

**DRAFT DECISION NOTICE AND
FINDING OF NO SIGNIFICANT IMPACT
SKI COOPER WAY BACK POD IMPROVEMENT PROJECT
U.S. FOREST SERVICE
PIKE AND SAN ISABEL NATIONAL FORESTS AND CIMARRON AND
COMANCHE NATIONAL GRASSLANDS
LEADVILLE RANGER DISTRICT
LAKE COUNTY, COLORADO**

DECISION

Based upon my review of the Ski Cooper Way Back Pod Improvement Project (WBPIP) Environmental Assessment (EA), I have decided to implement the Proposed Action Alternative.

This decision authorizes activities and improvements on approximately 71 acres of National Forest System Lands within the special use permit boundary of the Ski Cooper Ski Area.

Specific actions authorized in this decision include:

- Removal of vegetation to develop new ski trails and a maintenance access route.
- Installation of a new lift with operator houses.
- Repositioning and replacement of the existing ski patrol headquarters.
- Construction of a new vault toilet.

These activities are described in detail with the project EA.

DECISION RATIONALE

Two alternatives were evaluated in the WBPIP EA: the Proposed Action and the No Action Alternative. Other alternatives were considered but not carried forward for detailed analysis.

The Proposed Action was selected because it is the only alternative considered that will meet the purpose and need of the project, which is to improve the overall guest experience at Ski Cooper. The Proposed Action achieves the purpose and need by authorizing the construction of facilities and new ski terrain while minimizing the adverse effects to resources.

Ski Cooper's current lack of access to advanced skiable terrain combined with some outdated facilities limits their ability to accommodate groups of skiers and snowboarders with mixed ability levels. The goal of expanding, enhancing and creating variety in skiable terrain is to encourage guests to patronize the ski area for a longer duration during the winter season.

While the Proposed Action is the only alternative that achieves the purpose and need, there were

multiple mechanisms to implement the project analyzed in the EA. The WBPIP EA considered other options for implementation but eliminated from detailed analysis based on the potential for adverse effects on resources, specifically, effects to wildlife and wetland areas along the Tennessee Creek drainage.

This decision is based on my review of the environmental analysis and the effects of the Proposed Action and the No Action Alternative. The WBPIP EA presents a thorough analysis of the Proposed Action, alternatives, and public involvement. My decision meets the requirements of the National Forest Management Act and the National Environmental Policy Act, and responds to the purpose and need for this project as described in Chapter 1 of the WBPIP EA. The decision addresses the issues identified during the planning process and the comments received from the public.

The WBPIP EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Pike and San Isabel National Forest, Cimarron and Comanche National Grasslands (PSICC) Schedule of Proposed Actions in February 2018 and updated periodically during the analysis. A scoping letter and description of the Proposed Action was sent to interested parties on March 28, 2018. On March 29, 2018, the PSICC issued a press release for the WBPIP EA, which was posted in the Herold Democrat and the Leadville Daily with information about how the public could provide scoping comments. The scoping notice was also published on the project website. Additionally, the Forest Service and Ski Cooper hosted a public open house at the Ski Cooper ski area on April 11, 2018. The Forest Service received a total of 31 comment letters during the public scoping period by email or mail. These comment letters contained a total of 75 individual comments. Most of the comments received by the Forest Service were from members of the public; 18 commenters resided in the immediate Leadville area, 8 were from Colorado but not residents of Leadville, and 5 did not indicate a location. Comments on the project were reviewed and included in the analysis of the EA; Appendix B of the EA includes responses to comments received during scoping.

The legal notice for the opportunity to object on the Preliminary EA was published in the Pueblo Chieftain on February 7, 2019. Emails or letters were sent on February 7, 2019 to those interested parties who provided comments during public scoping.

FINDING OF NO SIGNIFICANT IMPACT

The justification for the Finding of No Significant Impact (FONSI) is described below. A more in depth discussion of the effects related to the FONSI can be found in the EA. I determined these actions will not have a significant effect on the quality of the human environment; therefore, an Environmental Impact Statement (EIS) will not be prepared.

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality.

Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

Context

Activities associated with the WBPIP will be confined to the 100-acre Way Back Pod Project Area, which is located entirely within Ski Cooper's existing Special Use Permit area. The WBPIP will be consistent with the management area prescriptions, desired future conditions, and PSICC Forest Plan standards and guidelines specified for the area (refer to Section 1.4, *Management Direction* of the EA). The activities authorized under the Proposed Action are consistent with existing winter sports activities currently occurring in the area and would have little or no effect to other dispersed recreational activities or users in the vicinity.

Intensity

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.**

Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. Beneficial effects were not used to offset adverse effects. In the absence of beneficial effects, no adverse effects will be significant even when considered all by themselves. Mitigations and management requirements designed to reduce the potential for adverse impacts were incorporated into the proposed action and alternatives, including standards and guidelines outlined in the PSICC Forest Plan (Forest Service 1984), Best Management Practices, and project specific design criteria based on resource specialist knowledge and experience. These mitigations and management requirements would minimize or eliminate the potential for adverse impacts caused by the proposed project. (See Section 2.2.4.1, *Design Criteria, Best Management Practices, and Monitoring* of the EA)

2. **The degree to which the proposed action affects public health or safety.**

There will be no significant effects on public health and safety.

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There will be no significant effects on unique characteristics of the area, because there are no park lands, prime farmlands, research natural areas, wilderness areas, or wild and scenic rivers in or near the project area. Based on project design outlined in the EA, there will be no significant effects to historic or cultural resources unique to this area.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The effects on the quality of the human environment are not likely to be highly controversial. Controversy in this context refers to cases where there is substantial dispute as to the effects, rather than opposition to its adoption. The proposed project is consistent with the management direction in the Pike National Forest Land and Resource Management Plan (USDA Forest Service 1984). There is no known credible scientific controversy over the impacts of the proposed action. See Chapter 3 (Affected Environment and Environmental Effects) of the EA for a description of current resource conditions and comparative analyses of direct, indirect, and cumulative effects on the affected environment resulting from the implementation of the Proposed Action.

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

The Agency has considerable experience with actions comparable to the actions proposed for this project. The analysis shows the effects are not uncertain and do not involve unique or unknown risk.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.**

The action is not a precedent-setting decision. Similar actions have occurred for decades in the local area and across the PSICC. Any proposed future project must be evaluated on its own merits and effects.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

No current, ongoing, or foreseeable future actions will have cumulatively significant impacts to the project area. The Proposed Action does not represent potential cumulative adverse impacts when considered in combination with other past actions. The EA describes the cumulative effects for each resource area (See Chapter 3 of the EA).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because no districts, sites, highways, structures, or objects eligible for listing in the NRHP occur within the project area (see EA page 3-5). All known cultural and historic sites within the Project Area are recommended as not eligible for inclusion in the NRHP or, with project-specific design criteria, would be avoided by the Proposed Action (see EA page 3-5). Design criteria include the avoidance of the placement of lift towers and other surface-disturbing activities within cultural site 5LK2629.1 (see EA page 2-6, Section 2.2.4.1). The action will not cause loss or destruction of significant scientific, cultural, or historical resources. If artifacts, features, or other indications of previously unrecorded heritage resources are identified in the course of ground-disturbing activities,

all work in the vicinity would cease and the District Heritage Resources staff would be notified immediately (see EA page 2-6).

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

The action would not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973. The Proposed Action would have no effect on known occurrences of, and no habitat for, western prairie fringed orchid, Penland's alpine fen mustard, or Ute ladies'-tresses in or near the project area. There is also no known habitat, including proposed or designated critical habitat, for any of these species in the proposed project area (see EA pages 3-17 and 3-18). The Proposed Action may affect, but is not likely to adversely affect Canada lynx for the reasons stated in Section 3.11 (Wildlife) of the EA. Because the project impacts only 0.5 percent of a lynx home range, the Proposed Action would not disrupt lynx behavior patterns.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA, Appendix A). The action is consistent with the PSICC Forest Plan (1984).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the PSICC Forest Plan (1984). The project was designed in conformance with Management Area (MA) 1B-1, titled *Provides for Existing Winter Sports Sites* (Forest Service 1984). The desired condition in MA 1B-1 calls for ski area development and use to be integrated with other resource management to provide "healthy tree stands, vegetative diversity, forage production for wildlife and livestock, and opportunities for non-motorized recreation."

ADMINISTRATIVE REVIEW OPPORTUNITIES

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. The opportunity to object ends 45 days following the date of publication of this legal notice in the Pueblo Chieftain. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to file an objection, and those wishing to object should not rely upon dates or timeframe information provided by another source.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with §218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities §218.8(c). The objection must contain the minimum content requirements specified in §218.8(d) and

incorporation of documents by reference is permitted only as provided in §218.8(b). It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to §218.9. All objections are available for public inspection during and after the objection process.

Objections must be must be filed via mail, express delivery, or messenger to: Objection Reviewing Officer, USDA Forest Service, Rocky Mountain Region, 1617 Cole Boulevard, Building 17, Lakewood, CO 80401. Objections may also be delivered during business hours (M-F 8:00am to 4:00pm). Electronic objections with attachments, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: r02admin_review@fs.fed.us with Subject: WBPIP EA.

IMPLEMENTATION DATE

If no objection is filed on this project, a Decision Notice may be issued on, but not before the fifth business day following the close of the objection filing period (36 CFR 218.21). If an objection to this decision is filed in accordance with 36 CFR 218.26, then this Decision Notice may not be signed until all concerns and instructions from the reviewing official in the objection response have been addressed (36 CFR 218.12(b)).

Informal consultation with the U.S. Fish and Wildlife Service (FWS) for Canada lynx has been initiated and is currently in progress. An FWS concurrence for the Canada lynx determination is required prior to a final decision on this project.

If no appeal is received, implementation may begin immediately. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition. Construction activities of the Proposed Action are expected to begin in the spring of 2019 and will be completed in approximately two years.

CONTACT

For additional information concerning this decision, contact: Beth Davis, NEPA Planner, Salida Ranger District, 5575 Cleora Road, Salida, Colorado 81201, maryedavis@fs.fed.us, 719-530-3959.

Diana Trujillo
Forest Supervisor

Date

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