consider the electronic mail or facsimile protest as an advance copy, and it will receive full consideration. If you wish to provide BLM with such advance notification, please direct protests to the attention of the BLM protest coordinator at (202) 452-5112 (facsimile) or to [Brenda\\_Hudgens-Williams@blm.gov](mailto:Brenda_Hudgens-Williams@blm.gov).

If sent by regular mail, send to:  
Director (210)  
Attention: Brenda Williams  
P.O. Box 66538  
Washington D.C. 20035

For overnight (i.e., FedEx) mailing, send protests to:  
Director (210)  
Attention: Brenda Williams  
1620 L Street, N.W. , Suite 1075  
Washington, D.C. 20036

In order to be considered complete, a protest must contain, at a minimum, the following information:

The name, mailing address, telephone number, and interest of the person filing the protest.

A statement of the issue or issues being protested.

A statement of the part or parts of the PRMP Amendment/Final EIS being protested. To the extent possible, this should be done by reference to specific pages, paragraphs, sections, tables, maps, etc., included in the document.

A copy of all documents addressing the issue or issues that you submitted during the planning process, or a reference to the date the issue or issues were discussed by the person filing the protest for the record.

A concise statement explaining why the Colorado BLM State Director's proposed decision is believed to be incorrect. This is a critical part of the protest. Care should be taken to document all relevant facts. The planning documents, environmental analysis documents, or available planning records (i.e., meeting minutes or summaries, correspondence, etc.) should be referenced as much as possible. A protest that merely expresses disagreement with the Colorado BLM State Director's proposed decision, without any data, will not provide us with the benefit of the information and insight of the person filing the protest. In this case, the Director's review will be based on the existing analysis and supporting data.

At the end of the 30-day protest period and after the Governor's consistency review, the PRMP Amendment/Final EIS, excluding any portions under protest, will become final. Approval will be withheld on any portion of the PRMP Amendment/Final EIS under protest until final action has been completed on such protest.

## **1.9 OTHER PERMITS AND AUTHORIZATIONS THAT MAY BE REQUIRED**

This EIS is intended to provide analysis to support decisions to be made by the BLM and, as appropriate, by other agencies with permitting authority over the proposed SOLRC operation. The BLM decision will apply only to BLM administered lands. However, potential effects of implementing the Proposed Action and alternatives on lands and activities administered by other federal, state, and local entities are also disclosed in this document.

Table 1-1 identifies agencies and permits or approvals that may be required for SOLRC to operate. This list is not exhaustive. Other permits and approvals may be required. While the BLM assumes no responsibility for enforcing laws, regulations, or ordinances under the jurisdiction of other governmental agencies, BLM regulations require that permittees abide by applicable laws and conditions imposed by other jurisdictions.

<b>Table 1-1. Permits, approvals, and consultations that may be required.</b>		
<b>Agency</b>	<b>Type of Action</b>	<b>Description of Permit or Action</b>
BLM	Land use authorization.	Authorization required to operate on BLM administered lands.
USDI-Fish and Wildlife Service	Section 7 consultation and Biological Opinion.	Consultation in accordance with the Endangered Species Act to insure that appropriate protection is extended to federally listed threatened, endangered, and candidate plant and animal species.
Federal Aviation Administration	FAR Part 135 certificate.	Certification of compliance with required safety standards and requirements (Alternative B only).
U.S. Army Corps of Engineers	Section 404 permit(s).	Permitting in accordance with the Clean Water Act to insure that appropriate protection is extended to waters of the U.S., including wetlands.
Colorado Tramway Board	Permit to operate chairlift.	Permit issued in accordance with pertinent state regulations to insure safe operation of the chairlift.
Colorado Department of Public Health and Environment	Various health and environmental permitting.	Permitting necessary to operate food service facilities, to develop and maintain a culinary well, and to develop and maintain a wastewater treatment system.
San Juan Regional Planning Commission and Board of County Commissioners, San Juan County	Approval of preliminary plan, final plan, and parking plan.	Approval to proceed with development following review of final plan for compliance with applicable county land use regulations and master plan.
San Juan County	Building permits.	Permits issued to insure that construction complies with pertinent county regulations.
Private land owners	Access agreements.	Permission to allow SOLRC access to private inholdings in permit area.
Colorado State Historic Preservation Office	Section 106 consultation.	Complete Section 106 process under National Historic Preservation Act, as amended.
Southern Ute Indian Tribe, Northern Ute Tribe, and Ute Mountain Ute Tribe	Consultation	Consultation in accordance with the National Historic Preservation Act.  Consultation in accordance with the Native American Graves Protection and Repatriation Act, Archaeological Resources Protection Act, and the American Indian Religious Freedom Act, Executive Order 13007.

## **1.10 DESCRIPTION OF CHANGES MADE IN THE PRMP AMENDMENT/FINAL EIS**

This section summarizes the substantive changes that were made from the Draft EIS to the PRMP Amendment/Final EIS. Changes were made as a result of the following: (1) public comments on the Draft EIS, (2) additional data collection, (3) changes in management of CR 110, (4) consultation with the US Fish and Wildlife Service (FWS; section 7 of the ESA) regarding Canada lynx, (5) consultation with the SHPO regarding eligibility of historic sites for inclusion in the National Register of Historic Places, and (6) other miscellaneous factors. Where new references were cited as a result of these changes, they were added to the reference section.

Additional changes made from the draft to final versions of this document include rewording for clarification, and corrections of typos, spelling errors, format inconsistencies, etc. Because of the minor nature of these changes, they are not described below.

Changes were also made from the draft to final document that are standard when finalizing an EIS. These changes include an update of the project abstract and “Dear Reader” letter, a summary of public involvement to date, and a description of protest procedures for the PRMP Amendment/Final EIS.

### **1.10.1 Public Comments on the Draft EIS**

A description of public involvement to date in this EIS process, including the receipt and synthesis of the public comments on the Draft EIS, is included in section 4.3 of this PRMP Amendment/Final EIS. The BLM’s responses to the public comments are included in section 4.4.

Public comments on the Draft EIS were considered in determining what changes to the PRMP Amendment/Final EIS were warranted. Changes made were generally minor but are too numerous to list individually here. Specific sections of this PRMP Amendment/Final EIS where changes have been made are noted in the individual responses to public comments in section 4.4.

Based on public comment, a new safety issue, lightning risk, has been addressed in the PRMP Amendment/Final EIS (see sections 3.8.3 and 3.8.4).

### **1.10.2 Additional Data Collection**

#### 1.10.2.1 Cultural Resource Inventory

The Draft EIS noted in section 3.11.2 that an additional cultural resources survey was planned for the summer of 2003. Since the publication of the Draft EIS, this survey (phase two of the Class III archaeological survey) has been completed. Results of this survey are included in section 3.11.2 of this PRMP Amendment/Final EIS.

#### 1.10.2.2 Southwestern Willow Flycatcher Survey

The Draft EIS noted in section 3.4.3.3.1 that surveys for the southwestern willow flycatcher have not yet been conducted. Surveys for this species were conducted in the SOLRC project area during June and July 2003, at the request of the FWS. Results of this survey effort are included in section 3.11.3 and are used in the analysis of alternatives in section 3.4.4 2 of this PRMP Amendment/Final EIS.

### **1.10.3 Changes in Management of CR 110**

#### 1.10.3.1 Shift in Jurisdiction of SH 110A

In the Draft EIS, the pending change in jurisdiction of State Highway 110A was identified as a cumulative action. In October 2003, an agreement was signed between Colorado Department of Transportation (CDOT) and San Juan County for the county to take jurisdiction over this highway, and it was renamed CR 110. Since this change has taken place, this cumulative action has been dropped from all cumulative effects sections in this PRMP Amendment/Final EIS. Further, all references to SH 110A have been changed to CR 110. Details of the management shift are described in section 3.9.3. In addition, jurisdiction of the road formerly known as SH 110B was shifted to San Juan County in 2003. This road is now part of CR 2.

#### 1.10.3.2 Corridor Management Plan

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* (San Juan County 2003), 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 CDOT which was in place until CR 110 was turned over to the county in 2003. The purpose of the plan is to reduce some of the hazards on CR 110 and CR 52 from adjacent avalanche paths, thereby keeping these roads safe for public use. A discussion of this plan has been included in appropriate sections throughout this PRMP Amendment/Final EIS.

### **1.10.4 FWS Consultation**

Formal Section 7 ESA consultation was initiated by the BLM with the FWS on July 25, 2003, with the submission of a Biological Assessment (BA) prepared for this project. Additional information regarding the Proposed Action, specifically regarding thinning and the Alternative Lift Trail, was requested by the FWS and then provided on April 8, 2004, in a revised BA for Canada lynx. Associated changes on these topics were made to this PRMP Amendment/Final EIS, and Section 7 consultation was completed with a Biological Opinion issued July 15, 2004.

#### 1.10.4.1 Thinning

The term “thinning” was interpreted by the FWS and some readers to mean more tree removal, over a larger area, than is actually intended. As a result, the term “selective tree removal” has replaced “thinning” throughout the PRMP Amendment/Final EIS. The description of the proposed activity under Alternative C has been modified in section 2.3.4, and elsewhere in the document, as appropriate, and the analysis of the effects on the Canada lynx and its habitat has been modified in section 3.4.4.4.1. The depiction of thinning areas in Figure 2-2 of this EIS has also been modified slightly with the addition of two small polygons. The term “selective tree removal areas” has replaced the term “thinning polygons” in this figure and associated text.

#### 1.10.4.2 Alternative Lift Trail

Since the Draft EIS was published, the Alternative Lift Trail proposed under Alternative C was re-evaluated for suitability for hiking, biking, skiing, and snowmobile access, with steepness and width being determining factors. As a result of this evaluation, the trail was realigned from its original, approximate depiction, to reduce the overall grade of the trail, and consequently, the length and width of the trail increased, as described below in section 1.10.6.1. Since the revised trail alignment traverses a larger area of forest habitat than the alignment analyzed in the Draft EIS, the FWS requested that the effects of the trail on the Canada lynx and its habitat be reevaluated. Therefore, the analysis of impacts on lynx of the Alternative Lift Trail and the safety mitigation measure calling for an access route has been modified in sections 3.4.4.4.1 and 3.4.4.1.1, respectively, in this PRMP Amendment/Final EIS.

### **1.10.5 SHPO Consultation**

The Draft EIS noted in section 3.11.3.2 that the Colorado State Historic Preservation Office (SHPO) was being consulted to determine the eligibility of several recorded historic sites in the project area for inclusion in the National Register of Historic Places. Since the publication of the Draft EIS, consultation with the SHPO has been completed for the sites identified during the Class I records review and the first and second phases of the Class III archaeological survey. Results of this consultation are included in section 3.11.3.2 of the PRMP Amendment/Final EIS.

## **1.10.6 Miscellaneous**

### 1.10.6.1 Project Elements

Some project elements were altered, primarily on the basis of continuing design efforts/refinements, and to reevaluate the suitability of these elements for the proposed activities. These include the Colorado Basin Hiking Trail, the Alternative Lift Trail, and the snow safety mitigation access route. Alterations resulted in some modifications to the proposed trail/route alignments, dimensions, and disturbance areas reported in the Draft EIS. The length of the Colorado Basin Hiking Trail increased from 1.5 miles to approximately 1.7 miles, the length of the Alternative Lift Trail and access route increased from 1.7 miles to approximately 2.3 miles, and the width of the Alternative Lift Trail increased from 3 feet to 6 feet. These changes have been made in discussions of trail length and width and associated disturbance areas throughout this PRMP Amendment/Final EIS, as appropriate, including in sections 2.2 and 2.3, and in Tables 3-3, 3-5, and 3-7 in Chapter 3.

The term “access road,” used in the Draft EIS to describe emergency access in mitigation measure 26, has been changed to “access route,” to more accurately reflect what the BLM envisions as necessary for safety. It should be noted, however, that the full range of options of this route, from a narrow snowmobile route to a full-bench cut wide enough to accommodate a snowcat to groom the road in the winter have been analyzed.

### 1.10.6.2 Terminology and Frequently Cited Statutes

Several snow safety and avalanche terms are used frequently throughout the EIS. To clarify their use to the reader, and in response to public comments, a glossary of snow safety and avalanche terms has been added to this PRMP Amendment/Final EIS, following the Table of Contents and the glossary of acronyms.

The Colorado Ski Safety Act of 1979 is quoted and referenced in several sections of the EIS. To clarify for the reader the intent and content of this act, the Ski Safety Act, in its entirety, has been added as Appendix E of this PRMP Amendment/Final EIS.

### 1.10.6.3 SOLRC Operations

Since the Draft EIS was published, an additional year of SOLRC operations have occurred, including the 2002/03 ski season and snow and avalanche study, and 2003 summer education programs. In addition, the 2003/04 ski season and snow and avalanche study are nearing completion. This PRMP Amendment/Final EIS has been updated, where appropriate, to incorporate this information.

### 1.10.6.4 List of Preparers

The list of people and firms involved in completing this EIS process was updated and moved to Chapter 5 of the PRMP Amendment/Final EIS.

### 1.10.6.5 Standard Disclosures

Section 3.12 was updated and modified to include standard disclosures inadvertently omitted in the Draft EIS.