

Scott G. Fitzwilliams, Forest Supervisor  
White River National Forest

March 21, 2018

Submitted to: <https://cara.ecosystem-management.org/Public/CommentInput?Project=53466>

Your comment has been received by our system on 3/21/2018. Your letter ID is **53466-2397-5**.

Dear Mr. Fitzwilliams,

The following are comments regarding the Copper Mountain Resort (POWDR Corporation) proposal to replace the American Eagle and American Flyer lifts. CMR's March 5, 2018, press release describes that, "Copper Mountain, and its parent company, POWDR, today announced continued enhancements to the way guests access the mountain's world-class, naturally-divided terrain. The planned upgrades to replace the American Eagle and American Flyer lifts with high-speed combination and bubble-style lift service are slated to debut for the 2018-2019 ski season. Plans to replace the two lifts are subject to U.S. Forest Service approval, and further details will be available in the coming days." The Forest Service scoping notice states that, "CMR proposes to implement these projects during the summer of 2018."

### **Purpose and Need**

**American Eagle Chairlift:** The purpose and need is described by the Forest Service as, "*The purpose of the proposed American Eagle chairlift replacement and upgrade is to address aging on-mountain lift infrastructure and improve the guest experience at CMR... There is a need for reliable, increased lift carrying capacity in the area that the American Eagle lift currently serves.*"

**American Flyer Chairlift:** The Forest Service describes that, "*similar to American Eagle, the purpose of the proposed American Flyer replacement is, to address aging on-mountain lift infrastructure and improve the guest experience at CMR... On high visitation days, lift lines are long due to the amount of repeat skiers utilizing the lift. The demand for this chairlift as an out-of-base chairlift is high, creating long lines in the morning as guests use it to access chairlifts on the upper-mountain and Union and Copper bowls....*"

### **Proposed Action**

**American Eagle Chairlift:** "*CMR proposes to replace and upgrade the American Eagle chairlift from a detachable quad to a combination six passenger chairlift/gondola... To accommodate the wider lift corridor associated with the chairlift-gondola combination (as required by tramway regulations), tree removal would be necessary. The existing lift corridor is roughly 30 feet wide while the proposed lift would require a 60-foot wide corridor, extending the clearing to 30 feet on either side of the chairlift's center line....*"

POWDR Corporation announcement on March 5, 2018, describes that, “*The American Eagle lift, a high-speed quad, will be replaced with a high-speed lift that includes a combination of both 6-person chairs and 8-person gondola cabins. The new lift will increase uphill capacity by over 40 percent, allowing more skiers and snowboarders access to an abundance of Copper's intermediate terrain.*”

**American Flyer Chairlift:** CMR describes that, “*the existing American Flyer chairlift would be upgraded from a four-passenger to a six passenger bubble (weather protection cover) chairlift. The existing lift corridor is roughly 30 feet wide. The proposed lift would require a 60-foot wide corridor, extending the clearing to 30 feet on either side of the chairlift's center line. Additionally, the bottom lift terminal would be relocated approximately 30 feet to the east to improve skier circulation....*”

### NEPA Considerations

NEPA procedures described in 40 CFR § 1500 and 36 CFR § 220 dictate analyses processes for these projects, which includes, in part, ensuring that the SOPA is updated and cumulative effects are analyzed.<sup>1</sup> These regulations further describe that, “[i]f the responsible official determines, based on scoping, that it is uncertain whether the proposed action may have a significant effect on the environment, prepare an EA. If the responsible official determines, based on scoping, that the proposed action may have a significant environmental effect, prepare an EIS.” The quarterly SOPA report is an important tool and required for notifying the public of proposed actions. Unfortunately, these projects were not listed on the SOPA website and needs to be posted with an extended comment period.

The purpose of a comment period is to provide an opportunity for the public to provide early and meaningful participation on a proposed action prior to a decision being made by the Responsible Official. NEPA is designed to promote consideration of potential effects on the human environment that would result from proposed Federal agency actions, and to provide the public and decision makers with useful information regarding reasonable alternatives and mitigation measures to improve the environmental outcomes of Federal agency actions. NEPA ensures that the environmental effects of proposed actions are taken into account before decisions are made and informs the public of environmental effects of proposed Federal agency actions, promoting transparency and accountability concerning Federal actions that may significantly affect the quality of the human environment. NEPA reviews should identify measures to avoid, minimize, or mitigate adverse effects of Federal agency actions. Better analysis and decisions are the ultimate goal of the NEPA process.

NEPA requires federal agencies to include alternatives to the proposed action. The alternatives analysis is the heart of a NEPA document, and NEPA’s implementing regulations direct agencies to “rigorously explore and objectively evaluate all reasonable alternatives,”

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<sup>1</sup> 36 CFR Part 220 does not lessen the applicability of the CEQ 40 CFR 1500 regulations on National Forest System lands (36 CFR 220.1(b)).

including appropriate mitigation measures to reduce the potential impacts of the action on the environment (40 CFR 1502.14). Reasonable alternatives are those that substantially meet the agency's purpose and need. If the agency is considering an application for a permit or other federal approval, the agency must still consider all reasonable alternatives. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant. Agencies are obligated to evaluate all reasonable alternatives or a range of reasonable alternatives in enough detail so that a reader can compare and contrast the environmental effects of the various alternatives.

NEPA requires that direct, indirect, and cumulative environmental effects of the alternatives be disclosed. A cumulative impact is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency . . . or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time" (40 CFR 1508.7). A cumulative analysis should describe the incremental contribution of the proposal to cumulative effects.

As a rule of thumb, if the proposal has not yet been implemented, or if the EIS concerns an ongoing program, EISs that are more than 5 years old should be carefully reexamined to determine if the criteria in Section 40 CFR 1502.9 compel preparation of an EIS/EA supplement (Forty Questions, Council on Environmental Quality).

The NEPA purpose and need for the proposed action should reference and tier to the Copper Mountain Resort Trails and Facilities Improvements Final Environmental Impact Statement dated January 2006. This programmatic FEIS describes the purpose and need as related to ski lifts: "To improve skiing and snowboarding opportunities and bring resort infrastructure into balance with current use levels: (1) Areas of intermediate to expert terrain are underutilized due to difficult access and inefficient circulation. This results in high skier densities on more easily accessed terrain. The objective is to improve the quality of experience, distribution, and circulation of intermediate through expert skiers by enhancing access to and from less accessible terrain; and, (2) There is currently an imbalance between lift and trail capacities within the resort, which results in limited terrain availability, high use, and degraded snow conditions and necessitates higher levels of slope maintenance. The objective is to improve the balance between skiable terrain and existing lift capacity."

#### Master Development Planning - Balancing Trail and Lift Design

Comfortable Carrying Capacity (CCC) is defined in the Master Development Plan as a level of utilization for a given resort that provides a pleasant recreational experience, without overburdening the resort infrastructure. CCC does not indicate a maximum level of visitation, but rather the number of visitors that can be comfortably accommodated on a daily basis. The

accurate estimation of the CCC of a mountain is a complex issue and is the single most important planning criterion for the resort.

The CMR Master Development Plan describes Skier Density per Acre. The Master Development Plan describes that, “[a]n important aspect of ski area design is the balancing of uphill lift capacity with downhill trail capacity. Trail densities are derived by contrasting the uphill, at-one time capacity of each lift system (CCC) with the trail acreage associated with each lift pod. At any one time, skiers are dispersed throughout the resort, while using guest facilities and milling areas, waiting in lift mazes, riding lifts, or enjoying descents. For the trail density analysis, 25% of each lift’s capacity is presumed to be inactive—using guest service facilities or milling areas.” (*Note: it isn’t clear why 25% of a lift capacity would be inactive during peak times and should be clarified/corrected—the correct term may be “pod”*). Another factor to consider is that not all terrain in a pod is utilized at the same rate especially with poor skiing conditions where grooming is critical. I support using CCC for programmatic planning, but site-specific analyses of effects should take a hard look at specific ski run characteristics and operation practices (i.e., snowmaking and grooming). Evaluations of balancing trail with lift design is critical to the decisions to be made for these projects and is to meet the requirement of CEQ regulations 40 CFR 1502.24 – Methodology and scientific accuracy.

The Breckenridge Ski Resort Peak 6 FEIS describes processes for evaluating trail densities analyses that would be applicable to this CMR proposed action. The FEIS describes that, “[w]ithin this analysis, trail densities are calculated based on photo-documentation of ski trails throughout the ski season and compared with the visitation recorded on that day, which is balanced against the Design Day. The metric used in this analysis for trail density is “skiers per acre.” It is understood that certain trails within the ski area operational boundary receive more skier use due to a variety of factors, including but not limited to: ability level, fall line or off fall-line, width, visibility at entrance, and the chairlift providing service. It is unrealistic to assume that all guests disperse ubiquitously across the operational boundary during the entire ski day and skiers per acre are similar on similar terrain” (FEIS at 3-31). Specific to the CMR’s proposal, the site-specific analyses for select trails should be presented in the affected environment and environmental effects sections of the NEPA document.

Another supplemental approach is described in an article titled, *Balancing Trail with Lift Design* by Beat vonAllmen and Stefan Salzmann, 2009. More people enjoy the technological evolution of highly groomed ski trails today; however, we must determine at what level of use trail density becomes unacceptable. Recent research on the subject suggests that acceptable traffic flow range between 18 and 40 persons per hour per meter trail width (p/h/m). This is significantly higher than for formerly less groomed trails where overall traffic flow may average approximately 10 p/h/m.<sup>2</sup> Well-groomed trails allow the transfer rates to be more than double that of less groomed trails.

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<sup>2</sup> P.E., Mountain Planning Engineer, Alpentechn, Inc., 2871 S 2870 E, Salt Lake City, Utah 84109. Dipl. Ing. Project Engineer, Salzmann Engineering, Angelika-Kaufmann Str. 5, A-6900 Bregenz, Austria

CCC and skiers-at-one-time (SAOT) estimates are Forest Service guidelines. The CCC concepts are difficult to comprehend because virtual densities are used. Some reports will use a pod density, implying that all 3 components of the population in the pod, those waiting, lift riding and actually being on the trails, are divided by the trail acre of the pod. The use of the CCC concepts will hide what is happening to the guest on the trails. More simply put, the maximum number of happy clients depends on the available mountain space. As a general rule of thumb that applies to less managed slopes, of 10 skiers per hour per meter of trail width. More specific assignment of the maximum transfer rate, for returning skiers per hour per unit trail width (p/h/m) can be made. It can be assumed that on the average, under favorable conditions, well-groomed trails may handle per meter width: (1) up to 40 p/h on a 5-10% slope, (2) up to 33 p/h on a 15% slope, (3) up to 23 p/h on a 30% slope, and (4) up to 18 p/h on a 50% slope. These or other similar crowding measures should be validated for CMR.

### Copper Mountain Resort Planning

The White River Forest Plan describes that, “[a] Master Development Plan (MDP) is part of each ski area’s special use permit. The MDPs are prepared by the permit holder and accepted by the Forest Service. They describe the improvements and facilities that are authorized at each resort and are the guiding document used to describe the expected future condition for the resort. These plans encompass all the area authorized for use by the special use permit including areas that are, at present, undeveloped.” (MA 8.25).

The programmatic 2006 Copper Mountain Resort Trails and Facilities Improvements Final Environmental Impact Statement and the 2011 Copper Mountain Master Development Plan do not provide for increasing the capacity of the American Eagle lift. However, the ROD/FEIS does identify a need to increase the capacity of the American Flyer Lift. These documents do not support the purpose and need statement that, “[t]here is a need for reliable, increased lift carrying capacity in the area that the American Eagle lift currently serves.”

The 2011 Copper Mountain Master Development Plan describes a new lift: “Construct a West to East connector lift between American Flyer and American Eagle to access new terrain and improve circulation (N-lift) (MDP at 1-5). The Master Development Plan discusses the N-Lift: “From a skier/rider circulation perspective, a shortcoming of CMR is that traveling from the west side of the mountain (Timberline, American Flyer, Sierra, etc.) to the east side of the mountain (American Eagle, Excelerator, Super Bee, etc.) involves a seemingly roundabout and tedious trip including an extended ski-out to the Center Village and a relatively long ride on American Eagle or Super Bee. In order to facilitate the west-to-east transfer, a new lift will be installed from lower Carefree trail to near the top terminal of American Eagle. In addition to improving cross-mountain circulation, this detachable chairlift will also provide direct access to proposed Intermediate and Advanced ski runs, the Bittersweet Alpine ski racing venue, and the improved and expanded Sail Away Glades” (MDP at 6-9).

The Copper Mountain Resort Trails and Facilities Improvements FEIS discusses skiable terrain and lift capacity in response to comments. The FEIS describes that, “[t]he proposed projects would both quantitatively and qualitatively improve the recreation experience by providing new skiing opportunities, enhancing access to less accessible terrain, and decreasing trail densities by improving the balance between lift and trail capacities” (FEIS at D-6).

The current CMR’s proposed action deviates from the guidance in the 2006 decision by increasing the capacity of the American Eagle lift, which seemingly would diminish the desirability or appropriateness of developing the proposed N-Lift and associated runs.

A 2006 FEIS commenter describes that, “[i]n our experience, the Forest Service has historically attempted to balance the amount of skiable terrain with actual or projected use (or skier density) in a pod, rather than the lift "capacity." Our review did not find sufficient information in this DEIS for a reader to determine current use of specific runs or lift pods in which new runs (or new lifts) are proposed result in skier density concerns. We encourage the Forest Service to modify or clarify this purpose statement to more accurately reflect Forest Service management goals. Whether new terrain is proposed to relieve congestion, we recommend the FEIS include additional information on existing use. The Forest Service response states, “[a]reas of intermediate to expert terrain are currently underutilized due to difficult access and inefficient circulation. Such is the case for the terrain on Tucker Mountain, the West Bench glades, in Copper Bowl, and under Alpine Lift. This has resulted in high densities on more easily accessible terrain, such as trails accessed by the American Eagle, Excelerator, and American Flyer lifts” (FEIS at D-7).

I agree with the commenter that it is important to assess the potential degree of congestion resulting from the proposed action and alternatives on specific ski runs such as Rhapsody, Main Vein, Bittersweet, High Point, Coppertone, Care Free, and Loverly. Sections of these runs may already be at skier capacity when the existing lifts are transporting skiers at their designed capability. The affected environment discussion should describe the current skier density on these runs, while the environmental effects section should estimate (model) the expected changes to skier density for the proposed action and alternatives.

The Master Development Plan discusses the renovation of Solitude Station: “On-mountain guest services at CMR will be greatly improved with a renovation or complete relocation and rebuild of the Solitude Station facility. If relocated, the expanded facility will be built to the west of the existing facility and will be between 22,000 and 28,000 square feet with (up to) approximately 1,000 seats... This facility will not only accommodate the food service demand for Super Bee, Excelerator..., and American Eagle, but will also serve the upgraded Alpine lift..., as well as the new west-to-east connector lift. It is anticipated that skiers on the Union peak side will use this lift specifically to access the restaurant for food service, without the need to ski down to the base area” (MDP at 6-33 & 6-34).

## CMR Master Development Plan – Need to Amend or Revise

CMR and the Forest Service should update the CMR Master Development Plan through NEPA processes to address changed conditions and new information including addressing climate change, forest health, summer use, and changes to the Summit County Copper Mountain PUD—e.g., the proposed A-Lift Neighborhood may result in a reduction in public day-use parking and in a proposal to build a ski-back road to the new development. In addition, I feel that CMR and the Forest Service should further study the Timberline Express area to ensure that the pod is being effectively managed confirming that current plans provide for a desired balance of mountain services at the Flyer’s location, as well as lift, snowmaking, and ski run capacities.

An updated Master Development Plan must recognize the significance of the Continental Divide National Scenic Trail (CDNST) as it passes through the resort Special Use Permit area.<sup>3</sup> I am concerned with scenery effects of the Far East Parking Lot (aka Corn Lot) on CDNST values. The effects on CDNST values of the Tenmile Creek Facilities Improvements and Restoration Project should be mitigated by applying visual screening best management practices. Further development of the Far East Lot should be suspended and no permit issued or operating plan approved for expansion of the lot until the CMR Master Development Plan is amended or revised to address the requirements of the National Trails System Act as implemented through the 2009 CDNST Comprehensive Plan, FSM 2353.4, FSH 1909.12 part 24.43, and Federal Register Notice of final amendments to the CDNST Comprehensive Plan and final directive (74 FR 51116). Again, my primary concern with the Far East Lot is mitigating visual effects.



Far East Lot as currently developed adjacent to the CDNST travel route

The FR Notice of final amendments to the CDNST Comprehensive Plan and final directives states, “The final amendments to the CDNST Comprehensive Plan and corresponding directives will provide guidance to agency officials implementing the National Trails System Act. The final amendments are consistent with the nature and purposes of the CDNST identified in the 1976 CDNST Study Report and 1977 CDNST Final Environmental Impact Statement adopted by the Forest Service in 1981 (40 FR 150). The final amendments and directives will be applied through land management planning and project decisions following requisite environmental analysis” (Federal Register, October 5, 2009 (74 FR 51116)).

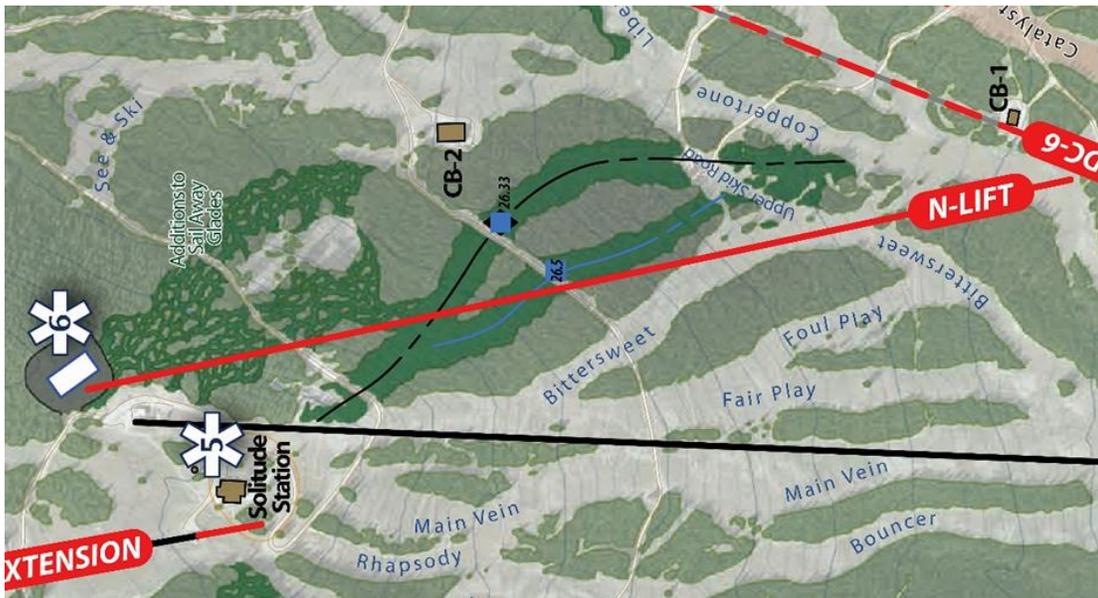
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<sup>3</sup> More information regarding CDNST planning is found in a CDNST Planning Handbook that is posted online—NSTrail.org.

## Specific Project Recommendations

Following are recommendations for describing the purpose and need, project design, alternatives, and effects analyses:

- CMR proposed actions should be described that the American Eagle Lift clearing limits would encumber approximately 9 acres and that the American Flyer Lift clearing limits would encumber approximately 13 acres.
- A reasonable alternative to the proposed action is to implement the 2011 Master Development Plan by retaining/replacing the American Eagle as a detachable 4-person lift and implementing an element of the Master Development Plan by constructing the N-Lift (and renovating the Solitude Station as planned). An N-Lift alternative should include the associated proposed ski trails. The proposed Solitude Maintenance Building should be sited so that it doesn't conflict with the N-Lift terminal location and is visually compatible with skier use of this section of the mountain.



- Mitigation related to the proposed action should include increased snowmaking on Bouncer and the implementation of the decision to add snowmaking to Collage. Consider adding snowmaking to CDL. In general, within each of the affected pods snowmaking and grooming of beginner and intermediate terrain needs to keep pace with any increase in uphill lift capacity. Project Design Criteria similar to that adopted for the Breckenridge Ski Resort 2017 Projects should be adopted as mitigation for these projects as related to ski lifts.
- The analysis of effects, including cumulative effects, is critical to understanding the consequences of the decision to be made. What are the potential site-specific crowding effects of the proposed action and alternatives on skier density on Rhapsody, Main Vein, Bittersweet, High Point, Coppertone, Care Free, and Loverly—what will be the skiers per hour per unit trail width at run bottlenecks when the associated lifts are running at

capacity? Will the proposed action increase crowding at the base of the Timberline lift result in lift access being dominated by “Secret! Pass”<sup>4</sup> holders? Would the proposed action likely preclude the development of the N-Lift? What is the expected annual staging of implementing CMR Master Development Plan projects?

#### NEPA Evaluation and Decision Process – CE, EA, or EIS

The projects notification describes that, *“I believe these projects fall within a Forest Service category of actions under 36 Code of Federal Regulations (CFR) § 220.6 that may be excluded from documentation in either an environmental assessment or an environmental impact statement, and that no extraordinary circumstances exist that would preclude its use. Scoping comments..., along with a complete resource analysis, will determine whether these projects can be categorically excluded. These proposals are consistent with category 36 CFR § 220.6(e)(3): ‘Approval, modification or continuation of minor special uses on National Forest System lands that require less than five contiguous acres of land.’”*

The primary purpose of the proposed action is *to improve the guest experience at CMR* (i.e., to enhance skier opportunities and experiences on private and NFS lands through ski lift changes). There is at least one reasonable alternative to the proposed action for addressing CMR recreation management issues that meet the purpose and need that must be addressed through EA or EIS processes.

The projects are intended to have substantial effects on the quality of the human environment, including the recreation resource (e.g., skier experiences on NFS lands) and are not merely minor facilities special uses on NFS lands occupying less than 5 acres. In addition, the projects may affect a congressionally designated area as a result of cumulative and connected actions associated with CCC related actions throughout the CMR. As such, NEPA Categorical Exclusion category 36 CFR § 220.6(e)(3) is not applicable to this proposal.

The Master Development Plan describes that, *“The 2011 Master Development Plan is a conceptual planning document, essentially serving as a road map for future improvements at CMR. By identifying the type, size, capacity, and location of improvements that are appropriate to achieve the goals of the resort, this MDP establishes the direction and priorities for the physical improvement of mountain and base area facilities at CMR over the next decade. Thus, this MDP provides a comprehensive portrayal of how the resort will function across the public and private lands interface. It is expected that additional site-specific design will be warranted and completed at the time of individual project implementation on both NFS and private lands”* (MDP at 1-8). The proposed American Eagle lift appears to be inconsistent with the goals and objectives of the CMR 2011 Master Development Plan, since upgrading the capacity of the

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<sup>4</sup> Copper's Secret! Season Pass. This pass gets you on the mountain 15 minutes before everyone else and there's a dedicated lift line so you can bypass any crowds. Dedicated lift line access on the following lifts: American Eagle, American Flyer, Super Bee, Timberline Express, and the Union Creek Quad.

American Eagle lift does not follow the road map established to meet the goals and objectives of the MDP. Site-specific design is warranted and should be completed following NEPA site-specific EA or EIS analysis processes.

This projects were not listed on the official Forest Service SOPA website and need to be posted with the comment period extended (36 CFR § 220.4). The SOPA related scoping notice should describe that an Environmental Assessment (or Environmental Impact Statement) will be prepared to address the purpose and need of the projects and proposed action. The notice should describe that the CMR Master Development Plan will be updated to reflect the decisions made.

In a recent Federal Register Notice regarding NEPA processes (83 FR 302), the Forest Service states that, “[t]he Agency will continue to hold true to its commitment to deliver scientifically based, high-quality analysis to decision makers that honors its environmental stewardship responsibilities while maintaining robust public participation. These values are at the core of the Forest Service mission.” I ask that you ensure that the CMR Master Development Plan and projects analyses support the decisions that are made and that there are robust public participation processes for this proposal.

Please keep me informed as to proposed projects that may affect the CDNST corridor and permitted ski resorts on the White River National Forest—NSTrail@comcast.net. This would include, in part, notification of any proposed special use authorization that may be deemed allowable under 36 CFR § 220.6(d)(10) – Amendment to or replacement of an existing special use authorization.

Thank you for considering these comments.

Greg Warren