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## Ski Development in National Forests

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SKI DEVELOPMENT IN NATIONAL FORESTS

Harris D. Sherman  
David S. Neslin  
Ian K. Whitlock

Arnold & Porter

Public Lands During the Remainder of the  
20th Century: Planning, Law, and  
Policy in the Federal Agencies

National Resources Law Center  
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- I. Downhill skiing constitutes a significant and beneficial use of national forest system land.
  - A. A relatively small amount of national forest system land is allocated to downhill skiing, as compared to other uses such as timber, wildlife, and grazing.
    1. A total of 34 ski areas are located on national forest system land in Colorado, Wyoming, and Montana; 28 of these ski areas are located in Colorado. See U.S. Dep't of Agriculture, U.S. Forest Serv., Rocky Mountain Region, Winter Sports Sites: Five Year Assessment (1980-1985) 1 (June 1985).
    2. The 28 ski areas in Colorado contain about 53,000 acres of national forest system land, which represents only about .3% of the national forest system land in Colorado. See J. Korb, Presentation on Winter Sports Development at the 1986 Winter Meeting of the Colorado Chapter of the Wildlife Society 2 (Jan. 30, 1986).
  - B. Notwithstanding their limited land base, ski areas constitute an increasingly important recreational and economic resource in Colorado and other western states.
    1. Ski areas constitute a significant year-around recreational resource.
      - a. There were approximately 11,000,000 skiers in the United States during 1984-85, and these skiers averaged approximately 5 days of skiing during the year. See U.S. Dep't of Agriculture, U.S. Forest Serv., San Juan Nat'l Forest, Wolf Creek Valley Ski Area: Revised Draft Environmental Impact Statement 132 (June 1986) (citing Hammer, Siler, George Associates) [hereinafter cited as Wolf Creek Valley DEIS].

- b. There were over 9,000,000 skier visits to Colorado ski areas during the 1984-85 ski season. See J. Korb, supra, at 1.
  - c. Annual skier visits to Colorado ski areas are expected to increase to over 13,000,000 by the year 2000. See Wolf Creek Valley DEIS, supra, at 136-37 (citing Hammer, Siler, George Associates).
  - d. Many ski areas have reduced the cost of skiing vacations through the use of discount ski cards, direct air-line service, and lodging/skiing packages.
  - e. Ski areas are used for various recreational activities other than downhill skiing, such as cross-country skiing, fishing, hiking, sightseeing, camping, and climbing.
2. Ski areas also constitute a major economic resource that has continued to grow despite the downturn in other western industries.
- a. The Colorado ski industry generated over 44,000 full-time jobs during the 1984-85 ski season. See Browne, Bortz & Coddington, The Contribution of Skiing to the Colorado Economy: 1985 Update 4 (Dec. 1985).
  - b. The Colorado ski industry generated over \$1,310,000,000 in retail sales and over \$730,000,000 in personal income during the 1984-85 ski season. See id. at 5.
  - c. The Colorado ski industry generated over \$132,000,000 in state and local tax revenues during the 1984-85 ski season. See id. at 6.

C. The skiing industry is becoming increasingly competitive and capital intensive.

1. Destination ski areas are providing a longer ski season and a higher-quality skiing experience by investing in mountain facilities, such as high-speed lifts, gondolas, and snowmaking, and by expanding to incorporate additional terrain.
2. Destination ski areas are providing various amenities in addition to skiing, including high-quality lodging and dining, a wide range of recreational activities, and direct air service.
3. Destination ski areas are using increasingly aggressive marketing and advertising campaigns to attract skiers.
4. The growing difference in the quality of skiing and amenities offered by major destination ski areas and smaller, local ski areas may make it difficult for some of the local areas to find a market niche, and, ultimately, to survive.

II. The permitting process that is used by the Rocky Mountain Region of the Forest Service for downhill ski areas incorporates both the Forest Service planning process and a tiered, multi-party environmental review process.

- A. The permitting process incorporates a joint review process, which involves participation by the Forest Service, the proponent, the State, and local governments.
- B. The initial stage of the permitting process is the allocation of national forest system land for downhill skiing. See U.S. Dep't Agriculture, U.S. Forest Serv., Forest Service Manual § 2342.04(1)(a) (rev. June 1984) [hereinafter cited as Forest Service Manual]; U.S. Dep't Agriculture, U.S. Forest Serv., Rocky Mountain Region, Recreation Site Development Planning

Handbook § 34.21(1) (rev. July 1980) [hereinafter cited as Planning Handbook].

1. This allocation occurs in the land and resource management plan for the forest, and is guided by a list of potential winter sport sites from the regional forest guide. See id.
  2. This allocation constitutes a prerequisite for further Forest Service analysis of a proposed ski area. See id.
- C. If the proposed winter sports site has been allocated for downhill skiing, then the Forest Service may authorize a site-specific study, i.e., an environmental analysis, of the proposed ski area. See Forest Service Manual, supra, at § 2342.04(1)(b); Planning Handbook, supra, at § 34.21(2).
1. The Rocky Mountain Region has established a ranking system for potential winter sports sites. See U.S. Dep't of Agriculture, U.S. Forest Serv., Rocky Mountain Region, Regional Guide for the Rocky Mountain Region 3-4 through 3-8 (April 1983).
  2. The Forest Service will initiate studies involving priority 1 sites, which include sites that were under study prior to completion of the Rocky Mountain Regional Guide, sites that are within or adjoin an existing ski area, and sites that are served by resort facilities. Both state and local governments must endorse lower-priority sites before they may be studied. See Forest Service Manual, supra, at § 2342.04(1)(c).
  3. The study must be documented with an environmental impact statement ("EIS") or environmental assessment ("EA"), as appropriate, under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-47 (1982) ("NEPA").

- D. After completing the site-specific study, the Forest Service decides whether to approve the proposed ski area; if the Forest Service decides to approve the proposed ski area, it issues a special use permit to the proponent. See Forest Service Manual, supra, at § 2342.04(2)(b); Planning Handbook, supra, at § 34.21(4).
- E. After the special use permit is issued, the proponent must submit, and the Forest Service must approve, a master development plan that outlines in detail how the proposed ski area will be developed. See Planning Handbook, supra, at § 34.21(5). The Forest Service may require an EA on the master development plan.
- F. After the master development plan is approved, the proponent must submit, and the Forest Service must approve, annual construction plans for the proposed ski area. See Planning Handbook, supra, at § 34.21(6). The Forest Service customarily completes an EA on the construction plans.
- G. The United States District Court for the District of Colorado has discussed this tiered review process with approval, and has held that it does not unlawfully segment the NEPA review process. Concerned Citizens v. Woodrow, Civ. Action No. 83-K-1968 (D. Colo. decided April 15, 1985).

III. Recent legislative developments: the National Forest Ski Area Permit Act of 1986 (the "Act"), Pub. L. No. 99-522, 100 Stat. 3000 (1986).

- A. The Act creates a new permit system for ski areas on national forest system land.
  - 1. The Secretary of Agriculture is authorized to issue a single permit to ski areas. (Previously, the Secretary issued two permits to ski areas: an eighty-acre, twenty-year permit for the land occupied by lifts, tows, and other facilities; and a supplemental, terminable



permit for the remainder of the ski area.)

2. Ski area permits may be issued for a term of up to forty years.
3. Within three years, i.e., by 1989, if requested by the permit holder, the Secretary of Agriculture must convert the existing ski area permits into new permits that conform to the provisions of the Act.

B. The Act provides benefits to both ski area developers and the Forest Service.

1. The new permits will be more commensurate with the long-term construction, financing, and operational needs of ski areas.
2. The new permits will simplify Forest Service permitting responsibilities.
3. The new permits will allow the Forest Service to update existing permits, and, perhaps, to reduce the unused acreage that is currently under permit for ski areas.

IV. A number of problems currently confront the operators of ski areas located on national forest system lands and proponents of new ski area development on those lands.

A. Ski areas are frequently constrained by environmental restrictions. Development of new ski areas, and the expansion or modification of existing ski areas, are subject to review under a variety of statutes and regulations intended to protect the environment.

1. The principal constraint on development arises from the requirements of NEPA, as implemented by the regulations and policies of the Council on Environmental Quality and the Forest Service. See 40 C.F.R. §§ 1500-08 (1986); Forest Service Manual, supra, at § 1950. Other relevant statutes include the following:

- a. Statutes affecting forest system planning and management, such as the Forest and Rangeland Renewable Resources Act of 1974, as amended by the National Forest Management Act of 1976, 16 U.S.C. §§ 1600-14 (1982), and regulations at 36 C.F.R. Part 219 (1986); and the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701-84 (1982 and Supp. 1985) ("FLPMA").
  - b. The Endangered Species Act, 16 U.S.C. §§ 1531-43 (1982).
  - c. The Clean Air Act, 42 U.S.C. §§ 7401-7626 (1982), and the Clean Water Act, 33 U.S.C. §§ 1251-1376 (1982).
2. The NEPA process is triggered by any federal action, including Forest Service permitting decisions, which significantly affects the quality of the human environment. 42 U.S.C. § 4332 (2)(C) (1982). With respect to ski area permits, the major questions surrounding NEPA compliance fall into three categories:
- a. The threshold question, i.e., whether an EIS is necessary. See, e.g., Sierra Club v. Marsh, 769 F.2d 868 (1st Cir. 1985). If the "significance" of potential impacts is in doubt, an agency may prepare an EA, followed either by a finding of no significant impact ("FONSI") or by an EIS. 40 C.F.R. §§ 1501.4, 1508.9 (1986).
  - b. Questions relating to the scope of the EIS, e.g., whether and to what extent off-site or cumulative impacts of development must be analyzed. See, e.g., Northwest Indian Cemetery Protective Association v. Peterson, 764 F.2d 581 (9th Cir. 1985).

- c. Questions relating to the adequacy or technical sufficiency of the EIS analysis. See, e.g., Manygoats v. Kleppe, 558 F.2d 556, 560 (10th Cir. 1977); Concerned Citizens, supra.
  3. Ski area development and operations can conceivably affect the environment in many ways, including air and water pollution, and impacts to wetlands, fish and wildlife, and endangered species. Such impacts are potentially subject to scrutiny in the NEPA process.
  4. Environmental constraints on ski area development are exemplified by the recent administrative appeals of Forest Service decisions approving the expansion of the Snowmass ski area on Burnt Mountain and the development of the Wolf Creek Valley ski area. In the appeal of the Wolf Creek Valley EIS, several environmental organizations have challenged, inter alia, the sufficiency of the Forest Service's baseline wildlife data, the choice of alternatives, and the failure to consider cumulative regional impacts.
  5. The Supreme Court's recent decision in California Coastal Commission v. Granite Rock Co., 55 U.S.L.W. 4366 (U.S. March 24, 1987), may encourage additional environmental regulation of activities on national forest system land by states and local governments. In Granite Rock the Supreme Court decided that states may impose reasonable environmental regulations and permit requirements on mining operations on federal land (though the Court suggested that the imposition of land use planning, such as zoning, is proscribed).
- B. Ski areas may also face pressure from competing uses of national forest system land. Mining activities on or near ski areas exemplify uses that compete and are

potentially inconsistent with recreation. Mining activities can create aesthetic disturbances and safety problems, and can substantially delay the permitting process for ski areas.

C. Ski areas are facing increasing economic pressure.

1. Ski areas face sharply escalating liability insurance premiums, and many ski areas are investing substantial capital in expanding and improving their on-mountain facilities.
2. Small, local ski areas are experiencing difficulty in meeting competition from major, destination ski areas, and several small areas are currently in receivership.

V. In years to come, proponents of ski area development, and the operators of existing ski areas, will need to take advantage of innovative solutions to the problems identified above.

A. Environmental Constraints. Environmental constraints to development may be overcome to the satisfaction of both the ski industry and conservation interests through the use of mitigation agreements. Such agreements can avoid costly and wasteful litigation over Forest Service decisions.

1. A number of innovative mitigation agreements have been utilized by Colorado ski areas. Examples include the following:
  - a. Summit County Ski Areas. In order to avoid conflicts with the State over potential impacts to aquatic life resulting from snowmaking diversions, the Breckenridge, Copper Mountain, and Keystone-Arapahoe Basin ski areas negotiated mitigation agreements with representatives of the Division of Wildlife ("DOW") and the Colorado Water Conservation

Board. The agreements specify minimum instream flows, establish operating principles for snowmaking activities, and include such mitigative measures as stream channel improvements and periodic fish stocking.

- b. Vail Ski Area. The Vail ski area recently concluded mitigation agreements with the DOW, intended to resolve disputes over Vail's proposed expansion. The agreements include provisions for a two-year study of local elk habitats and migration routes, provision of water supplies to augment streamflows during snowmaking operations, and a commitment by the ski areas to support the DOW in pursuing favorable land-use planning measures by local government.
2. On March 12, 1987, the Colorado Wildlife Commission and DOW adopted a mitigation policy and accompanying procedures and guidelines (the "Policy") which will govern the DOW's role in developing mitigation requirements. The Policy is of particular importance to users of federal land, such as ski areas, because of the propensity of federal decision-makers to defer to the DOW on questions of fish and wildlife impacts.
    - a. The Policy sets forth a comprehensive list of activities in which the DOW "may formally become involved in making mitigation recommendations" including the issuance of special user permits by the Forest Service and the administration of various wildlife protection statutes by the U.S. Fish and Wildlife Service. Mitigation Policy and Procedures and Guidelines at II-5.
    - b. The Policy establishes a general priority of approaches to mitigation:

"Where a project can be reasonably modified to avoid or minimize specific impacts, while still accomplishing the purpose of the project, that course is preferable. In making mitigation recommendations, the next priority will be given to compensating for the loss of fish and wildlife resources in the general vicinity of the impact. Mitigation which can only be achieved by avoidance of the total project shall be recommended only as a last resort in the most extreme of circumstances." Id. at II-1.

- c. The Policy is intended to accommodate both the protection of wildlife interests and the development of the State's resources and economic base. Id. Specific features of the Policy important for ski area operators and developers include the following:
- (i) In analyzing mitigation questions, the DOW will distinguish between direct, indirect, on-site, and off-site impacts.
  - (ii) The DOW will not "hold a project proponent responsible for impacts that may have accumulated from past development actions" or actions "not directly under the project proponent's control." Id. at I-2.
  - (iii) The Policy directs the DOW to investigate the concept of "mitigation banking" for possible inclusion in the procedures and guidelines. Id. at I-4.
3. The use of mitigation agreements will likely be encouraged by recent judicial developments.

- a. A number of recent decisions have held that agencies may avoid preparing an EIS, and may instead prepare a less detailed EA and FONSI, where the proponent of the proposed action agrees to mitigate the significant environmental impacts that otherwise would result from the action.
- (i) These decisions suggest that mitigation measures will justify the decision not to prepare an EIS only where such measures (1) represent firm commitments as opposed to vague statements of intention, and (2) are sufficient to render environmental impacts insignificant.
  - (ii) Representative decisions include Park County Resource Council, Inc. v. U.S. Dept. of Agriculture, No. 85-2000, slip op. at 28 (10th Cir. April 17, 1987); Friends of Endangered Species, Inc. v. Jantzen, 760 F.2d 976, 987 (9th Cir. 1985); State of Louisiana v. Lee, 758 F.2d 1082, 1083 (5th Cir. 1985); Sierra Club v. United States Department of Transportation, 753 F.2d 120, 127 (D.C. Cir. 1985). Contra Sierra Club v. Marsh, 769 F.2d 868, 877 (1st Cir. 1985) (dictum); Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,038 (1981).
- b. A recent decision of the Ninth Circuit has approved a form of "mitigation banking." Friends of the Earth v. Hintz, 25 Env't. Rep. Cas. (BNA) 1048 (9th Cir. Sept. 12, 1986). The court in Hintz held that

"mitigation relating to a different parcel of land than that directly affected by a project may under appropriate circumstances constitute mitigation that served to release the [agency] of the obligation of preparing the EIS." Id. at 1061.

- B. Land-Use Conflicts. Land use conflicts between mining activists and ski areas located on national forest system land may be avoided by withdrawing the ski areas from mineral entry and development pursuant to Section 204 of FLPMA, 43 U.S.C. § 1714 (1982).
1. To date, 14 of the 28 Colorado ski areas have been withdrawn from mineral entry and development. Most of these withdrawals occurred during the 1950s, and, pursuant to FLPMA, must be reviewed by the Secretary of Interior by October 21, 1991. See 43 U.S.C. § 1714 (L)(1) (1982).
  2. The Keystone Ski Area was recently withdrawn from mineral entry and development for a period of 50 years. See 51 Fed. Reg. 36,808 (1986). The Keystone withdrawal establishes a precedent for withdrawing ski areas under FLPMA and for treating skiing as a "resource use" (which enables the land to be withdrawn for more than 20 years).



## APPENDICES

1. The National Forest Ski Area Permit Act of 1986.
2. Excerpts from the Recreation Site Development Planning Handbook.
3. Excerpts from the Forest Service Manual.
4. Excerpts from the Rocky Mountain Regional Guide
5. Excerpts from the Colorado Wildlife Commission Mitigation Policy and Procedures and Guidelines.

1.

# NATIONAL FOREST SKI AREA PERMIT ACT OF 1986

PL 99-522

## SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Ski Area Permit Act of 1986".

## SEC. 2. PURPOSES.

The purposes of this Act are to—

- (a) provide a unified and modern permitting process for nordic and alpine ski areas on national forest lands;
- (b) provide for ski area permits which more closely reflect the acreage and other physical requirements of modern ski area development; and
- (c) provide a permit system which will be more commensurate with the long-term construction, financing, and operation needs of ski areas on national forest lands.

## SEC. 3. SKI AREA PERMITS.

(a) **LAW APPLICABLE TO PERMITS.**—The provisions of the Act of March 4, 1915 (16 U.S.C. 497) notwithstanding, the term and acreage of permits for the operation of nordic and alpine ski areas and facilities on National Forest System lands shall henceforth be governed by this Act and other applicable law.

(b) **AUTHORITY.**—The Secretary of Agriculture (hereinafter referred to as "the Secretary") is authorized to issue permits (hereinafter referred to as "ski area permits") for the use and occupancy of suitable lands within the National Forest System for nordic and alpine skiing operations and purposes. A ski area permit—

- (1) may be issued for a term not to exceed 40 years;
- (2) shall ordinarily be issued for a term of 40 years (unless the Secretary determines that the facilities or operations are of a scale or nature as are not likely to require long-term financing or operation), or that there are public policy reasons specific to a particular permit for a shorter term;
- (3) shall encompass such acreage as the Secretary determines sufficient and appropriate to accommodate the permittee's needs for ski operations and appropriate ancillary facilities;
- (4) may be renewed at the discretion of the Secretary;
- (5) may be cancelled by the Secretary in whole or in part for any violation of the permit terms or conditions, for nonpayment of permit fees, or upon the determination by the Secretary in his planning for the uses of the national forests that the permitted area is needed for higher public purposes;
- (6) may be modified from time to time by the Secretary to accommodate changes in plans or operations in accordance with the provisions of applicable law;
- (7) shall be subject to such reasonable terms and conditions as the Secretary deems appropriate; and
- (8) shall be subject to a permit fee based on fair market value in accordance with applicable law.

(c) **RULES AND REGULATIONS.**—Within one year after the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this Act, and shall, to the extent practicable and with the consent of existing permit holders, convert all existing ski area permits or leases on National Forest System lands into ski area permits which conform to the provisions of this Act within 3 years of the date of enactment of this Act.

(d) Nothing in this Act shall be deemed to amend, modify or otherwise affect the Secretary's duties under the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act, including his duties to involve the public in his decisionmaking and planning for the national forests.

FOREST SERVICE MANUAL  
 Denver, Colorado  
 July 1980

FSH 2309.23 - RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
 Region 2 Amendment No. 2

<u>Superseded Pages</u>	<u>New Pages</u>	<u>Place at End of Chapter</u>
31, 8/77	32.1	30
32, 8/77	32.2	30
33.2, 8/77	33.3	30
33.21-1-3, 8/77	33.4-1-13	30
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34.21-1-6, 8/77	34.2-1-6	30
	34.21-1-7	30
	35	30

Digest: Provides guide for sequential decisionmaking related to the planning and development of new or expanded winter sports sites.

CRAIG W. RUPP  
 Regional Forester

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

CHAPTER 30 - WINTER SPORTS COMPLEX PLANNING

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

## CHAPTER 30 - WINTER SPORTS COMPLEX PLANNING

31 - BACKGROUND. The primary purpose of this chapter is to guide sequential decisionmaking related to the planning and development of new or expanded winter sports sites.

- \*- Winter's sports development is often characterized by significant impacts on local community resources outside of the special use boundaries. Because of these impacts, local and state governmental agencies are encouraged to be actively involved in the decisionmaking process.

Where impacts are significant, state and local governments as well as the Forest Service have recognized the need for a coordinated planning and review system which involves all levels of government and the private developer. In Colorado, the state has adopted the "Colorado Review Process" (CRP) whereby development proposals are reviewed concurrently by the several levels of government. The CRP process is designed to strengthen and improve existing relationships and to open channels of communication where they do not exist. It is not intended to supercede existing working relationships between agencies. -\*

The sequential process used herein is to:

1. Guide Forest Service participation with intergovernment coordination and review.
- \*- 2. Identify the roles and responsibilities of all participants.
3. Clearly identify various decisionmaking stages of all participants (see section 34.2).
4. Establish criteria for each stage. -\*

32 - COOPERATION WITH STATE AND LOCAL GOVERNMENTS

- \*-32.1 - General. Privately owned lands within or adjacent to National Forest System lands are under jurisdiction of state and local governments. It is essential that all levels of government which are affected by the decision under consideration be actively involved in the entire planning process to redeem their responsibilities and benefit from the study and analysis. Cooperation will avoid duplicative efforts and improve vital communication -\*

## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*-links. Governmental agencies at all levels retain authorities or responsibilities through cooperative planning efforts. The National Environmental Policy Act (NEPA) requires the Forest Service to consider the impacts of its proposals on both National Forest and private lands by going through an environmental analysis. Regulation of private land developments are the responsibility of local government. Issuance of a special use permit may be conditioned on conforming to necessary constraints relating to local/state governmental decision about private land development when appropriate.

Open and continued cooperation with state and local governments is both required and desired. Early in the process, all parties need to identify issues and concerns so that this information can be incorporated into the analysis process. The issues and concerns will identify the scope of the study. -\*

Proponents must develop project proposals within the standards set by the appropriate local, state and federal agencies.

32.2 - Existing Review Requirements. The existing requirements which formally guide the exchange of information and facilitate the joint review of actions by federal, state and local levels of government are as follows:

- \*- 1. National Environmental Policy Act of 1969 (NEPA) and process outlined in FSM 1950.
- 2. National Forest Management Act of 1976 (NFMA) and direction outlined in FSM 1920.
- 3. Office of Management and Budget - Circular A-95. FSM 1565 R-2 Supplement contains procedures under Circular A-95 to provide for:
  - a. Consultation with state clearinghouses and local officials on the relationship of federal plans or projects to the plans and programs of the state, region or localities.
  - b. Assurance that federal plans and projects are consistent or compatible with state, regional and local plans and programs.
  - c. Review by appropriate state, regional and local agencies of proposed plans and projects pursuant to the National Environmental Policy Act. -\*

## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

- \*- 4. Tripartite Agreements with Counties. Forest Supervisors are encouraged to enter into agreements for land use planning coordination with most of the counties in their respective units.

Coordination procedures are outlined in these agreements. (FSM 1560, R-2 Supplement).

-\*

### 33 - PLANNING DIRECTION

- \*-33.1 - General. The following direction will guide the Forest Service participation in the Joint Review Process (JRP) as it applies to a winter sports complex development.

33.2 - Relationship to Forest Service Land Management Planning. Site Specific Studies must be conducted within the NEPA process and consistent with the direction provided by the National Forest Management Act. Specifically, the detailed Site Specific Study follows the allocation of land use for a potential winter sports development. This allocation is documented through approved land use plans. Under current provisions of the National Forest Management Act, future land use allocations will be made as a part of the Forest Management Plan and be guided by direction provided in the Regional Plan.

Land use allocations must be made for potential winter sports sites or major existing area permit expansions before detailed Site Specific Studies can be authorized under the JRP.

33.3 - Study Authorization. The purpose of the Study Authorization stage is to determine which areas of the National Forest lands may be given priority for intensive study. This action does not recommend development.

Studies will follow one of two JRP patterns:

Formal. This process is designed to accommodate a fully integrated and coordinated review, involving all levels of government, the proponent or permittee, and public involvement. A Memorandum of Understanding is generally initiated. This process pattern is aimed at guiding new winter sports site development proposals, especially those associated with resort communities. This process may be used for expansion of existing winter sports sites if early scoping stages identify major issues and concerns requiring a formal review approach. The formal JRP will be initiated for all new destinations - resort community winter sports site proposals.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*- Informal. This process is designed to integrate and coordinate review aspects with concerned levels of governments, and the permittee. It also provides for public involvement when issues and concerns identified in the early scoping process do not indicate a need for a formal review process. This process pattern is primarily reserved for existing winter sports site expansion where environmental and resort community impacts do not justify a formal process. The study may enter the review process at various stages and degrees, depending on complexity and magnitude of proposal.

Regional Forester concurrence is required before a Forest Supervisor enters into either a formal or informal review process. Concurrence is aimed at coordinating and prioritizing winter sports site reviews within the scope of Regional Plan direction and objectives.

33.4 - Site Specific Agreements. Only after the Regional Forester formally authorizes the allocation of manpower and funds for further site study will the Forest Supervisor enter into a formal site specific Memorandum of Understanding with the state, local governments and the proponent.

Where Memorandums of Understanding are initiated, it will cover the intent of the study and identify the roles and responsibilities of the participants. Exhibit #1 provides a suggested format. Common attachments to the memorandum include a Schedule for Assessment and Review and an initial listing of concerns. These items help provide information as to the scope of the study and its expected duration.

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RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT I

MEMORANDUM OF UNDERSTANDING

with

(Name) NATIONAL FOREST

STATE OF COLORADO

(Name) COUNTY

and

(Name) PROPONENT

CONCERNING ASSESSMENT AND REVIEW

of the

(Name) WINTER SPORTS RECREATIONAL SITE PROPOSAL

I. PARTIES

The Parties to this Memorandum of Understanding are the U.S. Department of Agriculture, Forest Service, (hereinafter referred to as the "Forest Service"), the State of Colorado, Board of County Commissioners of \_\_\_\_\_ County, Colorado (hereinafter referred to as "\_\_\_\_\_ County") and \_\_\_\_\_ Skiing Corporation, a Colorado corporation, (hereinafter referred to as the "Proponent") which has made the \_\_\_\_\_ Winter Sports Site Proposal.

II. INTRODUCTION

The State of Colorado adopted the Colorado Review Process to coordinate the responses of federal, state, regional and local government agencies in evaluating the social, economic, ecological and other conditions which might result from the development of winter sports sites. The Forest Service adopted the Joint Review Process to guide winter sports complex planning. The Joint Review Process was intended to be coordinated with the Colorado Review Process.

The Forest Service, the State of Colorado, \_\_\_\_\_ County and the Proponent have agreed to proceed with the Site Specific Study of \_\_\_\_\_ Winter Sports Site Proposal. The Parties have agreed that in preparing the Site Specific Study they will proceed

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

\*- in accordance with the procedure stated in the Joint Review Process and the Colorado Review Process.

III. PURPOSE

The Parties recognize the need to coordinate efforts to ensure timely assessment and review of the \_\_\_\_\_ Winter Sports Site Proposal. The Parties intend that this agreement will identify the role of the respective parties and provide a reasonable schedule for the assessment and review.

The Parties also recognize that they have certain responsibilities related to providing information, technical services and decisions related to the proposal and its consequences and agree to perform such functions in a timely manner.

The Parties agree to perform a site specific environmental analysis for the \_\_\_\_\_ Winter Sports Site Proposal. It is anticipated that this environmental analysis will include the preparation of an Environmental Impact Statement for the \_\_\_\_\_ Winter Sports Site Proposal. The Parties further agree that this Memorandum of Understanding shall constitute the Site Specific Agreement contemplated by the Colorado Review Process and the Joint Review Process.

IV. ROLES

WHEREAS, the Forest Service is responsible for the administration of the National Forest, and the policies and plans for the use thereof and the decisions with respect thereto:

WHEREAS, the State of Colorado has jurisdiction over the health, safety and welfare of persons within the state and its visitors and certain specific responsibilities, such as the enforcement of Air and Water Quality Standards, and planning, construction and maintenance of the state highway system;

WHEREAS, \_\_\_\_\_ County has jurisdiction over the health, safety and welfare of persons within the county and specifically the sole authority for the planned and orderly use of private land in the unincorporated portions of the county and the protection of the environment in a manner consistent with constitutional rights and for regulating the use of private land on the basis of the impact thereof on the community or surrounding area including the incorporated areas;

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

\*- WHEREAS, the Proponent has submitted the \_\_\_\_\_ Winter Sports Site Proposal and is responsible for providing information to properly evaluate the proposal, providing information on mitigating the adverse effects of the proposal to acceptable standards, providing plans on a timely basis within the criteria and standards furnished by other Parties and performing the work in accordance with approved plans;

WHEREAS, all parties to this agreement recognize a responsibility to provide the opportunity for full participation in the environmental analysis to the public and affected general purpose and special district governmental jurisdictions expressing an interest.

V. IMPLEMENTATION

NOW, THEREFORE, all Parties agree to further study the \_\_\_\_\_ Winter Sports Site Proposal by performing the Site Specific Study, to prepare as part of such study an Environmental Impact Statement for the \_\_\_\_\_ Winter Sports Site Proposal, and to cooperate in the following manner:

A. All Parties will:

1. Make a diligent effort to adhere to the Schedule for Assessment and Review attached hereto as Attachment 1.
2. Address the Areas of Concern which are attached hereto as Attachment 2 and included herein by reference. The Parties recognize that additional issues, concerns and opportunities may arise during the Site Specific Study. The Parties will meet during the progress of the Site Specific Study and agree as to what further concerns and problems shall be considered.
3. Provide criteria and standards related to matters under their respective jurisdictions for use by the Proponent in developing the details of the Proposal.
4. Share expertise with the other Parties where recognized expertise and skill has been developed.

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

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5. Provide the assessment for those elements of the proposal that are subject to their jurisdiction or for which they have responsibility by agreement of the Parties.
  6. Share information related to the Proposal with all Parties.
  7. Provide the opportunity to participate to affected general purpose and special district units of government and solicit their input throughout the process.
  8. Develop a public participation program by which opportunity for citizen involvement is provided.

VI. LEAD AGENCY

The Parties agree that the lead agency as such term is used in the Colorado Review Process and the Joint Review Process shall be the Forest Service.

VII. AMENDMENTS

This agreement may be modified or amended at any time by the agreement of all the Parties.

VIII. CONTINGENCY

The Parties agree to employ diligent efforts and adhere to the Schedule for Assessment and Review as provided in Attachment 1 and to consider the list of Areas of Concern attached as Attachment 2 thereto, but in the event of failure or inability of any of the Parties to perform in accordance with the terms, conditions or intent of this Memorandum of Understanding, the other Parties agree to make no claims against the nonperforming party provided, however, that nothing in this clause will affect the rights and liabilities of any party hereto under local, state or federal laws.

This Memorandum of Understanding shall be effective on execution by all Parties hereto.

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

The Parties hereto have executed this Memorandum of Understanding as of the last day written below.

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\_\_\_\_\_  
(Proponent)

Board of County Commissioners  
\_\_\_\_\_ County, Colorado

\_\_\_\_\_

\_\_\_\_\_  
Commissioner

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

U.S. Department of Agriculture,  
Forest Service

\_\_\_\_\_  
Commissioner

DATE: \_\_\_\_\_

\_\_\_\_\_  
Forest Supervisor  
\_\_\_\_\_ National Forest

\_\_\_\_\_  
Commissioner

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
County Clerk

DATE: \_\_\_\_\_

The State of Colorado

BY:

\_\_\_\_\_  
Executive Director  
Department of Local Affairs

DATE: \_\_\_\_\_

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RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

SCHEDULE FOR ASSESSMENT AND REVIEW  
for  
\_\_\_\_\_ WINTER SPORTS SITE PROPOSAL

<u>Sequential Schedule for Decision or Actions</u>	<u>By Agency</u>	<u>By Date</u>
1. Decision on further study of proposed site . . . . .	FS	10-80
2. Notify State of intent to file site specific EIS on winter sports site project . . . . .	FS	12-80
3. Begin assembly of information for the EIS . . . . .	FS	12-80
4. Agency joint meetings for coop. agreement on site specific plan . . .	All	11+12-80
5. Sign Cooperative Agreement on study plan . . . . .	All	1-81
6. Submit Mountain/base development concept plan to FS . . . . .	Prop	1-81
7. Submit Sketch Plan to _____ County	Prop	3-81
8. Monitor SB 35 process on development plan . . . . .	ST	3-81 to 3-82
9. Alternatives prepared on site specific EIS for project . . . . .	FS	5-81
10. Public meetings on alternative land uses for the site . . . . .	FS	6-81
11. Information completed on site specific EIS for _____ project	FS	7-81
12. Information analyzed from meetings and reports . . . . .	FS	8-81
13. Alternatives for winter sports site project selected . . . . .	FS	9-81

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

<u>Sequential Schedule for Decision or Actions</u>	<u>By Agency</u>	<u>By Date</u>
14. County Commissioner Action on Sketch Plan . . . . .	EC	10-81
15. Submit site specific Draft EIS and notify State regulatory agencies.	FS	10-81
16. State process to review the Draft . . . . .	ST	10-81
17. Submit required revisions of Mountain Plan to FS . . . . .	Prop	11-81
18. Submit Preliminary Plan to _____ County . . . . .	Prop	12-81
19. Submit Final EIS and formal application to State agencies . . . . .	FS	1-82
20. Apply for any State or 208 required permits . . . . .	Prop	1-82
21. State review process on the Final EIS, including hearings and reviews.	ST	1-82
22. Issue special permit for use of public lands . . . . .	FS	3-82
23. State agencies act on applications for required permits . . . . .	ST	3-82
24. Amend EPA 208 Water Quality Management Plan . . . . .	All	3-82
25. Commissioner Action PUD Preliminary Plan, notify FS and schedule JRC meetings . . . . .	EC	3-82
26. Complete Environmental Assessment on Development Plan . . . . .	FS	4-82
27. Act on Mountain Plan and development schedule . . . . .	FS	4-82

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

<u>Sequential Schedule for Decision or Actions</u>	<u>By Agency</u>	<u>By Date</u>
28. Revise respective Management or Master Plans . . . . .	All	4-82
29. Act on Final Plat . . . . .	EC	4-82
30. Apply for construction permits if project is approved . . . . .	Prop	4-82
31. Begin construction if all approvals and permits are obtained . . . . .	Prop	5-82

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RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

PRELIMINARY AREAS OF CONCERN

Identified by the Joint Review Committee

A. Environmental Concerns

1. Resource availability (water, minerals, grass, timber, wildlife, etc.).
2. Impacts upon wildlife.
3. Solid waste and disposal.
4. Sewage disposal from the project.
5. County/Town water supply - (Ability to filter contaminants, surface water control).
6. Clear Creek water level and quality
7. Clear Creek Valley air quality.
8. Maintenance of visual quality.
9. Availability of energy.
10. Surface water runoff:
  - a. Total impact on stream (in addition to County/Town water supply).
  - b. Erosion control during construction years.

B. Economic Concerns

1. What is the area of impact of the project.
2. Community public services and facilities, additional needs for County/Towns and special districts.
3. Method of financing the additional public facility and service needs of jurisdictions identified.
4. Financial ability of governmental agencies to support the additional public services and facilities resulting from growth.

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

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5. Financial ability of proponent to complete and maintain development.
  6. Road and related capital improvement in the area.
  7. Additional highway maintenance needed.
  8. Traffic volume increase in region.
  9. Utility needs for the project.
  10. Utility facilities leading to the project.
  11. Economic effects upon outdoor recreation, including consumptive and nonconsumptive uses.
  12. Effects upon present population, employment and income levels.
  13. General indication of demand and need for skiing.
  14. Housing availability for current residents.
  15. Effects of tax changes on the individual.
  16. Effects upon existing industry.
  17. Spin-off industries which might contribute to Town's economic position (i.e. - ski clothing factory, ski manufacturer).
    - a. Will there be any.
    - b. What kinds of impacts to County/Town might they present.

## C. Social and Cultural Concerns

1. Recreation of local area, state and nation.
  2. General demand and need for other competing uses.
  3. Effects upon citizens and property in the area.
  4. Effects upon schools, parks and other public facilities and services.
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RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

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5. Need for health care facilities (hospital, emergency, clinic).
6. Housing availability for current residents and project employees.
7. Effects upon job types and availability.
8. Life style changes.
9. Maintenance of cultural integrity.
10. Construction traffic volume increases.
11. Impacts of construction and other temporary workers on area.
12. Effects of growth on secondary impact area.

D. Land Use Concerns

1. Capability and suitability of proposed area for skiing.
2. Identify possible alternate land uses for the mountain area.
3. Conceptual plan of proposed winter sports site.
4. Additional county airport improvements needed.
5. Water rights for the project and others.
6. Expected number of beds and support people needed for the project.
7. Area that could be expected to develop if a Forest Service permit is issued for proposed winter sports site.
8. Area that could be expected to be impacted by the project.
9. Timing and coordination with other developments.
10. Capacity limits of local area for development.

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RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 1 - Continued

- \* 11. Ability of local area to accept (for services, housing, etc.) a winter sports site.
12. Potential, planned, and existing winter sports sites nearby.
13. Changes in land use in the local area.
14. Changes in land use activities on public lands.
15. Cumulative effects of winter sports sites in the \_\_\_\_\_ River Valley.

## E. General Concerns

1. Ensure adequate public involvement.
2. Relate project to existing federal, state, regional and local plans.
3. Cumulative effects of winter sports sites.
4. Effect upon valley and adjoining communities.
5. Ability of affected governmental agencies to respond to proposal.
6. Alternative transportation modes (including air, rail).
7. Mass transportation need of state and region.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*-33.5 - Membership in the Joint Review Process. Concerned levels of government and the proponent or permittee should be a member of the Joint Review Process and be a signatory to a Memorandum of Understanding when the formal process is initiated. Commonly these parties are the Forest Service, State, local governments (counties, town, city) and the proponent. From this point on, the private party who initiates a study request will be considered the proponent, whether the request is by application or under terms of an existing permit. Although membership is optional, it is the desire of the Forest Service to have all appropriate parties as members and active participants. The Board of County Commissioners bears the direct responsibility for planning and regulation of land use within the unincorporated portions of the county. Incorporated portions of the county have jurisdictional responsibility that vary by municipality. In Colorado, the State also carries its own planning responsibilities under Colorado Revised Statutes 24-32-200 et. seq.

Governments wanting to be a participant, but without a direct jurisdictional authority should be encouraged to actively participate in the overall process and be assured that full participation is guaranteed by the provisions of NEPA.

Intended purpose of a formal agreement is to recognize the need to coordinate efforts to ensure timely assessment and review of a proposal. The agreement identifies the roles of respective parties, provides a reasonable schedule for the assessment and reviews, and assures notification and participation in planning meetings.

It must be remembered that the JRP is a coordination process to facilitate intergovernmental review of a proposal and does not supersede the total involvement process.

When National Forest land is a significant part of the proposal, the Forest Service will serve as the lead agency. The primary task of the lead agency is that of coordination, scheduling and housekeeping and does not imply a more dominant position in the decisionmaking process. If questions arise as to who should serve as lead agency, guidelines listed in FSM 1950.41 will help clarify roles.

Since participation is optional, parties are free to join or withdraw at any time. Withdrawal or nonparticipation will not be considered as a veto to the project. Should a state, local

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*-government or proponent withdraw, the Forest Service and remaining parties will continue unilaterally until a decision on the proponent's application is reached.

33.6 - Relationship of the Joint Review Process with the Colorado Review Process. In August of 1976, the State of Colorado with the help of many parties, including the Forest Service, developed the Colorado Winter Resource Management Plan. The Plan included an intergovernmental planning procedure called the Colorado Review Process (CRP). Following the adoption of the CRP, the Joint Review Process (JRP) was developed to guide Forest Service participation with the more general provisions of the CRP. The JRP complements and supplements the CRP in the following ways:

1. Makes more precise the identification of the roles and responsibilities of the participants.
2. Identifies specific decisionmaking plans.
3. Separates the various levels of plans (Basic Land Use Allocations Plans vs. Site Specific Plans and Master Development Plans).
4. Adds a monitoring stage.
5. Incorporates changes necessitated by Forest Service procedures and legal requirements.
6. Adapts the process to all National Forest System lands within the Rocky Mountain Region of the Forest Service.

#### 34 - JOINT REVIEW PROCESS

34.1 - Concept. The objective of the JRP is to facilitate an efficient intergovernmental review and timely decision process of a proposal. The JRP can best be described as a coordination process that links the decisionmaking stages applicable to both National Forest System lands and those of the other related Federal, State and private lands. Primary purpose of the JRP is to guide participation and to develop an awareness of the relationship of Forest Service objectives, authorities, and responsibilities with those of other participants. The JRP is a voluntary review mechanism and functions best on the cooperation of all participants.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*- An effective JRP must be guided by the following principles:

1. Organizes the review process to recognize the responsibilities, roles and obligations of all parties.
2. Features an integrated review process.
3. Organizes the timing and sequence of questions so that first order questions are addressed early. Each phase has a building block mission.
4. Public participation will be an integral part of the process.
5. Provides for the separation of the basic land use allocation level of planning (Forest Plans - County Master Plan and Zoning Ordinances) from the detailed Site Specific Project Study.
6. Places the basic land use allocation step before the stage that authorizes a Site Specific Study.
7. Features a scoping process that identifies the critical issues. Generally the social and economic issues are identified to be critical and should be addressed early in the process.
8. Recognizes for each action there is a single responsible party. Other parties provide secondary assistance.
9. Provides for a process that is flexible and sensitive to the complexity of the specific proposal and the experience level of the participants.
10. Includes the stages of planning, implementation and monitoring.
11. Expresses approval or disapproval of the project by the issuance or denial of permits, zoning regulations, etc., for which each governmental agency has responsibility. In addition, State, local governments, private and other Federal entities may express formal positions by commenting on proposed projects in accord with NEPA regulations or other official actions.

34.2 - Process. Seven stages are identified as necessary elements of an effective review process. The final stage of monitoring ties together all previous stages and insures that the established standards are met.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*-Each of the participants operate under the umbrella of a common review process, but do not lose any of their legal authorities and responsibilities. Should a party withdraw from the process, the Forest Service must complete the project review and render a decision.

The options in the decision are to complete the NEPA process through either a Decision Notice and Finding of No Significant Impact (FONSI) or project disapproval; an appropriate Record of Decision on the EIS; or to suspend the study with a cancellation of the Notice of Intent (FSM 1952.23). Forest Service actions are guided by legal responsibilities and the specific details of the situation.

Exhibit #2 displays the basic stages in the JRP.

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RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 2

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WINTER SPORTS SITE  
STAGES IN THE JOINT REVIEW PROCESS  
U.S. FOREST SERVICE  
ROCKY MOUNTAIN REGION

STAGES	RESPONSIBILITY		SECONDARY ASSISTANCE					ACTION DOCUMENT	EXPECTED RESULTS	
	Agency	Official	FS	ST	LG	QA	PROP			PUB
<b>I. <u>BASIC LAND USE ALLOCATION</u></b>										
A. National Forest Land	F.S.	Reg. For.	X	X	X			X	Approved Land Use Allocation Documents	Decision on land use allocation for resource purpose being considered.
B. Private or other public lands	Local Govt.		X	X		X		X	Forest Plans, Unit Plans, MU Plans, etc.), County Master Plans, other guiding documents.	
	Agency		X	X	X			X		
<b>II. <u>STUDY AUTHORIZATION</u></b>										
A. National Forest Land	F.S.	Reg. For.	X	X	X		X	1. Direction ltr from RF to FS.	1. Direction ltr from RF to FS.	Formal Process Signed MOU, schedule for Assignment & Review, roles & responsibilities identified.
B. Private or other public lands	Local Govt.		X	X		X	X	2. A-95 ltr of intent.		
	Agency		X	X	X		X	3. Local authorities ltr of intent (opt.)	3. Local authorities ltr of intent (opt.)	Informal Process Gen. notice of intent to review, identify process to integrate & coordinate review aspects with concerned levels of govt., govt. component, & public. -*
								4. MOU (Joint Study Auth. concurrence)	4. MOU (Joint Study Auth. concurrence)	

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 2 - Continued

*-	STAGES	RESPONSIBILITY		SECONDARY ASSISTANCE				ACTION DOCUMENT	EXPECTED RESULTS	
		Agency	Official	FS	ST	LG	OA			PROP
<u>III. SITE SPECIFIC STUDY</u>										
A.	National Forest Land	P.S.	For Supvr.	X	X	X	X		STUDY PLAN; Environmental Assessment or Environmental Impact Statement (Tech. Rev. by FO required)	Appropriate environmental documents prepared through NEPA process.
B.	Private or Other Public Lands	Local Govt.		X	X		X	X		
		Agency		X	X	X		X		
<u>IV. DECISION</u>										
A.	National Forest Land	P.S.	Forest Supervisor	X	X	X	X		1. Decision Notice & FONSI or Record of Decision.	Conditioned permits issued or application & project request to proceed denied. Applications are assumed applied for in Stages II and III
B.	Private or Other Public Lands	Local Govt.		X	X		X	X	2. Special Use Permit, ltr denying application-proposal w/reasons, or conditioned letter.	
		Agency		X	X	X		X	3. Zoning clearance; conditioned PUD; Air & Water Quality permits (NPDES permit approved)	
<u>V. MASTER DEVELOPMENT PLAN</u>										
A.	National Forest Land	P.S.	Forest Supervisor	X	X	X	X		Detailed Master Development Plan (Includes public & private project lands) (Tech. Rev. by FO required).	Proponent produces an indepth Master Plan outlining in detail specific project development aspects & phases lift locations, type structures & facilities, utilities, locations, including a detailed set of base & mountain development maps. An EA will be required to cover detailed construction phases.
B.	Private or Other Public Lands	Local Govt.		X	X		X	X		
		Agency		X	X	X		X		

RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 2 - Continued

*-	STAGES	RESPONSIBILITY		SECONDARY ASSISTANCE					ACTION DOCUMENT	EXPECTED RESULTS	
		Agency	Official	FS	ST	LG	OA	PROP			PUB
<b>VI. CONSTRUCTION PLANS</b>											
A.	National Forest Land	F.S.	Forest Supervisor			X		X		Construction Plans/Drawings & annual schedule. Building permits for private land when required. (Tech. Review by FO when required).	Approval of specific facility designs and construction schedule.
B.	Private or Other Public lands.	Local Govt.		X				X			
		State		X	X			X			
<b>VII. MONITORING</b>											
A.	National Forest Land	F.S.	Forest Supervisor		X	X		X		Special Use Permit, Construction Plans Air & Water (NPDES) Permits, PUD's, Building Permits.	Monitoring of all operations to insure timely & quality construction according to approved plans & schedules.
B.	Private or Other Public lands.	Local Govt.		X	X			X			
		State		X	X			X			

**SYMBOLS**

FS Forest Service  
ST State  
LG Local Government  
OA Other Agency  
PROP Proponent  
PUB Public

MO Multiple Use Plan  
MOU Memorandum of Understanding  
PUD Planned Unit Development  
NPDES National Pollution Discharge Elimination System

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RECREATION SITE DEVELOPMENT PLANNING HANDBOOK  
EXHIBIT 2 - Continued

WINTER SPORTS SITE  
STAGES IN THE JOINT REVIEW PROCESS  
U.S. FOREST SERVICE  
ROCKY MOUNTAIN REGION  
(A Process of Continuous Focusing)

STAGES	I	II	III	IV	V	VI	VII
ACTION	Land Use Allocation	Study Authorization	Site Specific Study	Decision	Master Development Plan Approval	Construction Plans	Monitoring
RESIST- SIBILITY	Regional Forester	Regional Forester	Forest Supervisor w/ RD Technical Review	Forest Supervisor	Forest Supervisor w/ RD Technical Review	Forest Supervisor w/ RD Technical Review when required	Forest Super-visor
ACTION DOCUMENT	Forest Mgmt. Plan, Unit Plans MU Plans, etc.	Direction ltr from Regional Forester	Site Specific Study Plan, Environmental Assessment or Environmental Impact Statement on Study Plan	Decision Notice & FONSI or Record of Decision, Special Use Permit	Detailed Master Development Plan	Construction Plans/Drawings, Annual Construction Schedule	Special Use Permit, Construction Plans, AIC & Water Quality Permits, POD's

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*34.21 - Description of Stages

1. Basic Land Use Allocation (Stage I). The purpose of Stage I is to establish broad land use allocations generally found in such documents as a Forest Management Plan or other formal land use allocation document, County Master Plan, or zoning ordinances. This stage answers the question: Is a winter sports complex consistent with the established resource management objectives and other land use patterns of the area? It does not answer the question of whether a winter sports complex and related developments should be built.

a. Forest Service. This basic land use allocation phase is made or verified as a part of the Forest Management Planning Process and guided by the Regional Plan. Basic land use allocations made prior to the Forest Management Plan were through planning processes that lead to approved Forest Multiple Use Plans, Unit Plans, and various types of interim plans.

If the land related to a proposal is designated as a potential winter sports site, the Forest Supervisor may request authorization to proceed with a detailed Site Specific Study. If the allocation has not been made, any consideration for a detailed study must be deferred until the basic land use allocation question can be addressed as a part of the established land management planning process.

During the basic land use allocation stage, the Forest Service will request detailed input from State and local officials to help determine the viability of an area for future consideration. Public and other agency input is considered important in both the development of Regional and Forest Management Plans. Therefore, these governmental bodies and the public have a significant part in determining which sites may be considered for further study.

FSM 1950 describes the appropriate NEPA process.

b. State. In most states, local jurisdictions bear the direct responsibility for planning and regulation of private land use. In Colorado, these planning responsibilities are established under Colorado Revised Statutes 30-28-100 et. seq., and 31-23-100 et. seq. (1973).

State government provides input and assistance into the basic land use allocation of private and public lands.

## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*- c. Local Governments. Counties generally bear the direct responsibility for planning and regulation of private land use. Basic allocations are made as a part of the County (or town/city) Master Plan. Common allocations include: open space, high density development, light industrial and residential.

The Board of County Commissioners or Town Board/City Council must determine if a given proposal is consistent with the established land use plans and zoning ordinances, or if reconsideration is appropriate.

d. Proponent. The proponent can participate in the basic allocation stage as a member of the general public.

2. Study Authorization (Stage II). The purpose of Stage II is for each of the participants to determine if they desire to proceed with the expenditure of time and money for a Site Specific Study. This action does not recommend development. The participants acknowledge their involvement in a formal process by execution of the Memorandum of Understanding.

a. Forest Service. The Regional Forester either authorizes, defers, or denies the Forest Supervisor request to proceed with the study. This includes authorization to proceed with a prospectus when required.

Criteria that the Regional Forester may use include:

- (1) Guidance provided in Regional Plan and national direction.
- (2) Availability of funds and manpower.
- (3) Recommendation provided by other agencies, state and local governments.
- (4) Compliance with existing statutes, NFMA, NEPA, FLPMA, etc.
- (5) Availability of private or other public land to support the proposal when initiated, if required.
- (6) The availability of a qualified proponent and application.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*- (7) The number and location of similar studies in progress. The authorization is approved as part of the Program Development and Budget Process. Revisions in the process may be required to accommodate unplanned studies.

b. State. The state must determine if it desires to participate in the study and to what extent. The Governor's Office makes this determination in most states.

Criteria the State may use includes:

(1) Guidance provided by established statewide plans and authorities.

(2) Availability of funds and manpower.

(3) Recommendations provided by the Forest Service, local governments and the public.

c. Local Governments. The local authorities must determine if they wish to participate and to what extent.

Criteria may include:

(1) Guidance provided by established local plans, zoning ordinances, and authorities.

(2) Availability of funds and manpower.

(3) Recommendations provided and actions taken by the Forest Service, State, public and other governmental agencies.

d. Proponent. It is assumed the proponent has made an evaluation of the situation and has determined to pursue the proposal when application is made for a Special Use Permit, zoning clearance, Planned Unit Development, and/or request to revise existing master plans and permits.

3. Site Specific Study (Stage III). The purpose of Stage III is to evaluate and recommend if the required permits or zoning authorization should be issued or denied. The complexity of this stage will be determined by the magnitude of the proposal. Major proposals, such as new resort developments will require considerable coordination to insure that the sequences of the Forest Service analysis process complement the process of other

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*-responsible parties and vice versa. The study is conceptual in nature and incorporates major aspects of the proposals impacts on the resources, social and economic factors.

a. Forest Service. The Forest Service is responsible for the analysis and development of an Environmental Assessment or Environmental Impact Statement consistent with FSM 1950. The analysis must consider all components of the environment. The parallel Planned Unit Development (PUD) process, conducted by the County, should provide much of the social and economic analysis. The Forest Service must review this material and integrate it into the NEPA process as appropriate. The State, along with the public and other interested parties, may provide information that will be considered in the environmental analysis. When a State and/or local government elects not to participate in a study, the Forest Service is obligated to proceed with the social and economic analysis and to make appropriate determinations.

b. State. States are encouraged to assist in all phases of the studies and provide information to the Forest Service and local governments. Major contributions are needed in the areas of wildlife and considerations relative to air and water quality standards. States will be given the opportunity to review all Environmental Assessments initiated through the formal JRP and advise Forest Service on consistencies with State policies and guidelines. Reviews are automatic on EIS.

c. Local Governments. Local governments review and update their master plans or other appropriate zoning requirements and provide information and recommendations to the Forest Service. PUD may be initiated in this stage, but generally deferred to a later period in Stage IV.

d. Proponent. The proponent is responsible for providing information and special studies to support both the Forest Service and the local government analysis of the proposal. In most cases this includes funding of the special studies. In some Site Specific Studies the proponent may be required to fund contract EA or EIS when not directly done by the Forest Service.

4. Decision (Stage IV). The purpose of Stage IV is to formally make the decision to issue or deny the proponent's proposed request utilizing the analysis provided in the Site Specific Study (Stage III).

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*- a. Forest Service. The Forest Service will either approve or deny the proponent's application and/or request. This decision will be made following an appropriate review period and after filing the appropriate Decision Notice or Record of Decision. When a special use permit is authorized, it may be granted subject to conditions determined appropriate through the NEPA process associated with the Site Specific Study.

Criteria to be considered:

- (1) Conditions identified through the NEPA process.
- (2) Adequacy of Stage III Site Specific Study.
- (3) Compatibility with State, regional and local adopted plans and policies.
- (4) Alternative development scenarios which minimize off-site environmental and socioeconomic impacts.

b. State. The State will either grant or deny air and water quality permits conditioned on the local governments decision to approve or grant appropriate zoning requirements, PUD's, and Forest Service issuance of special use permits. Conditions developed through the NEPA process, along with established State and Federal standards, will guide the decision.

Criteria to be considered:

- (1) Compatibility with Forest Service requirements for issuance of special use permit, regional and local adopted plans and policies.
- (2) Adequacy of plans to meet air and water quality standards.

c. Local Governments. When the PUD process is initiated, conditional approval or denial is provided in the Sketch Plan stage. The Sketch Plan stage is early in the formal PUD process. The conditions of the PUD are developed later. This decision stage will vary with individual processes and must be locally clarified.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

## \*-Criteria to consider:

(1) Conformance with local zoning requirements and ordinances.

(2) Completion of adequate and established PUD stages.

d. Proponent. The proponent has the responsibility to accept or reject any conditioned terms of the NEPA decision documents, special use permit, or PUD. Rejection of conditioned provisions may be reason to terminate the study.

5. Master Development Plan (Stage V). The purpose of Stage V is to refine the general Site Specific Study plans identified in Stage III into a more detailed Master Development Plan. This stage is primarily a Forest Service responsibility. The County PUD process is refined to a similar level of detail to augment Stages III and IV. Planning associated with Stage III is often detailed enough that Stage V refinements are not a major or duplicative effort. The major objective in not requiring a detailed Master Development Plan prior to Stage IV is to eliminate unnecessary expenditures on the part of a proponent in case the Decision Stage renders a nonapproval or major project modification position.

a. Forest Service. The purpose of this phase is to (1) identify specific and detailed development proposals, (2) establish a sequential schedule for development, (3) define mitigation measures associated with the detailed proposal, (4) coordinate on and off site developments, (5) identify ski area capacities associated with development phases.

All proposals must be consistent with the conditions and decisions established in the appropriate environmental documents.

Approval of the Master Development Plan and required appendix maps authorizes construction in accordance with Stage VI requirements.

b. State. The state works with the Forest Service, local governments and the proponent to coordinate the conditions of the air and water quality permits.

c. Local Governments. The local governing authorities will coordinate the development plans on the private lands to insure compliance with approval plans and regulations.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*- d. Proponent. The proponent has full responsibility to develop and provide the appropriate Master Development Plan and maps for required review and approval by the Forest Service. As a minimum, two maps will be required:

(1) Base Area Map, showing planned facilities, parking, employee housing, private and public project lands, etc.

(2) Mountain Development Map, showing lift locations, ski trails mountain restaurants, ski patrol facilities, etc. (Ref. FSM 2341).

6. Annual Construction (Stage VI). The purpose of the Stage VI construction and operation phase is to provide appropriate and timely review of the detailed annual construction plans and operations. Responsibility for coordination and review of permittee plans and activities rests with the Forest Service.

a. Forest Service. Plans submitted by the proponent are reviewed and site specific impacts evaluated. Conformance with authorizing environmental documents are evaluated. The evaluation and environmental analysis is documented in a project Environmental Assessment. The Forest Service and proponent will jointly establish a ski area capacity, skiers at one time (SAOT), tied to each development and construction phase that produces an increased skier capacity on the mountain. This capacity figure will affirm or modify the phase capacity as identified in the Master Development Plan.

b. Proponent. The permittee submits construction plans, specifications and work schedule for timely review and approval.

7. Monitoring (Stage VII). The purpose of Stage VII is to monitor and inspect developments as required to ensure that construction is consistent with approved plans and established requirements.

a. Forest Service. Responsibility is to monitor and inspect developments authorized in the Master Development Plan and Annual Construction Schedule. The Forest Service will also provide comments and recommendations pertaining to the developments taking place on the private lands as they relate to the master plan.

b. State. State agencies inspect developments on both the private lands and National Forest lands to ensure that water and air quality standards are met.

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## RECREATION SITE DEVELOPMENT PLANNING HANDBOOK

\*- c. Local Government. Local authorities review developments authorized as a part of the PUD to ensure the developmental conditions are met. Recommendations and comments are also provided on construction phases pertaining to developments on the National Forest.

d. Proponent. The proponent has the responsibility to make necessary commitments of resources to provide the development consistent with standards and permit conditions, including adequate professional architectural and engineering review of contractual provisions. Timely submission of required plans in accordance with annual development schedule is encouraged.

### 35 - RESPONSIBILITY

1. The Forest Supervisor is the responsible official for the analysis and preparation of Environmental Assessments or Environmental Impact Statements relative to the winter sports site proposal, along with signing of the appropriate Decision Notice or Record of Decision. This includes the analysis and preparation of required NEPA documents on new destination ski resorts, nondestination ski areas, and modifications and expansions of existing winter sports site Master Development Plans. Signing of the appropriate NEPA decision document will constitute the approval or disapproval of the Site Specific Study or Master Development Plan.

2. In addition to the required NEPA documents associated with the Site Specific Study and Master Development Plan, the Forest Supervisor is the responsible official for signing and approving the two (2) required maps specified in Stage V, item d.

3. The Regional Office will provide technical assistance and review on all draft Site Specific Studies, Master Development Plans (including required maps) and associated environmental and decision documents prior to signature by responsible official. This technical review also includes construction plans and drawings for special use permit buildings (FSM 7314.8) and aerial tramways, ski lifts and tows (FSM 7320.4).

4. Environmental Assessment preparations, review, and decision on implementation of approved Master Plan construction phases, which are not fully covered under previous environmental documents, are the responsibility of the Forest Supervisors.

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## TITLE 2300 - RECREATION MANAGEMENT

2342 - WINTER SPORTS CONCESSIONS2342.04 - Responsibility\* 1. Regional Forester

a. Land Use Decision - The Regional Forester, through the Forest Land and Resource Management Planning process or prior land use plans, grants approval for the classification of potential downhill winter sports sites. This approval constitutes the Land Use Decision (Stage I) of the Joint Review Process (JRP) as outlined in FSH 2309.23, Chapter 30, Winter Sports Complex Planning. Land Use Decision is synonymous with Land Use Allocation as outlined in FSH 2309.23 and Regional Guide.

b. Study Authorization - Study authorization (Stage II) for downhill winter sports sites is the direct responsibility of the Regional Forester. This authority includes new winter sports sites, and expansion of existing winter sports sites (FSH 2309.23). This is a basic authorization to participate, including the expenditure of manpower and money in winter sports site JRP studies. This review provides for a broad Regional overview and coordination of specific study proposals within the framework of the Regional Guide. Forest Supervisors shall support their requests for Study Authorization with an appropriate estimate of employee demands, funding requirements, time schedules and land use decision references. Forest Supervisors must request this authorization directly from the Regional Forester. The land use decision must be made before formal authorization to participate in the JRP is granted.

c. Regional Priorities - The four-level priority system for studying downhill winter sports sites as outlined in the Rocky Mountain Regional Guide will direct the internal Forest Service process for guiding and scheduling action on special-use permit applications or expansion requests from existing permittees. Priority 1 sites are expected to provide an ample supply of downhill skiing opportunities to meet projected demand in the Rocky Mountain Region through 1990. The Forest Service will initiate and chair JRP planning actions that deal directly with Priority 1 sites (Ref. Regional Guide, pages 3-4). These are:

(1) Projects already committed to planning prior to the Regional Guide;

(2) Existing permitted areas with potential for expansion. (Either within or adjoining the permitted area.) \*

## TITLE 2300 - RECREATION MANAGEMENT

(3) New sites rated good served by existing ski areas or resort communities.

State and local governments often have different priorities for downhill ski area development and regional supply distributions because of their own long-range economic and social goals. When Priority 2, 3, and 4 sites receive official study endorsement and support by both State and local governments, these sites may be scheduled for study under the JRP ahead of or in concert with Priority 1 sites. Official endorsement means written request from the Governor of a State or a designated representative, Chairman of local county commissioners, and Mayor of local towns when appropriate. Forest Supervisors will ensure such official written endorsement is on hand before requesting study authorization for Priority 2, 3, and 4 sites.

When official endorsement of a Priority 2, 3, and 4 site is received from State and local governments, Forest Service involvement is contingent upon one of those governmental entities taking an active joint lead agency role (40 CFR 1501.5) in chairing the Joint Review Process. Their involvement is essential since environmental impacts associated with new winter sports site proposals often have major off-site effects on local community infrastructures; schools, transportation systems, public protection, water and sewer systems, housing, etc. Such off-site impacts on non-Federal land will be dealt with by other governments who have responsibility for permitting and dealing directly with those issues.

When Priority 2, 3, or 4 sites are endorsed for accelerated study over Priority 1 sites, it will be the responsibility of the proponent, State, or local governments to arrange for and fund all or portions of studies involving off-site and National Forest System lands as may be determined necessary by a Joint Review Committee. Funding will include required Environmental Assessments (EA) and/or Environmental Impact Statements (EIS) covering National Forest System lands. The Forest Service will retain responsibility and ensure necessary EA/EIS and decision documents relative to National Forest System lands are initiated, prepared and approved. The Forest Service will not take over another agency's or entity's responsibility to complete an assigned section or part of any study, if for some reason the study is delayed or not concluded.

Proponents, land developers, State and/or local governments who engage in self-initiated studies of potential winter sports sites prior to formal land use decision do so at their own risk and expense. The Forest Service may cooperate by providing technical

## TITLE 2300 - RECREATION MANAGEMENT

information relative to study needs and process, but will not undertake detailed resource studies until land use decisions are made.

## 2. Forest Supervisors

a. Site Specific Studies (EA/EIS). The Forest Supervisor is delegated the authority to initiate and/or enter into JRP for the purpose of formulating EA/EIS on winter sports site development proposals, after the Land Use Decision and Study Authorization is approved by the Regional Forester. This authority includes the signing of appropriate JRP Memorandum of Understanding, decision documents and special-use permits.

The Regional Forester will provide appropriate technical staff assistance as may be necessary to aid the Forest Supervisor in the Joint Review Process. Prior to the signing of the Master Development Plan and decision documents by the Forest Supervisor, all draft Site Specific EA/EIS, Master Development Plans (including required maps), and associated environmental and decision documents shall be reviewed for technical sufficiency by the Regional Office. Based on demonstrated technical skill level and performance over time, the Regional Forester may delegate review authority to Forest Supervisors.

Environmental Assessment preparation, review and decision on implementation of approved Master Development Plan construction phases, which are not fully covered under previous environmental documents, is the responsibility of the Forest Supervisor.

The Forest Supervisor is delegated authority to jointly approve Winter Sports Operating Plans along with the permittee. The Operating Plan is an official extension of the special-use permit.

The Forest Supervisor is delegated the authority to approve the use of downhill and cross-country skis, skibobs, and other downhill devices designed to accommodate handicapped and other users within developed ski areas when in accordance with the safety provisions outlined in the Operating Plan. Recommendation of recreation uses is the responsibility of the permittee and must be fully covered by liability insurance.

b. Special-Use Permits. The special-use permit is the first point at which a commitment to development can be made. The authorized officer for winter sports concessions as referenced in FSM 2342 and FSM 7320 - Tramways, Ski Lifts, and Tows shall be the Forest Supervisor. The Forest Supervisor is authorized to sign the

## TITLE 2300 - RECREATION MANAGEMENT

special-use permit, which includes the Master Development Plan and Operating Plan. The Forest Supervisor may delegate the technical duties of monitoring, inspection, and special-use permit administration duties as appropriate. Those delegated administrative duties must be fully qualified and trained to administer the special-use permit and Operating Plan.

The authorized officer for technical review and approval of helicopter skiing outfitter-guide permits and Operating Plans is the Forest Supervisor. For commercial Nordic skiing, snowmobiling, and other commercial winter outdoor recreation activities authorized under an outfitter-guide permit, but not directly authorized under downhill winter sports sites special-use permits, the Forest Supervisor may delegate the authority to issue and administer the permit to the District Ranger.

Temporary suspension of operations under 36 CFR 251.60(f) shall be reserved to the Forest Supervisor unless there is an immediate threat to the personal safety of the using public, ski area personnel, or Forest Service employees by continued use of a particular tramway, lift, tow or other facility. Personnel delegated emergency suspension actions will be designated either by name or position.

All delegations shall be in writing for each special-use permit and shall be posted in the individual case file, permittee's record and Operating Plan.

This individual shall be designated in writing by the Forest Supervisor and the permittee notified. This should generally be done at the time the Operating Plan is jointly prepared or updated.



4.

REGIONAL GUIDE  
FOR THE  
ROCKY MOUNTAIN REGION

Covering Forest Service programs  
that affect the States of Colorado, Kansas,  
Nebraska, South Dakota, and Wyoming

April 1983

Rocky Mountain Region  
U.S. Department of Agriculture  
Forest Service  
11177 West 8th Avenue  
Lakewood, Colorado 80225  
(303)224-3711

## Chapter 3

# MANAGEMENT DIRECTION

This chapter describes the Regional goals, planning guidance, and new or significantly changed management standards and guidelines for each RPA resource element and for supplemental activities identified as Regional issues and concerns. Regional goals for the Forest Service's State and Private Forestry program are also given, as is a description of the Forest Service research program developed as part of the 1980 RPA update.

### NATIONAL FOREST SYSTEM PROGRAM

Management direction is stated in the form of Regional goals, standards and guidelines, and planning guidance. The goals describe the "ends"--where we want to go. They come from the 1980 Recommended RPA Program, existing direction in the Regional Directives System, or longstanding direction used in annual program development. The standards and guidelines describe the "means" by which goals will be achieved. Standards and guidelines are presented only for addressing the nine planning questions. Planning guidance is provided to guide the uniform development, analysis, and presentation of the alternatives considered in the planning process for individual Forests. Planning guidance is not intended to limit Forest Plan alternatives, but rather to direct the Forests in assessing the feasibility and determining the impacts of implementing tentative targets or objectives during the Forest planning process.

Planning guidance also includes the Rocky Mountain Region's share of the 1980 RPA Recommended Program. (See Table 3-1.) Individual National Forest objectives and costs may be modified during the annual program budgeting process or as a result of information produced by land and resource management planning on the Forest. Individual Forests use assigned RPA targets as the basis for one alternative that is examined in the Forest planning process. Forest planning also examines higher and lower alternatives to this assigned program. The "no action" Forest alternative reflects current management direction projected into the future. The final, approved Forest Plan will serve as input for the next RPA Program update.

#### Recreation

##### Regional Goals

1. Increase recreation opportunities, especially near population centers.

Table 3-1

1980 RPA Planning Targets, Activities, and Costs  
for the Rocky Mountain Region

Major Activity	Unit of Measure	Annual Units									
		1981	1982	1983	1984	1985	1986-1990	1991-2000	2001-2010	2011-2020	2021-2030
<b>Recreation</b>											
Development Rec. Use (Incl. VIS)	MM RVD's	13.0	12.8	13.3	13.7	14.2	15.0	18.4	22.5	25.6	26.4
Dispersed Rec. Use (Incl. Wild. and Fish)	MM RVD's	20.4	17.0	18.0	19.3	20.4	21.5	23.8	31.3	33.2	34.0
Trail Const. and Reconstruction	Miles	202.0	273.0	337.0	359.0	382.0	392.0	406.0	419.0	435.0	452.0
<b>Wilderness</b>											
Wilderness Mgt.	MM Acres	3.9	5.0	5.0	5.2	5.2	5.4	5.4	5.4	5.4	5.4
<b>Wildlife and Fish</b>											
Wildlife Hab. Improvement	M Acre-Equivalents	583	473	482	496	513	469	384	299	185	186
<b>Range</b>											
Grazing Use (Livestock)	M AUM's	2.219	2.250	2.251	2.258	2.270	2.285	2.332	2.361	2.389	2.401
<b>Timber</b>											
Programmed Sales Offered	MMCF or MMBF	69	76	78	80	81	88	94	96	96	98
Reforestation	M Acres	347	379	389	399	407	440	470	480	480	490
Timber Stand Improvement	M Acres	11.6	11	13	13	13	12	13	13	13	13
<b>Water</b>											
Meeting Water Quality Goals	MM Acre-Feet	36.2	27	36	36	40	15	10	27	26	31
<b>Minerals</b>											
Minerals Leases and Permits	Operating Plans	16.0	15.7	15.7	15.8	15.8	17.3	18.0	18.7	18.7	18.7
<b>Human and Community Development</b>											
Human Resources Programs	Enrollee Years	1,882	1,635	1,690	1,745	1,800	1,960	2,270	2,600	3,030	3,060
<b>Protection</b>											
Fire Management Effectiveness Index	Dollars per Thousand Acres	297	297	297	295	294	288	288	288	286	285
Fuelbreaks and Fuel Treatment	M Acres	25.5	37.6	39.9	41.3	41.3	35.8	33.8	33.8	33.9	33.9
<b>Lands</b>											
Land Purchase and Acquisition (Excl. Exchange)	M Acres	14.6	23.2	23.3	23.5	23.6	9.1	0.4	0.2	0.1	0.1
<b>Soils</b>											
Soil and Water Res. Improv. (Imp. Watershed Condition)	M Acres	8.7	1.9	1.9	1.9	1.9	1.9	1.9	1.5	1.5	1.5
<b>Facilities</b>											
Road Const./Recon. (Arterial, Collector)	Miles	23.0	37.0	44.0	50.0	57.0	112.0	74.0	63.0	41.0	21.0
Returns to Treasury	MM Dollars <sup>2</sup>	5.9	6.9	11.5	17.6	19.1	19.5	19.6	19.7	20.0	20.1
<b>Costs</b>											
All Elements Capital Investments <sup>1</sup>	MM-Dollars	-	27.2	28.0	28.8	29.2	54.6	67.5	69.2	70.2	71.5
Backlog <sup>2</sup>	MM Dollars	-	69.0	72.9	77.3	80.6	59.8	66.6	64.2	64.1	60.5
Approp. Total <sup>3</sup>	MM Dollars	-	3.3	3.2	2.6	2.0	4.4	4.9	0	0	0
Allocated Funds <sup>4</sup>	MM Dollars	-	96.2	100.9	106.1	109.8	114.4	134.1	133.4	134.3	132.0
TOTAL NFS	MM Dollars	-	26.2	26.6	26.9	27.3	7.7	0	0	0	0
TOTAL NFS	MM Dollars	-	122.4	127.5	133.0	137.1	122.1	134.1	133.4	134.3	132.0

<sup>1</sup> Human resource programs dependent upon funds allocated by other agencies are not included in figures beyond 1985.

<sup>2</sup> All costs and returns are shown in constant 1978 dollars.

<sup>3</sup> Capital investments include timber stand improvement, reforestation, arterial, collector, and local roads and trails.

<sup>4</sup> Backlog costs are included in Capital Investments and are nonadditive into total appropriation.

<sup>5</sup> National Forest Service appropriated funds include all Youth Conservation Corps and Cooperator Funds.

<sup>6</sup> National Forest System Allocated Funds include Young Adult Conservation Corps and other human resource programs, grants, land and water conservation funds, and other funds. Costs exclude payments to States and counties and Federal highway funds.

2. Increase winter sports opportunities, including downhill and cross-country skiing and snowmobiling.
3. Develop a full range of trail opportunities on and off National Forest System lands, including off-road vehicle use, in coordination with other Federal, State, and municipal jurisdictions, private industries, and individuals.
4. Provide appropriate developed facilities where the private sector is not meeting the demand.
5. Maintain cost-effective developed recreation facilities that complement non-Forest Service developments.
6. Preserve and enhance significant sites, structures, and objects that have outstanding cultural attributes.
7. Apply the visual management system to all National Forest System acreage and adopt visual quality objectives that complement the objectives of adjacent landowners.
8. Maintain or increase recreation opportunities that serve local dependent industries and communities.
9. Provide facilities for handicapped and aging persons.
10. Maintain and enhance scenic and aesthetic quality that is essential to outdoor recreation and tourism.
11. Maintain the current ratios (plus or minus 10 percent) of primitive and semiprimitive (both motorized and nonmotorized) recreation opportunity spectrum (ROS) acreage in the Region.
12. Provide for increased motorized recreation in roaded natural and rural ROS areas.
13. Through 1985, maintain the current ratio of commercial and noncommercial recreation services, including outfitting, guiding, and public service facilities.
14. By 1990, evaluate inventoried properties for National Register of Historic Places eligibility.
15. Through 1990, provide an increase of no more than 132,000 skiers-at-one-time (SAOT) for a Regional total of 229,370 SAOT.
16. By 2000, meet visual quality objectives by upgrading areas currently not meeting these objectives.

#### **Standards and Guidelines**

Use the four-level priority system (Tables 3-2 through 3-5) to facilitate land-use allocation decisions and to guide scheduling of development of allocated winter sports sites in Forest Plans. When competition exists

between sites in different priority levels, but serving the same skier market, preference is to be given to scheduling proposed developments in Priority 1. Exceptions to this priority sequence must be approved by the Regional Forester.

1. Priority 1. Priority 1 includes the following:
  - a) Those sites that have already been committed to project planning (sites for which there is an agreement to study development).
  - b) Existing permitted areas with potential for expansion (either within or adjoining the permitted area).
  - c) Proposals for new sites rated good that are served by existing ski areas or resort communities and that have an adequate road system, as well as either adequate air or rail service to accommodate expected use.
2. Priority 2. Priority 2 includes sites rated good with an adequate road system and with either adequate air or rail service to accommodate expected use.
3. Priority 3. Priority 3 includes sites rated good, but public transportation systems are inadequate to accommodate expected use.
4. Priority 4. Priority 4 includes sites rated marginal, based on the physical potential of the mountain. A site is also considered marginal when snowmaking is a requirement for, rather than a supplement to, normal operations.

The following three definitions qualify the modifier "adequate" for road systems, airports, and rail service:

1. Adequate Road System. An existing or committed highway system that will accommodate projected vehicular traffic use generated by the proposed development
2. Adequate Airport. An airport that currently accommodates commercially scheduled air service within 2 hours of the existing or proposed development
3. Adequate Rail Service. A railroad system that currently provides commercial passenger service on a regularly scheduled basis within 1 hour of the existing or proposed development

A resort community is defined as a community that is accustomed to handling mass visitor use and providing support services, such as restaurants, motels, lodges, employee housing, health and protection, utilities, and public transportation consisting of an adequate road system, as well as either adequate air or rail service to accommodate expected use. A potential site would be considered served by the resort community if it is within a 20-minute drive.

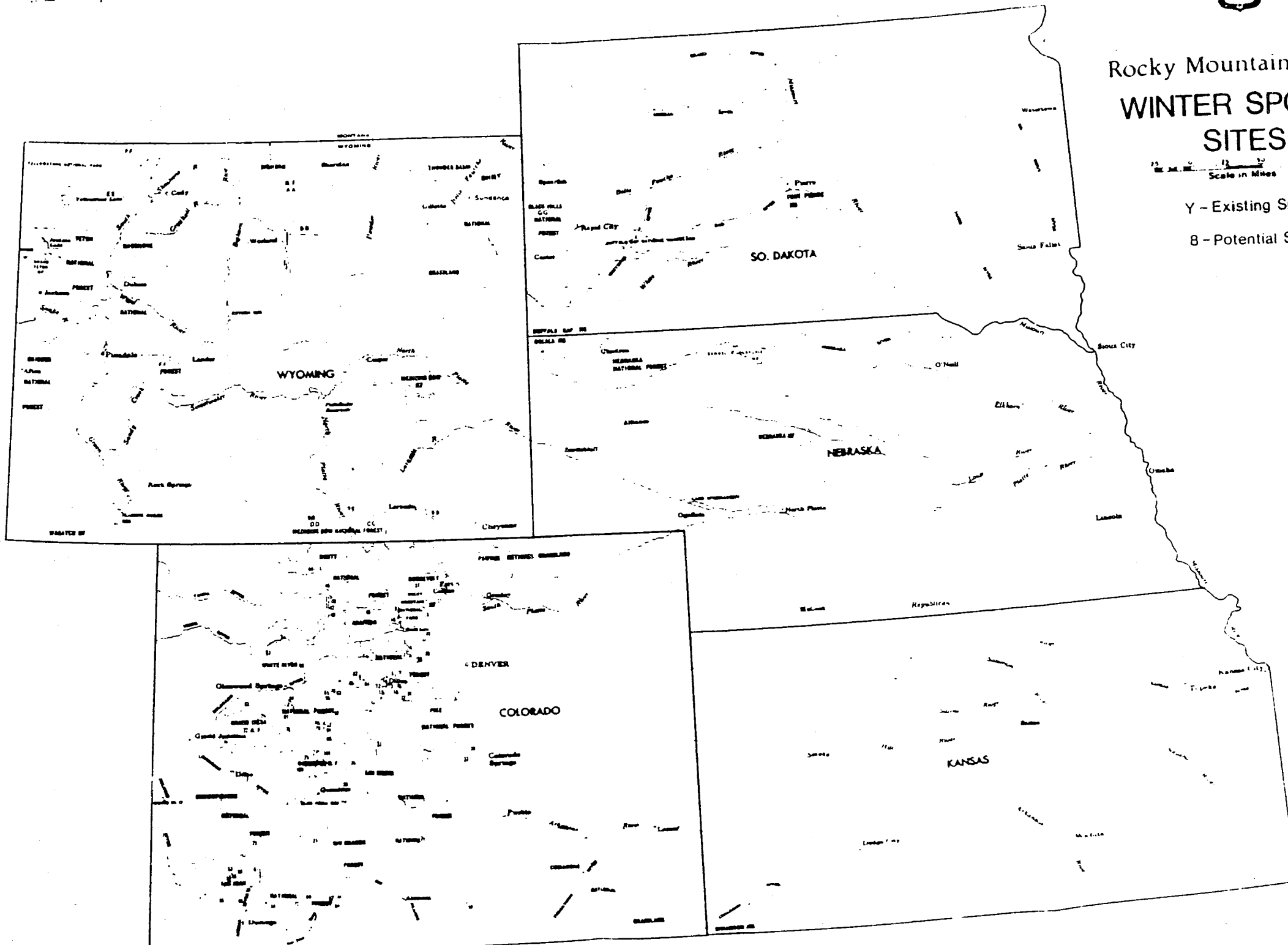


# Rocky Mountain Region WINTER SPORTS SITES

Scale in Miles

Y - Existing Sites

B - Potential Sites



Inventoried winter sports sites have been evaluated and rated as good, based on the physical potential of the mountain; the inventory does not consider availability of the area. Forest Plans will validate the ratings and will determine their availability as a ski area. (See planning guidance below.) Map 3-1 shows the location of existing and potential ski areas.

Existing sites are identified by letters; potential sites are numbered in Tables 3-2 through 3-5 and in Map 3-1.

### Planning Guidance

1. Develop at least one Forest Plan alternative that meets the assigned RPA Program objectives for developed recreation use, dispersed recreation use, and trail construction/reconstruction. (See Tables 3-6 to 3-8.)
2. Develop decisions in Forest Plans concerning land-use allocation of potential new ski areas or expansion of existing areas. In situations where more than one potential expansion or new development exists, either separately or in combination, the Forest Plan will specify scheduling priorities for the allocated areas. Any inventoried site in any priority class may be allocated for eventual development and assignment of appropriate prescriptions to retain the necessary character for later development. Decisions about land-use allocation may be made on all or part of the inventoried areas in the current planning cycle. In situations where competitive interests exist between priority levels, preference will be given to scheduling proposals in accordance with the four-level priority system displayed in Tables 3-2 through 3-5. Exceptions to the stated priority system must be approved by the Regional Forester.
  - a) Land-use allocation criteria:
    - (1) Need for resources on the possible development area to satisfy other objectives
    - (2) Physically disabling impacts; unacceptable or unmitigable impacts on other resources, uses, or activities in place or committed during the planning period
  - b) Scheduling of allocated areas criteria:
    - (1) Demand factors such as those discussed in Chapter 2 of the Guide
    - (2) Agreement with State and local government goals and objectives contained in recreation, growth, and area management plans

When scheduling development of competitive proposals in the same priority class, an existing area with expansion potential

Table 3-2

## Downhill Ski Area Proposals--Priority 1

Submitted to Project Planning	Areas With Expansion Capacity	Good Sites Served by Existing Resort Areas or Resort Communities
Arapaho and Roosevelt National Forests		
1. Parkersburg Mary Jane Expansion	A. Berthoud Pass <sup>2</sup>	4. Devils Thumb
7. Little Vasquez (Winter Park)	B. Loveland C. Winter Park D. Eldora <sup>2</sup>	
Bighorn National Forest		
	AA. Antelope Butte BB. Meadowlark	
Grand Mesa, Uncompahgre, and Gunnison National Forests		
38. Snodgrass	N. Powderhorn O. Telluride P. Crested Butte	100. Mt. Axtell
Medicine Bow National Forest		
DD. Ryan Park	CC. Medicine Bow <sup>2</sup>	
Black Hills National Forest		
	GG. Terry Peak <sup>2</sup>	
Pike/San Isabel National Forests		
2. Conquistador	I. Pikes Peak <sup>2</sup> J. Geneva Basin K. Ski Cooper L. Monarch 50. Pandadaro	
Rio Grande National Forest		
	M. Wolf Creek	
Routt National Forest		
	S. Steamboat	42. Bear Creek 43. Harrison Creek 48. Fish Creek (Steamboat) 49. Priest Creek (Steamboat)
San Juan National Forest		
54. East Fork	Q. Purgatory R. Stoner <sup>2</sup>	20. Grey Rock (Purgatory)
Shoshone National Forest		
	EE. Sleeping Giant FF. Red Lodge Racing Camp <sup>2</sup>	
White River National Forest <sup>3</sup>		
63. Adam's Rib 83. Rifle 94. Little Annie	E. Arapaho Basin F. Breckenridge (Peaks 7 & 10) G. Copper Mountain H. Keystone T. Aspen Highlands U. Aspen Mountain V. Buttermilk W. Snowmass (Burnt Mountain) X. Vail Y. Beaver Creek Z. Sunlight	2. Jones and Keystone Gulch (Keystone) 8. China Bowl (Vail) 76. Moatezuma (Arapaho Basin) 79. Owl Creek 95. Meadow Mountain

<sup>1</sup>A resort community is one that is accustomed to handling mass visitor use and providing support services such as restaurants, motels, lodges, employee housing, health and protection, utilities, and public transportation consisting of an adequate road system, as well as either adequate air or rail service to accommodate expected use. A potential site would be considered served by the resort community if it is within a 20-minute drive.

<sup>2</sup>Limited expansion opportunities.

<sup>3</sup>Sites E, F, G, H, 2, and 76 are on the Arapaho National Forest, but are administered by the White River National Forest.



Table 3-3

## Downhill Ski Proposed Sites Rated as Good--Priority 2

National Forest	Proposed Site
Arapaho-Roosevelt National Forests	9. Mineral Point/Bowen Gulch
White River National Forest <sup>1</sup>	6. Independence Mountain
Grand Mesa, Uncompahgre, and Gunnison National Forests	22. Salt Creek 24. Wilson Ridge
Piute-San Isabel National Forests	31. Burning Bear 32. Michigan Creek 51. Quail Mountain
San Juan National Forest	62. Windy Pass

<sup>1</sup>Site 6 is on the Arapaho National Forest, but is administered by the White River National Forest.

Table 3-4

## Downhill Ski Proposed Sites Rated as Good--Priority 3

National Forest	Proposed Site
Arapaho-Roosevelt National Forests	10. St. Mary's 16. Storm Mountain
Mount National Forest	45. Parkview
White River National Forest <sup>1</sup>	3. Brewery Hill 13. North Barton 18. Swan Valley 67. Burro Mountain 69. Cooper Creek - Kellogg 75. Mid-Continent Redstone 84. Rio Blanco 91. Twin Peaks
Grand Mesa, Uncompahgre, and Gunnison National Forests	21. Rambouillet - Slungullion 25. Carbon Peak 101. Double Top
San Juan National Forest	53. Duntun 55. Echo Basin

<sup>1</sup>Sites 3 and 18 are on the Arapaho National Forest, but are administered by the White National Forest.

Table 3-5

## Downhill Ski Proposed Sites Rated as Marginal--Priority 4

National Forest	Proposed Site
Arapaho-Roosevelt National Forests	5. Twin Sisters 37. Comanche Peak 39. Mammoth Gulch 41. Rock Creek
Grand Mesa, Uncompahgre, and Gunnison National Forests	23. Twin Peaks 26. Park Cone Mountain
San Juan National Forest	52. Barlow Creek 56. Flat Top Mountain 57. Freeman Park 58. Lion Creek 59. Lizard Head 60. Pagosa Peak 61. Sultan Mountain 72. Lost Creek 80. Nary Draw
Pike-San Isabel National Forests	29. Anderson Bowl 33. West Bowl
White River National Forest <sup>1</sup>	12. Peak One 14. Ptarmigan Peak 64. Battle Mountain 70. Hardscrabble Mountain 82. Red-White Mountain 87. Sunlight North (Sunlight) 88. Sweetwater Lake
White Pine National Forest	97. Kennedy Peak 98. Green Mountain 99. Elephant Head
North National Forest	44. Meaden Peak

<sup>1</sup>Sites 12 and 14 are on the Arapaho National Forest, but are administered by the White River National Forest.

Table 3-6

Assigned RFA Program Objectives  
 Annual Outputs for Developed Recreation Use (Including Downhill Skiing)  
 (Million RVD's)

Forest	1981	1982	1983	1984	1985	1986- 1990	1991- 2000	2001- 2010	2011- 2020	2021- 2030
Arapaho and Roosevelt	1.90	2.00	2.20	2.34	2.54	2.73	3.32	4.00	5.30	6.60
Bighorn	0.70	0.70	0.60	0.60	0.60	0.60	0.70	0.85	1.00	1.10
Black Hills	0.90	0.60	0.60	0.80	0.80	0.80	1.00	1.20	1.30	1.30
GM, Unc., and Gunnison	0.80	0.90	1.20	1.20	1.20	1.20	1.50	1.90	2.10	2.50
Medicine Bow	0.50	0.50	0.50	0.50	0.50	0.50	0.60	0.80	0.90	0.90
Nebraska	0.10	0.10	0.10	0.06	0.06	0.07	0.08	0.10	0.10	0.10
Pike and San Isabel	1.80	1.90	1.90	1.80	1.80	1.80	2.30	2.80	2.80	2.60
Rio Grande	0.50	0.50	0.50	0.60	0.70	0.70	0.90	1.05	1.20	1.20
Routt	0.30	0.50	0.60	0.60	0.70	0.80	0.90	1.00	1.10	1.30
Shoshone	0.60	0.50	0.40	0.40	0.40	0.50	0.50	0.60	0.70	0.80
San Juan	0.90	0.80	0.70	0.70	0.80	0.90	1.20	1.50	1.70	1.70
White River	4.00	3.80	4.00	4.10	4.10	4.40	5.40	6.70	7.40	8.30
REGIONAL TOTAL	13.00	12.80	13.30	13.70	14.20	15.00	18.40	22.50	25.60	28.40

Assigned  
Annual Outputs

Forest	1981	1982	1983
Arapaho and Roosevelt	4.00	3.70	3.80
Bighorn	0.80	0.60	0.70
Black Hills	2.50	1.50	1.60
GM, Unc., and Gunnison	1.40	1.00	1.10
Medicine Bow	1.40	0.70	0.80
Nebraska	0.50	0.30	0.30
Fike and San Isabel	3.50	3.70	3.80
Rio Grande	1.20	1.10	1.20
Route	0.80	0.80	0.90
Shoshone	0.70	0.70	0.70
San Juan	1.20	0.80	0.90
White River	2.40	2.10	2.20
<b>REGIONAL TOTAL</b>	<b>20.40</b>	<b>17.00</b>	<b>18.00</b>

3-10

Table 3-7

RPA Program Objectives  
 for Dispersed Recreation Use  
 (million RVD's)

1984	1985	1986- 1990	1991- 2000	2001- 2010	2011- 2020	2021- 2030
3.80	4.40	5.00	5.90	7.60	8.60	9.00
0.70	0.80	0.80	0.80	1.10	1.10	1.10
2.00	2.10	2.10	2.30	3.10	3.10	3.10
1.50	1.60	1.70	1.70	2.20	2.30	2.30
0.90	0.90	0.90	0.90	1.20	1.30	1.40
0.30	0.30	0.30	0.40	0.50	0.50	0.50
4.10	4.20	4.40	4.70	6.10	6.40	6.50
1.20	1.20	1.20	1.40	1.90	1.90	1.90
0.90	0.90	1.00	1.00	1.10	1.20	1.30
0.70	0.70	0.70	0.80	1.10	1.10	1.10
1.00	1.00	1.10	1.40	1.80	1.90	1.90
2.20	2.30	2.30	2.50	3.60	3.80	3.90
19.30	21.50	21.40	23.80	31.30	33.20	34.00

Table 3-8  
Assigned RPA Program Objectives  
Annual Outputs for Recreation--Trail Construction/Reconstruction  
(Miles)

Forest	1981	1982	1983	1984	1985	1986- 1990	1991- 2000	2001- 2010	2011- 2020	2021- 2030
Arapaho and Roosevelt	73.0	18.0	20.6	33.0	33.0	33.0	33.0	33.0	34.0	35.0
Bighorn	0	8.0	10.0	5.0	5.0	5.0	5.0	4.0	4.0	4.0
Black Hills	3.0	40.0	50.0	4.1	4.0	4.0	4.0	4.0	4.0	4.0
GM, Unc., and Gunnison	20.0	6.0	8.0	10.6	11.0	11.0	24.0	41.0	60.0	76.0
Medicine Bow	4.0	15.0	19.0	7.4	7.0	7.0	8.0	7.0	7.0	7.0
Nebraska	3.0	2.0	2.5	2.5	3.0	3.0	4.0	3.0	3.0	3.0
Pike and San Isabel	12.0	29.0	34.9	53.0	54.0	55.0	55.0	55.0	55.0	55.0
Rio Grande	29.0	23.0	28.5	34.0	41.0	42.0	45.0	50.0	52.0	55.0
Routt	20.0	46.0	57.0	46.6	49.0	49.0	46.0	41.0	36.0	36.0
Shoshone	9.0	26.0	32.0	64.0	71.0	79.0	76.0	74.0	70.0	65.0
San Juan	12.0	36.0	44.3	50.0	52.0	52.0	53.0	53.0	54.0	54.0
White River	17.0	24.0	30.2	48.8	52.0	52.0	53.0	54.0	56.0	58.0
REGIONAL TOTAL	202.0	273.0	337.0	359.0	382.0	392.0	406.0	419.0	435.0	452.0

that will experience utilization of existing capacity at 60 percent or more during the period between December 15 and March 31 for 3 years, discounting poor weather and snow conditions, will be permitted to develop that expansion potential ahead of the development of a new site or area.

Shifts in planned scheduling may occur when the current permittee or proponent with a higher priority for expansion or development declines the opportunity or is unable to complete expected or planned expansion or development within an agreed to and specified time period. In this situation, the capacity will be transferred to other potential areas in the same priority class, which serves the same skier market, and the priority and associated capacity will be removed from the development schedule of the forfeiting area. The development potential of the forfeiting area will be deferred until such time as all areas scheduled before it have either developed to capacity or have similarly declined the opportunity to expand or develop. If all priority 1 sites are developed or the priority 1 permittees or proponents decline to do so and the need for additional capacity still exists, the scheduling of priority 2 sites will be considered. This process will proceed through the lower priority levels as necessary.

The four-level priority system is an internal Forest Service process for guiding and scheduling action on special-use permit applications or requests from proponents. State and local governments may have different priorities for ski area development and supply distribution because of their own long-range economic and social goals. Priority 2, 3, or 4 sites may be scheduled for study ahead of priority 1 sites when the project has prior steady endorsement of both State and local governments.

3. Evaluate new and existing developed sites other than ski areas using the following criteria:
  - a) The extent to which National Forest System sites duplicate or conflict with private sector and other public land facilities and services
  - b) The extent of use in both absolute and relative capacity
  - c) Location in relation to other similar sites
  - d) Compatibility with overall management goals of the area
  - e) Cost-effectiveness of the site
4. Plan other resource management activities in semiprimitive motorized areas to provide and enhance opportunities to increase off-road vehicle, primitive road, and motorized trail mileage

5. Planned reductions in the current inventoried primitive opportunity acreage outside wilderness (designated, proposed, and designated study areas) must be supported by an analysis that compares all other resource values and benefits

## Wilderness

### Regional Goal

Provide for the appropriate public use and enjoyment, protection of wilderness character, and reduction of conflict between the uses of wilderness and values of solitude, naturalness, and ecological, geological, and similar features of scientific, educational, or historic value.

### Planning Guidance

1. The Region's estimated share of the Nation's future National Wilderness Preservation System, as displayed in the 1980 RPA Program update, is 5 million to 5.4 million acres. Currently, there are 3.9 million acres of wilderness in the Rocky Mountain Region. The balance of wilderness acres necessary to meet future needs are not assigned to individual National Forests because Congress reserves the right to establish wilderness (P.L. 88-577). RARE II further planning areas and wilderness study areas will be analyzed, and recommendations will be developed in Forest Plans.
2. Use the following recreation opportunity spectrum classes in planning and developing management prescriptions for wilderness:
  - a) Pristine. Management emphasis is for the preservation of wilderness values and for the protection and perpetuation of essentially pristine biophysical conditions and a high degree of solitude for both wildlife and humans, with no perceptible evidence of past human use.
  - b) Primitive. Management emphasis is for the preservation of wilderness values and for the protection and perpetuation of natural biophysical conditions. Onsite regulation of recreation use is minimal. Travel is cross-country or a low-density constructed trail system.
  - c) Semiprimitive. Management emphasis is for the preservation of wilderness values and for the protection and perpetuation of essentially natural biophysical conditions. Solitude and a low level of encounters with other users or evidence of past use is not an essential part of the social setting. Human travel is principally on system trails. Designated campsites are used and show evidence of repeated, but acceptable, levels of use.
  - d) Portal. Management emphasis is for the preservation of wilderness values and for the protection and perpetuation of essentially natural biophysical conditions inside wilderness boundaries. These areas occur within wilderness where high



POLICY NO. A-6

March 12, 1987

SUBJECT: MITIGATION POLICY AND PROCEDURES AND GUIDELINES

PREAMBLE

A Statement of Intent

The perpetuation of Colorado's fish and wildlife resources and the provision of wildlife related recreation opportunities for the people of the State and its visitors are the responsibilities of the Colorado Wildlife Commission. It is the intention of the Commission, in issuing this Wildlife Mitigation Policy, to take actions in accordance with its responsibilities by:

1. Assuring that information about fish and wildlife resources, habitats, and impacts is readily available, objectively stated, and fairly considered when public decisions are made that affect those resources in Colorado.
2. Applying mitigation principles and practices consistently, openly, and with integrity throughout the State with the full knowledge and understanding of all the citizens of the State.
3. Recognizing both the Commission's role as the people's advocate for their fish and wildlife resources, and the need for a fair and reasonable balance between the protection of these resources and the economic growth and development of the State.
4. Committing the members of the Commission and the employees of the Division of Wildlife in the performance of their duties to a positive and helpful approach to all those involved in or concerned with mitigation activities, to the exercise of common sense and good judgement in evaluation and recommendation processes, and to full respect for the laws of the State and the rights of individuals.
5. And, finally, by carrying on the long tradition of this State, begun in law one hundred and twenty two years ago, of caring for its fish and wildlife resources so that they may be used and enjoyed not only today, but by generations yet unborn.

## Development of the Policy

In 1985, the Commission directed the Division to develop a Mitigation Policy. The Policy and accompanying Procedures and Guidelines are the result of an extensive public review process. The Commission has closely followed the entire process. Every attempt was made during the process to consider the concerns and interests of other resource users.

In November 1985, a first draft, prepared by Division staff, was presented at a public meeting attended by more than 70 people. Revisions of the draft began immediately and incorporated input from this meeting and the many letters received. During the 1986 legislative session, interest in the Division's mitigation activities resulted in legislation being introduced aimed at regulating these activities. Although this legislation was not passed, this level of legislative interest ensured full public review and comment on this particular document as it developed and on the subject of wildlife mitigation in general. Further, the Commission directed the Division to undertake a full scale public involvement process to accompany the development of the Policy.

Starting in April 1986, 16 public meetings were scheduled, advertised and conducted throughout the state. More than 250 people attended and 90 people gave comments and suggestions. Concurrent with public meetings 81 letters were received. Throughout the entire process, Division staff kept the public and Commission informed of the document's status on a regular basis and has been available to discuss wildlife mitigation with any individual or group.

During the first public meeting in April, it became apparent that the opposing positions held by special interest groups regarding wildlife mitigation made acceptance of the policy questionable. To resolve these differences, a committee was formed, facilitated by the Chairman of the Wildlife Commission, to assist in the drafting and review of a consensus document. Following solicitation for prospective members from concerned groups, 14 individuals were requested to serve and each accepted. Seven represented environmental/sportsmen groups and 7 represented the development community. Hundreds of hours have been spent by each member in meetings, subcommittee meetings and in individual review of the draft documents. The Commission wishes to thank each member for their dedication and time spent in this process. The Commission appreciates the integrity of this process and

hopes that the spirit of cooperation that characterized the development of this document will continue to guide all parties as the Division progresses with its implementation.

### Implementation of the Policy

Implementing the Mitigation Policy and Procedures and Guidelines is intended to clarify and make explicit existing practices and direction within the Division. It does not create new law, regulation or other requirements for project proponents. Rather, the Commission wants to be sure that two things happen. First, that all Division personnel approach projects in the same manner under consistent direction; and second, that project proponents know, upfront, what wildlife concerns, policy direction, and procedures are at the start of a project. The Division desires to ensure easier and more effective project planning and to ensure that wildlife is given due consideration in the development of the state's other resources. It is important to keep in mind that this is a Division document and does not bind or commit other agencies. The document is meant to direct and guide Division staff, not to establish a set of rules and regulations.

To project proponents, the Commission pledges the support of Division staff in working with you in planning, evaluating and implementing project proposals that offer beneficial opportunities for the conservation of wildlife and habitat for the enjoyment of our citizens. This document will be of assistance to you in that it explains how the Division intends to work with you in a spirit of cooperation from the inception to conclusion of a project.

To Division employees, the Commission expects each and every staff member to meet the challenges and opportunities brought to us by proposed development projects. We will remain strong advocates for all wildlife and their environments. We will review projects and evaluate possible impacts, provide alternative approaches and enlist all possible help in seeking proper, adequate, and responsible mitigation for land and water changes detrimental to wildlife interests.

This document represents a milestone in the development of Division policy and direction. Its development has not been easy, but it has been rewarding. The Commission sees much progress toward mutual understanding between project proponents and the environmental community. This policy should be viewed as one step forward in meeting tomorrow's challenges.

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## INTRODUCTION

This document consists of the "Mitigation Policy," and the Procedures and Guidelines. It is intended to assist Division staff, government agencies, project proponents, and the public in anticipating and planning early for possible Division participation in developing mitigation recommendations, thus avoiding conflicts and delays and ensuring adequate consideration of wildlife resources. "

Section I. Mitigation Policy. The purpose of this policy is to assure consistent mitigation recommendations by the Colorado Division of Wildlife throughout the State.

Procedures and Guidelines - Directed by the "Mitigation Policy," the Procedures and Guidelines explains how the Division will carry out the policy in a uniform, fair, reasonable, predictable, and effective manner. It consists of four sections:

Section II. Discussion of the Mitigation Policy expands on statements made in the Policy.

Section III. Administrative Process describes the general procedures for how a proposed project or action that may involve mitigation recommendations is administratively handled by the Division.

Section IV. Glossary defines key words used in the document.

Section V. Permit Summaries outlines procedural requirements for permits required from other government agencies that may involve wildlife mitigation recommendations.

The Procedures and Guidelines published here should be viewed as a working document which is subject to change. The Wildlife Commission has oversight responsibility for the "Mitigation Policy" and Procedures and Guidelines. Any changes to this document must be approved by the Commission in accordance with the provisions for amendment spelled out herein.

## SECTION I.

# STATE OF COLORADO WILDLIFE COMMISSION and the DIVISION OF WILDLIFE MITIGATION POLICY

### Introduction

This document is a statement setting forth the Colorado Wildlife Commission's mitigation policy. Its purpose is to assure consistent mitigation recommendations by the Division of Wildlife throughout the State of Colorado. In addition, it should allow permitting agencies, project proponents and the interested public to anticipate Division of Wildlife recommendations and plan for mitigation needs early; reduce Division, developer and public conflicts; and reduce project delays.

The Commission's mitigation policy is to assure that information about wildlife and wildlife habitat needs be considered in making resource decisions in Colorado and that mitigation recommendations for wildlife and wildlife habitat be made with due consideration for the need to plan for and develop other resources of the State, and that resources be developed and managed in a balanced manner. Mitigation of negative impacts on fish and wildlife and wildlife habitats will be recommended by the Division of Wildlife in accordance with this policy.

### Balancing of Interests

The Colorado Wildlife Commission and Division of Wildlife are directed by statute to "protect, preserve, enhance, and manage the wildlife and their environment for the use, benefit, and enjoyment of the people of this state and its visitors." Wildlife resources make a significant contribution to the State's economy. Beyond such financial considerations, wildlife provide important aesthetic, educational, recreational, and social values which contribute to the well-being of the citizens of Colorado.

The Commission recognizes that Colorado is a dynamic state in which growth and economic development is taking place. Wildlife interests must be viewed as a part of a healthy economy. The policy set forth here is intended to foster mitigation recommendations compatible with development of the state's resources and economic base including "the full development of absolute and conditional water rights" as set forth in the legislative declaration (33-1-101).

## Procedures and Guidelines

The Commission will maintain oversight over policy implementation. Mitigation Procedures and Guidelines, adopted concurrently with this policy, explains how the Division will carry out this policy in a uniform, fair, reasonable, predictable, and effective manner. The Division of Wildlife is directed to implement this policy in accordance with the Procedures and Guidelines to accomplish the purposes set forth herein.

### What Mitigation Means

Mitigation is a mechanism for addressing undesirable impacts on fish and wildlife resources. It can be accomplished in several ways, including reducing, minimizing, rectifying, compensating, or avoiding impacts. Where a project can be reasonably modified to avoid or minimize specific impacts, while still accomplishing the purposes of the project, that course is preferable. In making mitigation recommendations, the next priority will be given to compensating for the loss of fish and wildlife resources in the general vicinity of the impact. Mitigation which can only be achieved by avoidance of the total project shall be recommended only as a last resort in the most extreme of circumstances.

Mitigation does not lend itself to formula approaches. Common sense will be used in the development of recommendations. Every project requires a thoughtful analysis of mitigation recommendations rather than an automatic response that may fail to consider the economics of a solution, other wildlife populations in the general vicinity, the unique nature of a particular habitat, other resource needs of the State or community, and many other variable considerations.

### When Mitigation Recommended

The Division of Wildlife may formally become involved in making mitigation recommendations only for those activities listed in the Procedures and Guidelines in Table 1. The list may be amended by the Director in emergency situations subject to ratification by the Commission as provided for in the Procedures and Guidelines.

### Effect of Mitigation Recommendations

Mitigation measures proposed by the Division are advisory recommendations to project proponents and permitting agencies to be used as local, state, and federal law provides. It is recognized that such mitigation recommendations may become binding through conditions in permits issued by other agencies. Nothing in this policy will be construed to vest authority in the Commission, Division, or other units of government where no such authority exists.

## Nationwide and Regional 404 Permits

As to nationwide and regional 404 permits, the purpose of which is to reduce administrative approval time, the appropriate time for mitigation comment is when such permit is proposed or reviewed in its entirety. The Division will not submit mitigation recommendations on individual actions authorized under nationwide or regional permits except as provided for in the Procedures and Guidelines.

### Private Lands Exemptions

Any action not subject to a required permit or decision listed in the Procedures and Guidelines in Table 1, is specifically exempt from this policy and the Procedures and Guidelines.

In no case shall any mitigation recommended by the Division require changes in normal farming and ranching procedures and practices carried out on privately owned land without the acquisition of the appropriate rights from willing landowners. Nor shall mitigation recommendations by the Division include requests for the use of eminent domain by agencies who possess such powers.

### Basis for Recommendations

Impact assessments and mitigation recommendations will be based upon a systematic evaluation of fish and wildlife resources and habitats. Such evaluations will be well advised and objective, and will use best available scientific information and professional judgement. Brief descriptions of current techniques are presented in the Procedures and Guidelines. The Division will make every effort to treat project proponents in an equitable manner and will recommend mitigation consistent with practices it would undertake itself in like situations.

The Wildlife Commission seeks, through the adoption of this policy, to allow for involvement and cooperation of those who are engaged in development and in resource protection activities in Colorado. It is important that the Division recognize and consider the goals and objectives of other land and water management agencies. Cooperative consultation on mitigation recommendations with project proponents and permitting agencies, based upon assessment of impacts, will take place in a timely manner.



## Scope of Recommendations

The Division will distinguish, to the best extent possible based on information available, between recommended mitigation for impacts which are direct and those which are indirect, recommended mitigation for impacts on-site and those off-site, recommended mitigation for impacts on private land and those on public land. It is not the intention of this policy to hold a project proponent responsible for impacts that may have accumulated from past development actions that were not adequately mitigated or for actions that may be associated with a specific project but not directly under the project proponent's control. This does not mean that the permitting agency should not be responsible for considering all fish and wildlife impacts associated with a proposed project.

## Mitigation Cost Responsibilities

While this policy recognizes that the cost of mitigation is the responsibility of a project proponent and project beneficiaries, it will not be part of the Division's recommendations to suggest who should pay for specific mitigation except as to the extent of participation by the Division. The cost of mitigation is a responsibility that should be shared by the Division in those instances, and to the extent, that initiatives of the Division cause the impacts that are to be mitigated or the Division receives direct net economic or wildlife benefits from the project. In certain instances, the State as a whole may wish to invest in mitigation if such mitigation or the project accomplishes overall state objectives.

## Mitigation Banking

Mitigation banking, a method of crediting a project proponent for its activities that benefit wildlife and wildlife habitat when those activities have not been credited to other projects, is an innovative concept that will allow greater flexibility in the timing of meeting the State's wildlife needs. The Division is specifically directed to investigate the concept of mitigation banking with a goal of adding that concept in a workable form both to this policy and to the Procedures and Guidelines as soon as practicable.

## Integration of Permits

In developing mitigation recommendations, the Division will recognize that many projects require a number of different local, state or federal permits. In the absence of significant new information, once the Division has issued its recommendations on a given project, those recommendations will apply to all project permits addressing wildlife concerns.