DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT

Proposed Wolf Creek Land Exchange
with
Leavell Properties, Inc.
in
Mineral and Saguache Counties, Colorado
Del Norte Ranger District, Rio Grande National Forest
USDA Forest Service

Leavell Properties, Inc. have proposed a land-for-land exchange involving 420 acres of Federal land and 1631.38 acres of non-Federal land. The proposal is made in accordance with the General Exchange Act of 1922 and the Federal Land Policy and Management Act of October 21, 1978 (43 U.S.C. 1716, 1717). Information in parentheses refers to the associated environmental assessment. (Appendix B - Statement of Intent, Appendix A - Maps).

The Federal land is located in Mineral County and the non-Federal tracts are located in Saguache County, Colorado. The parcels are all located within the Rio Grande National Forest and exhibit similar cover types: open, sometimes wet, meadows surrounded by various high mountain conifer woodlands.

There are floodplains or wetlands located on all parcels, with considerably more on the non-Federal lands (Section 4.1.1). No threatened or endangered species are known to exist on any parcel nor is there key habitat for these species (Appendix H). A cultural resource survey was made on the Federal land in compliance with E.O. 11593 and Section 106 of the National Historic Preservation Act. Clearance has been received from the Colorado State Historic Preservation Officer.

An examination by a Forest Service geologist found both parcels are non-mineral in character and not prospectively valuable for leasable minerals. The Bureau of Land Management concurred on the conveyance on the mineral estate on December 21, 1984 (Appendix E).

The non-Federal lands contain the standard reservation in patent. All effects on special use permits and grazing permits can be mitigated. Grazing capacities will be increased by the exchange and grazing use will be more efficient due to consolidation of ownership.

The following criteria were used to evaluate the alternatives:

1. The alternative selected should be cost effective and promote more efficient management.

2. The alternative should be in the public's best interest

3. The alternative must provide for meeting the National Forest management objectives as expressed in the Rio Grande Forest Plan

4. The alternative selected must maintain or improve environmental quality in the long run as exhibited by the net effects on natural resources.

5. The alternative selected must maintain or improve the stability of local economy.

Four alternatives were considered: 1) proposed exchange; 2) proposed exchange with 60 acre addition; 3) development under special use permit; 4) no action.

Alternative 1, the proposed exchange would eliminate 61 property corners and reduce National Forest System property lines by 21.9 miles. The offered lands include 9.7 miles of stream channel and 127 acres of wetland and riparian area, while the selected lands include 1 mile of stream channel and 40 acres of wetland and riparian area.

The Federal tract is 420 acres adjacent to the existing Wolf Creek Ski Area and the non-Federal tracts are inholdings totaling 1631.38 acres. All non-Federal tracts are surrounded by Federal lands. The proponent has committed to development of a ski area related resort in conjunction with the ski area permittee. The permittee has confirmed that he has a contract to acquire an undivided interest in the selected Federal tract assuring his participation in the development (Appendix R).

Disposal criteria from Chapter III of the Rio Grande National Forest Land and Resource Management Plan which apply to the selected Federal tract include:

1. When suitable for development by the private sector, if development (residential, agricultural, industrial, recreational, etc.) is in the public interest.

2. When critical or unique resource (wetlands, floodplains, essential big game winter range, threatened or endangered species habitat, historical or cultural resources, critical ecosystems, etc.) effects are mitigated by reserving interest to protect the resources, or by exchange where other critical resources to be acquired are considered to be of equal or greater value.

Both private and National Forest System land ownership is consolidated.

Alternative 2, the proposed exchange with the 60 acre addition (which encompasses the base facilities for the Wolf Creek Ski Area), would eliminate 59 property corners and reduce Forest System property lines by 20.1 miles. The selected lands include 1.6 miles of stream channel. The offered land remains as in Alternative 1. Alternative 2 would reduce the area and complexity of the special use permit administration. In other respects Alternative 2 is identical to Alternative 1.

WC18848

Decision Notice

The Mineral County Board of Commissioners, the State Clearinghouse, the Congressional delegation were advised of the proposal. The proposal was also advertised in these newspapers: The Saguache Crescent, The Monte Vista Journal, The Del Norte Prospector, The Mineral County Miner, and The South Fork Times, (Appendix C). Nearly all responses were in favor of the proposed exchange (Appendix d).

The alternatives of no action and development under a special use permit were identified, but based on the criteria, neither would eliminate property lines or corners nor consolidate National Forest System ownership. Either of these alternatives would, however, continue Forest Service control of the Federal tract. This control would assure that any development of the Federal tract would be compatible with management of adjacent Federal lands, most importantly the Wolf Creek Ski Area, and Forest Service visual management requirements.

On February 20, 1986, a Decision Notice was issued selecting the no action alternative. This decision was based on the fact that development of the Federal tract could be in derogation of the Wolf Creek Ski Area and other adjacent National Forest System lands. Leavell Properties, Inc. has agreed in principle to mitigation measures which will alleviate this concern. Therefore, the Wolf Creek Land Exchange Decision Notice dated February 20, 1986 is hereby withdrawn.

Development of the selected Federal lands for residential and commercial uses compatible with the adjacent ski area will result in some anticipated physical and socio-economic impacts. Mineral County will regulate components of development that are subject to County ordinances and regulation (Appendix L). Both Mineral County and the Colorado Department of Natural Resources have agreed that it is inappropriate to consider the land exchange proposal under the Colorado Joint Review Process (Appendix Q). Other local, state and Federal agencies will have review and approval authority for many components of any development plans that are proposed.

The environmental analysis discloses that the exchange proposals, Alternatives 1 and 2, meet the requirements of regulation and policy. These alternatives also meet all of the evaluation criteria with the exception of the visual management objectives in the Forest Plan. Alternative 2 best meets the landownership adjustment objectives found in the Rio Grande Forest Plan. However, Alternative 1 best meets the equal value requirement of the Federal Land Policy and Management Act of 1976.

It is my decision to proceed with Alternative 1, the land for land exchange, subject to the following conditions:

Appraisals of Fair Market Value for both Federal and non-Federal lands must be approved.

2 Acceptable mitigation for the Soil Conservation Service snow course must be provided.

The outstanding oil and gas lease covering a portion of the Federal tract in Section 4 shall be recognized in the patent.

4. The land exchange proponent must donate an easement over the Federal tract to the United States which provides a specific level of control of the type of developments on the Federal land conveyed. The purpose of the easement will be to assure that development of the Federal land conveyed is compatible with the Wolf Creek Ski Area.

This alternative, as conditioned, provides the best combination of physical, biological, social and economic benefits.

Based on the facts and circumstances discussed herein and in the Environmental Assessment, it is determined that this decision will not result in significant impact on the quality of the human environment; therefore, an environmental impact statement is not needed.

This decision is subject to appeal, pursuant to 36 CFR 211.18. Notice of an appeal must be in writing and submitted to the Chief, Forest Service - USDA, P.O. Box 2417, Washington, D.C. 20013, within 45 days from the date of this decision. A statement of reasons to support the appeal and any request for oral presentation must be filed within the 45-day period for filing a notice of appeal.

James F. Torrence

JAMES F. TORRENCE
Regional Forester

3-6-86
Date