

Copy for me.
State of U.S.F.S.
Water Resources

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FEB 10 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

RECEIVED

FEB 10 1998

SAWTOOTH NATIONAL FOREST
TWIN FALLS IDAHO

As per
John W. [unclear]

Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested 1. Notice of Proposed Change of Water Right No. T# 5194
a. Also held in question; Amended Notice of Claim to a Water Right - Civil Case Number: 39576; Ident# 45-4114
2. Name of protestant Earl Lavell Warthen
3. Protestant's representative for service (If different than protestant)
I don't think any; but if needed their will be.
4. Service mailing address Box 145 3 miles S. E. Albion, Idaho 83311
5. Service telephone no. Home 673-5385 Work 673-6418
6. Basis of protest (including statement of facts and law upon which the protest is based)
My Basis for this protest is that this continued abuse of our water shed by the United State's Forest Service for commercial use is and only will continue to impact water users their rights and others within the State of Idaho brought on by these Transfers and Claims.
The laws which I base my protest are Sections 42-222 also 42-501 Idaho Code.
This Transfer will also Impact Matter in Permit #45-07642

(additional pages may be attached to describe the nature of the protest)

7. What would resolve your protest? For The State Department of Water Resources to limit and allow correction to United States Forest Service of their original adjudication claim prior to amended claim #A45-04114 of .015 or .02 CFS and supplement it needed from their now questionable point of diversion at Bennett Springs and a Use Period of Sept 15 to March 15.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 7th day of February, 19 98.

Earl L. Warthen

PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by MB Date 2/10/98 Time 10:55
\$25.00 fee Receipted by MB # 5020879 Date 2/10/98

SUPPLEMENT TO NOTICE OF APPEAL
POMERELLE SKI AREA MASTER DEVELOPMENT PLAN

TO: CHRISTOPHER L. PYRON
UNITED STATES OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION
324 25TH STREET
OGDEN, UTAH
84401-2310

APPELLENT: Earl Lavell Warthen
P.O. Box 145
Albion, Idaho 83311
208-673-5385
208-673-6418

FILE CODE: 1570-1
#98-04-00-0085

This Supplement to Notice of Appeal is brought pursuant to 36 CFR 215.

The basis of this Supplement is the availability of additional information received after the date upon which Appellant was to submit the Notice of Appeal. Specifically, the Supplement provides certain contradictory information supplied by the U.S. Forest Service regarding water information, which Appellant does desire to include in paragraph 5 of the Notice of Appeal, but which Appellant did not receive until subsequent to the Appeal filing date of January 5th, 1998. Appellant does submit the following Exhibits in support of the untimely Supplement filing:

Exhibit A: South Idaho Press publication of legal notice of January 26th, 1998
Exhibit B: Amended Notice of Claim to a Water Right

Appellant does submit that the information contained in the Amended Notice of Claim to a Water Right is inconsistent with the recitals of the Finding of No Significant Impact. The Finding, to which the Appellant has filed an appeal, finds at Appendix AA, Warthen, paragraph 1)c) that "the Forest Service has no evidence that Pomerelle is built on a spring" The contrary indication is made at paragraph 5 of Exhibit B.

Appellant submits that the additional information and contrary indication of the Forest Service should be considered on appeal to compel the review of the Finding of No Significant Impact and the manner in which the Finding was prepared, and reverse the decision below.

Respectfully Submitted

RECEIVED

FEB 10 1998

Department of Water Resource
Southern Region

EARL LAVELL WARTHEN

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
No. T# 5194

Notice is hereby given that USDA-Forest Service, 2647 Kimberly Road East; TWIN FALLS ID 83301 has applied to the Department of Water Resources for changes to a water right.

The purpose of Transfer No. 5194 is to change the location and nature of use to reflect commercial and snow making uses.

PRESENTLY, Snake River Basin Adjudication Claim No. 45-04114 based on beneficial use (0.06 cfs) with a priority date of 05/01/1965 is diverted from Pomerelle Spring and Bennett Spring tributary to Howell Creek within NW1/4NE1/4NW1/4, S01, T13S, R24E and NW1/4NE1/4NE1/4, S11, T13S, R24E; Cassia County for commercial use within NW1/4SW1/4, S01, T13S, R24E; Cassia County.

PROPOSED CHANGE

The applicant wishes to divert water from the springs at the same points of diversion listed above for commercial (0.06 cfs) and snowmaking (0.06 cfs) uses within parts of Sections 01, 02, and 11, all T13S, R24E; Cassia County.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before February 12, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the South Idaho Press on 01/26 & 02/02/98.

Notice of Protest
2-7-98
lun



United States
Department of
Agriculture

Forest
Service

Intermountain
Region

324 25th Street
Ogden, UT 84401-2310

File Code: 1570-1
#98-04-00-0085

Date: JAN 22 1998

Mr. Earl Lavell Warthen
Box 145
Hwy 77, 3 miles SE
Albion, ID 83311

CERTIFIED MAIL - RETURN
RECEIPT REQUESTED

Dear Mr. Warthen:

We have received your December 26, 1997 appeal of Forest Supervisor William P. LeVere's decision to authorize the expansion of the Pomerelle ski area on the Sawtooth National Forest. In accordance with your request, enclosed is a copy of your appeal which shows the date received in this office.

The appeal was received in a timely manner and will be processed in accordance with the provisions of 36 CFR 215. Vern Fleisher is the Appeal Reviewing Officer (ARO) for this appeal. By February 9, he will review the appeal record and forward it to me with a written recommendation on the disposition of the appeal.

The Responsible Official, Forest Supervisor LeVere, will forward the decision documentation to me by January 23. Mr. LeVere will contact you and offer to meet and discuss resolution of the issues raised in your appeal. This meeting must be held on or before January 23.

I will issue a written decision or otherwise give notice to you concerning the disposition of this appeal by February 23.

Implementation of this project may not occur for 15 days following the date of appeal disposition.

Questions regarding the processing of this appeal should be directed to Stacey Grimes, Appeal and Litigation Staff, at 801-625-5764.

Sincerely,

CHRISTOPHER L. PYRON
Appeal Deciding Officer
Deputy Regional Forester

Enclosure



**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

**AMENDED
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

OCT 28 1997

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) United States of America
Sawtooth National Forest Phone (208) 737-3200
Mailing Address 2647 Kimberly Road East
Twin Falls, Idaho Zip 88301-7976

2. Date of Priority (Only one (1) per claim) May 1, 1965

3. Source of water supply (a) Two unnamed springs locally known as
Pomerelle or Ski Run Spring and Bennett Spring
which is tributary to (b) Howell Creek

4. a. Location of existing point of diversion is: Township 13 South Range 24 East Section 11,
NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: NW 1/4 of NE 1/4 of NW 1/4 of Section 1, see attached remarks

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. The first water systems for this use were:
(1) Pomerelle Spring collection system. All gravity feed beginning with perforated pipe
to an onsite headbox, then by 2" pipe continuing down to the Lodge. (2) At the same time
a second spring near the parking lot was collected into a headbox and pumped up to the
Lodge. Later parking lot expansion resulted in filling this location with boulders and
gravel for an enlarged parking lot and accomplished change in point of diversion to
Bennett Spring in 1976.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Commercial purposes from January to Dec. 31 amount .06 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .06 (cfs) and/or (b) _____ (acre feet)

3. Total consumptive use claimed is _____ acre feet per annum.

3. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Commercial use at Pomerelle Ski Area. See accompanying page.

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	24E	1										C							

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (XX)

14. Remarks:

Pomerelle or Ski Run Spring is also used by the claimant as the point of diversion for 45-11985, a de minimus stockwater claim for cattle grazing on the Sawtooth National Forest. Additional remarks and information pertaining to water use at Pomerelle Ski Area are on an accompanying page.

It is very important that you inform the department in writing of any changes in address. This is to make sure that you are receiving notices in the correct address.

Basis of Claim (check one) ☐ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

Signature (s) _____
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

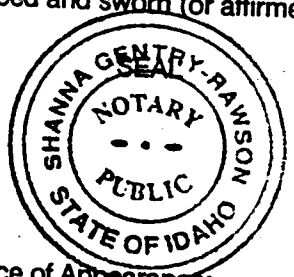
Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true, correct.
Signature of Claimant (s) William P. LeVine Date 10/28/97

Organizations: I do solemnly swear or affirm that I am Forest Supervisor Title _____
Sawtooth National Forest Organization _____, that I have signed the foregoing document in the space below as Forest Supervisor of Sawtooth National Forest Organization _____
I that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William P. LeVine
Title and Organization Forest Supervisor-Sawtooth National Forest Date 10/28/97

State of Idaho/or Idaho)
County of Twin Falls) SS.

scribed and sworn (or affirmed) before me this 28th day of October 19 97



Notary Public Shanna Gentry-Rawson
Residing at Twin Falls County
My Commission Expires 5/15/2003
Please Print Name

Notice of Appearance:
It is hereby given that I, Randall J. Bramer will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

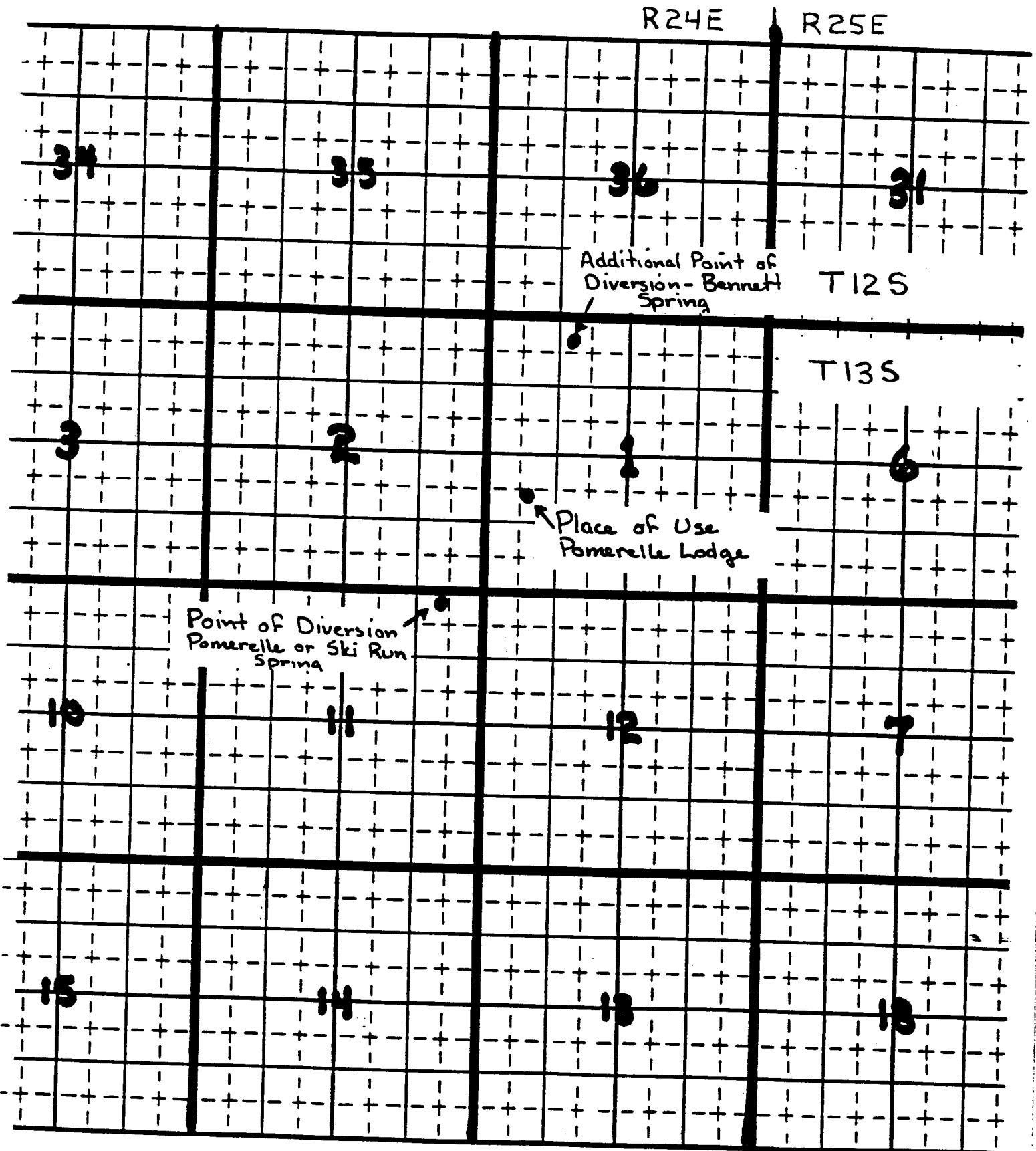
Signature Randall J. Bramer

Address 380 E. Parkcenter, Suite 330, Boise, ID 83706 (208) 387-0835

10/27/97

Name UKF Ident Number 45-14112

Scale: 2 inches equals 1 mile



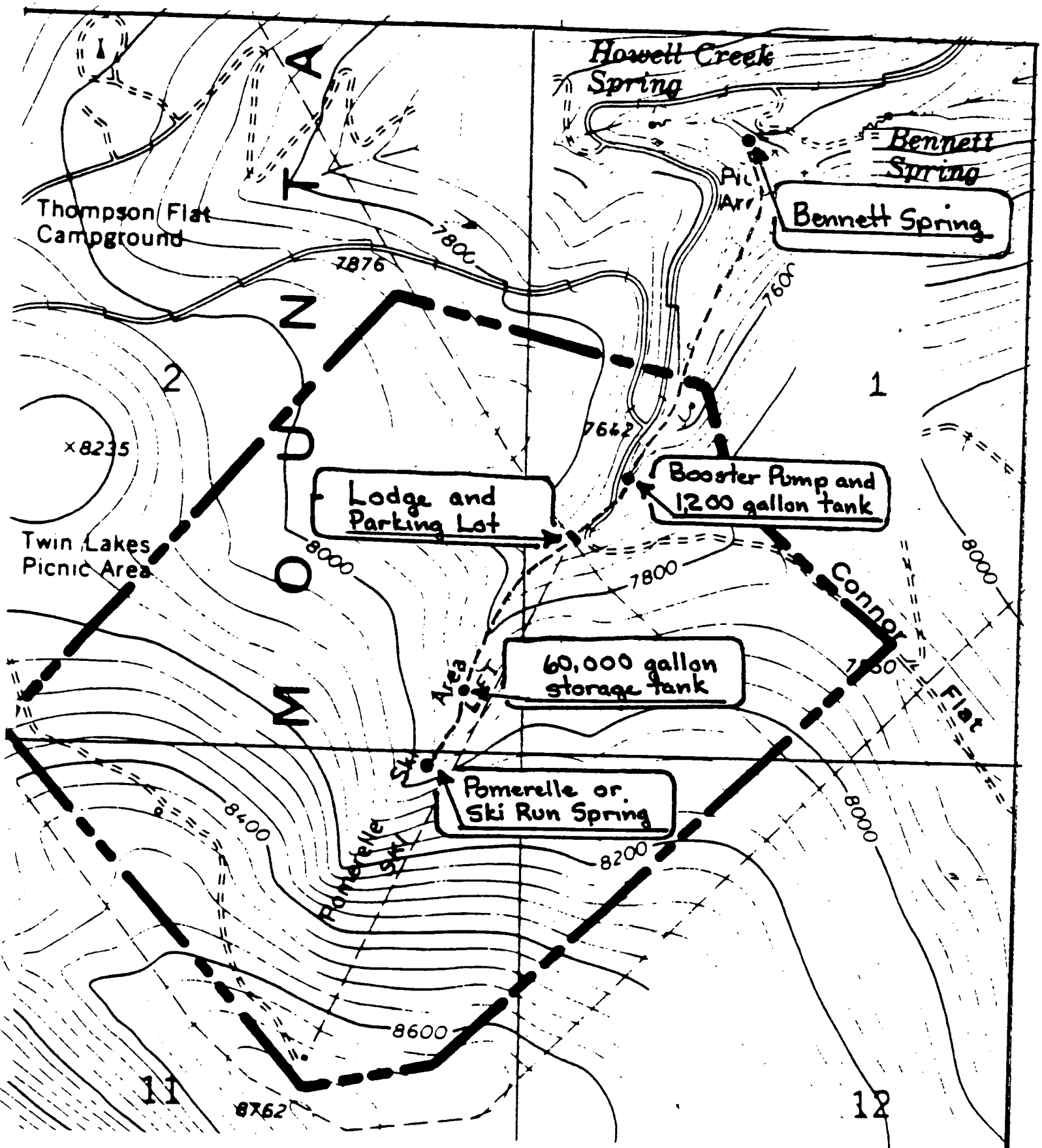
POMERELLE WATER CLAIM
WATER RIGHT NUMBER 45-04114

Additional information and remarks to the amended notice of claim to a water right acquired under state law.

1. Number 3 (a) needs to read: 2 unnamed springs locally known as Pomerelle or Ski Run Spring and Bennett Spring. The spring in Section 11 is locally known as Pomerelle or Ski Run Spring. The spring in Section 1 is between springs identified on the USGS topographic map as Howell Creek Spring and Bennett Spring. The spring being claimed as a source and point of diversion is not either spring shown on the USGS map (see accompanying map), but is nevertheless also known as Bennett Spring. This information may need to be in REMARKS or OTHER INFORMATION NECESSARY TO ADMINISTER THE WATER RIGHT.
2. Number 4 a needs include the following information pertaining to the additional points of diversion. The NE NW of Section 1 is actually 48.1 acres and properly described by government survey as Lot 3 of Section 1. Applying traditional survey templates or overlays on this section yields the NW NE NW of Section 1.
3. Additional information about the diversions: The 1976 works collect water from Bennett Spring into a 4 foot diameter by 6 foot tall fiberglass tank. Water is pumped approximately $\frac{1}{2}$ mile up to a 1200 gallon tank in the NWSW Section 1, approximately $\frac{1}{8}$ mile below the lodge. A booster pump conveys water through an iodine disinfection system to either the distribution system around the lodge or through the original 2 inch galvanized pipe up to the 60,000 gallon storage tank.
4. Commercial use at Pomerelle Ski area consists of use at the lodge, including 175 seat restaurant, kitchen, restrooms, ski rental service, ski patrol headquarters with first aid facilities, and a ticket office. In addition there is also a managers residence, employee bunkhouse, maintenance shop and outside irrigation of approximately 2 acres of grounds and associated landscaping. The area has an average visitor use of 350 daily and peak use of 1,000 daily.

POMERELLE SKI AREA

45-04114





United States
Department of
Agriculture

Forest Service
Sawtooth National Forest

Supervisor's Office
2647 Kimberly Road East
Twin Falls, Idaho 83301
(208)737-3200

File Code: 1950

November 21, 1997

Dear Winter Sports Friends:

I am pleased to announce my decision extending new opportunities to Pomerelle Ski Area. Because you have expressed an interest in Pomerelle and how it is managed, I am sending you a copy of the Decision Notice and Finding of No Significant Impact.

The Decision provides for extending the term of the ski area Special Use Permit, allows for expansion of the Permitted Area and approves new developments for the continued safety and satisfaction of a growing skier/snowboarder population. At the same time, the Decision protects the natural resources of the area by limiting the withdrawal of water from Howell Creek.

If you have questions about this decision, or would like additional information, please contact Terry Fletcher at Sawtooth National Forest, 2647 Kimberly Rd. East, Twin Falls, ID 83301, 208-737-3224 or Pete Peterson, Burley Ranger District, Sawtooth National Forest, 3650 So. Overland Ave., Burley ID 83318, 208-678-0430.

Sincerely,

Bill LeVere
Forest Supervisor

enclosure



Caring for the Land and Serving People



Decision Notice
and
Finding of No Significant Impact

Pomerelle Ski Area Master Development Plan
Burley Ranger District, Sawtooth National Forest
Cassia County, Idaho

It is my decision to approve Alternative D, the Forest Service Proposed Action Alternative. The Alternative includes expansion of the Special Use Permit boundary, provides for development by Andrwood Corp., of new lodge and parking facilities, installation of snowmaking equipment and water storage facilities, installation of new lifts and tows and development of additional runs, improvement of timber stand conditions, expansion of the night skiing operations, modification of existing runs, construction of non-motorized trails and operation of the complete facility as a year round resort.

Pomerelle will be required to submit detailed plans of any earthwork or major structure for Forest Service approval prior to initiating any disturbance or construction. Water quality of Howell Creek and its tributaries will be maintained by strict adherence to the standards of the Clean Water Act of 1977 and the associated rules administered by the Idaho Department of Health and Welfare, Division of Environmental Quality. Erosion control plans will be a required part of any major earthwork project.

Rationale

Evaluation of the potential effects of the Proposed Action has determined that it would have minimal impact to the environment. Although limited in the amount of water withdrawn from Howell Creek for snowmaking or other purposes, the Alternative will meet the Proponent's minimum need for producing snow.

This Alternative meets the directives, standards and guides of the Forest Land and Resource Management Plan. Selection of this Alternative avoids incurring any additional impacts to resident fisheries before better population and habitat information can be gathered and considered.

The initial scoping as well as comments received in response to the pre-decisional Environmental Assessment indicate general support for the proposal among local residents, businesses and resort patrons.

On-site searches for Threatened, Endangered, or Sensitive plant or animal species have found that none exist within the project area. Biological Assessments/Evaluations of the effects of the proposed action on Threatened, Endangered or Sensitive animals and plants have declared that there would be no effect on such species.

Mitigations and Monitoring

To assure that Howell Creek is not degraded by activities of the ski area I will require that Andrwood continue to monitor the discharge of water from the lower parking area and the culverted drainage system and coordinate with the Department of Health and Welfare, Division of Environmental Quality on further actions needed to protect Howell Creek. Additionally, I will encourage Andrwood to demonstrate their protective activities through environmental and cultural education opportunities at the proposed Learning Center for both summer and winter programs.

To assure that loss of vegetative productivity and soil erosion are kept to acceptable minimums, erosion control plans will be required for all ground disturbing activities. The Permit Administrator will monitor successful implementation of all protective measures identified.

To minimize disruption of opportunities for snowmobile activity I will require that Andrwood identify a route near the east end of the current parking area to provide safe, effective access from the snowmobile parking area to Connor Ridge.

Alternatives Considered

The No Action Alternative, Alt. A, considered continuation of the current activities and developments with only increases in use as might be applicable to the existing operation.

The Proponent's Proposal, Alt. B, considered expanding the permitted area by approximately 65 acres, developing a new complex of lodge, parking, ski school facilities, improving timber vegetation in conjunction with modifications to the ski runs, expanding the night lighting system, and installation of a snowmaking system which would require up to 150 gals/min. to be pumped from Bennett Spring. Operation of the resort for summer activities would include development of a system of non-motorized trails, use of lifts to support hiking and bicycling and lodge services for conferences, arts, and other public and private events.

Alternative C, titled Reduced Snowmaking Alternative was generated to examine withdrawing less water from the Bennett Spring/Howell Creek watershed during a time period which might conflict with critical spawning needs for brook trout. It would maintain all provisions of Alternative B, but limit the water use to no more than 60 gal/min., introduce a series of water storage reserviors and would therefore allow for lesser quantities of snow to be made.

The Forest Service Proposed Action Alternative, Alt. D is also similar to Alt.C except that it would limit the use of water from Bennett Spring/Howell Creek to no more than the volume currently pumped, approx. 20 gal/min.

Scoping And Public Involvement

In March, 1996, the Sawtooth National Forest initiated public involvement in this project by making formal public announcement and issuing a Scoping Document which summarized the Proposed Master Development Plan and requested public input. From that effort the Forest received 121 letters. The following issues were identified from that response:

1. Conflict with existing water rights might occur
2. Concern for increased use of the Howell Canyon road was expressed
3. Need for increased recreation opportunity in addition to winter activities.
4. Concern was expressed for forest health
5. Possibility of conflict between the boundary expansion of the area and current snowmobile use was expressed.

These issues were used to refine the Master Plan to that which was examined in the pre-decisional Environmental Assessment (EA).

During the public review of the pre-decisional EA, nine individuals responded. The questions raised and responses to them are contained in Appendix AA to the EA (attached).

FINDING OF NO SIGNIFICANT IMPACT

It is my determination that the effects described in the pre-decisional Environmental Assessment of the Pomerelle Ski Area Master Development Plan do not constitute significant impact. The noted effects will be local in nature, affect relatively few people, do not concern historic resources nor other critical areas, would not impact any listed Threatened, Endangered or Sensitive plant or animal species, would not establish any specific precedent, and would not contribute to any cumulative significant impact.

The installation of the Learning Center complex will disturb only limited areas of soil and vegetation. The manipulation of timber stand components will result in long term enhancement to the area esthetics as well as wildlife habitat. The watershed of Howell Creek can be protected. The installation of snowmaking can be accomplished without increasing risk to resident fisheries. Local economies and the regional skiing market will benefit by the continuation of a needed resource.

This decision is subject to appeal pursuant to 36 CFR 215.7. A written Notice of Appeal must be postmarked within 45 days after the date this notice is published in the TIMES-NEWS, TWIN FALLS, IDAHO. The Notice of Appeal should be sent to, USDA, Forest Service, Intermountain Region, ATTN: Appeals Deciding Officer, 324 25th Street, Ogden, Utah 84401, (801)-625-5605. > *Copie of stamps & dates*

Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Terry Fletcher, Sawtooth National Forest, 2647 Kimberly Rd. East, Twin Falls, Idaho 83301, or phone (208) 737-3224.

If no appeal is received, implementation of this decision may occur on, but not before, 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of appeal disposition.

Bill Levere

BILL LEVERE
FOREST SUPERVISOR
SAWTOOTH NATIONAL FOREST
2647 KIMBERLY RD. EAST
TWIN FALLS, ID 83301

11/21/97
DATE

Comments Received During Public Review and Forest Service Responses

City of Burley

- 1) Is it possible to increase the reservoir capacity to capture run-off in October, November, December period as suggested in .4.3 Alt D.?

The reservoirs proposed would be pond-type structures rather than tank-type installations. Run-off could be captured from snow melt in the spring season or pumped from Bennett Spring. Several sites have been identified which could support such developments.

V. Bloch

- 1) "The number and variety of runs are, we feel, sufficient for intermediate and "neophyte" skiers for the foreseeable future."

Pomerelle anticipates needing to provide service to an expanding skier market in the local area. Maximizing the use of the permitted area is thought to be preferable to developing a new area.

- 2) "Except for removal of dead timber, we would not approve of cutting live timber in order to widen runs or/and create "crossovers". "...is un-necessary and could cause problems of congestion at the points of intersection."

The silvicultural examination which recommends removing some of the live timber is targeted at reducing existing insect and disease problems. Failing to deal with these existing problems could soon destroy the timber stands altogether. Loss of whole stands could eliminate skiing on substantial portions of the area. Small areas of run widening are intended to accommodate the anticipated increase in skier use. Much of this activity would occur at the intersections of runs to address the congestion question.

Fowler

- 1) Doesn't feel brook trout should be sacrificed for skiing.

The intention of Alt. D, the Forest Service Proposed Action Alternative is to retain the current population of brook trout while at the same time allow the ski area to take advantage of seasonally available water opportunities for snowmaking.

R. Smyer

- 1) "...I feel that the added business will help all the business in Albion...This area is (in my opinion) in a much distressed condition and any help in generation more business is greatly welcomed."

Augmentation of local business is seen as a positive effect from the proposed improvements at Pomerelle.

Idaho Dept. of Fish and Game

- 1) "There is no fish or wildlife mitigation defined in the Alternatives or in the Environmental Consequences section, yet, impacts to fish and wildlife habitat are identified within each action alternative. We recommend fish and wildlife mitigation be developed for action alternatives prior to a decision on the proposed action."

No specific impacts to either fish or terrestrial wildlife species have been associated with the present level of use and development. Changes in the terrestrial habitat are anticipated to be minor in nature and are not

expected to result in measurable effects to current populations. The Proposed Action Alternative is designed to avoid creating any impact to fisheries. Mitigation of these circumstances is not required. Opportunities to enhance terrestrial wildlife habitat during timber management activities, such as snag retention or avoidance of critical nesting seasons, can be included in project plans.

- 2) "We believe you need to evaluate at least the affects of increased hiker and mountain bikes on the soils, hydrology, and wildlife resources. There also needs to be a discussion on the potential for conflicts between sportsmen and hikers/mountain bikers in the fall."

Use of the permitted area by new activities has been examined. We do not anticipate that hiking or mountain biking on developed trails will produce unwarranted effects. Proper locations and design will be reviewed prior to installation of trails. Such developments occur routinely in Forest environments without noticeable effect. We do not anticipate that any wildlife species will be displaced by this new use. Pomerelle Ski Area has for years been closed to the use of firearms because of the inherent risk to ski area personnel and the potential for damage to ski area equipment. This closure will be continued.

- 3) "We found no significant discussion concerning the cumulative effects of this action. The proposed increase in use during the summer and winter, expansion of the facility coupled with the 1992 Howell Canyon Forest Health and Vegetation Management Decision, past and continued livestock grazing management, and the newly paved road to the top of Mt. Harrison need to be evaluated as cumulative effects on the environment."

Effect of the Proposed Action and other Alternatives has been described as inconsequential for most all resource concerns. Accumulation of these minimal effects is also thought to be of very limited proportion. Effects on wildlife populations and habitats is described as "negligible". Grazing, although active in the same area as the ski area, is not being addressed in this decision. Pomerelle's proposal to expand both summer and winter programs is in direct response to the anticipated growth in public use in Howell Canyon due to the paving of the Howell Canyon road. Providing needed public services is thought to be a preferred outcome rather than leaving the user unattended.

Brockway Engineering

- 1) Provided additional information regarding flow of Howell Creek. Letter on file in the project record.

The review of hydrology input appears to be correct and is reasonable. The difference in water level caused by a withdrawal from the creek of 60 GPM during low flow would be very small, probably in the order of 0.01 feet. This change would not be readily visible in most places. However, this amount is still about 8% of the projected minimum flow, and the reduction could result in a larger proportion of streambed being left bare or pools being effectively eliminated. Further study is needed before the actual effect on fish habitat can be determined. In the absence of such information, only the theoretical position can be asserted.

- 2) The FS fails to give reasoned analysis of tradeoffs when administering a "multiple-use" forest region.

Many of the tradeoffs of Forest resources and their inherent uses have been decided in the Forest Land and Resource Management Plan. Certain aspects of management have been analyzed and Standards for management are declared in that document.

Warthen

1) "Present and future growth of Pomerelle will have effects on Water District 45-F Marsh. Have witnessed the following:"

a) Presently the area has no sewage treatment facilities...and if treated would leach into Bennett Sp. waters and those of the water district....

also that which Pomerelle consumes for its own water supply.

Pomerelle does treat it's sewage by means of State approved septic tanks and drain fields. No evidence of contamination is identified with this system.

b) Presently contaminants around the existing shop and parking are a threat to water quality.

Uncertain as to what materials are being addressed as contaminants.

Pomerelle does routinely police it's area and has installed containments around their fuel storage as a precautionary measure.

c) ...the area is built on a spring or water recharge area.

Although springs are known to exist in the surrounding area, the Forest has no evidence that Pomerelle is built on a spring.

d) Machine snow packing and summer slope grooming drive frost deeper into surface soil which affects runoff and recharge ability.

There is no evidence that frost depths have been influenced by either winter grooming of snow or summer grooming of ski runs.

e) Further development will increase disruption of forest growth as well as surface and subsurface soils.

Minor disturbances of vegetation and soils are anticipated with this development. Appropriate measures will be taken to minimize effects.

f) Adding snowmaking equipment will effect ground water recharge, add to flooding during thaws in early fall, winter or spring.

While snowmaking may add to the ground water recharge, there is no correlation with flood effects.

g) Stock water users and other consumptive and non-consumptive users will be effected.

Water for livestock will continue to be available from Pomerelle

Spring. Livestock now water in un-restricted fashion in most of Howell Canyon.

h) This area was given as Minidoka Bird Sanctuary. Yearly use of this area is having affect on those populations, bringing about deterioration of forest and watershed. You can see this in the abundance of pine-beetles.

There is no known connection between the condition of the forest and bird populations in this area. It is uncertain what effect the title of Minidoka State Bird Sanctuary may have on this situation.

i) Remember "Typhoid Mary". You can see that in the grave markers.

The Sawtooth National Forest is not acquainted with "Typhoid Mary".

2) New Lodge septic system would be in addition to continuing problems of the existing septic system.

Present considerations for septic sewer system design would not link the existing with the proposed new installation. No new "problems" are anticipated and no existing problems have been identified.

- 3) Pomerelle lays on "Fissured aquifer"... may be associated with underground beds of peat and decaying vegetation.....

Discussions of "fissured aquifers" and "underground beds of peat and decaying vegetation" do not appear relevant in this geological setting.

- 4) Discolored snow plowed from road tends to undermine mountain snowpack. These discolored snows consist of oil base, litter, sands, gravels, salts. This type of activity will only continually degrade the watershed and fisheries of Howell Cr.

Recent on-site inspection did not demonstrate injurious effect of salts nor of unusual amounts of sands. A minimal amount of litter was observed.

- 5) Monitoring of water quality for 1 year is short evaluation.

One year is indeed a short period for monitoring a stream. Little effect, either positive or negative, can be determined in so little time. Continuing to monitor the stream would be worthwhile.

- 6) The continuous use of slopes by ski activity, machine packing, and grooming, impacts vegetation in spring and summer months leading to deterioration of these open clear cuts.

The open groomed ski slopes are better vegetated, have better soil protection, less water runoff and surface erosion from wind and water than the other adjacent slopes in the watershed.

- 7) Fall line runs lack site characteristics to control snow or water temperatures and run-off rates. Thus creating little ground water recharge and adding to excessive erosion. Glaciation has produced many areas of shallow soils and rock outcrops - areas of low to moderate resiliency and highly susceptible to compaction and erosion from loss of vegetation.

Same as 6) above. There is no evidence of glacial activity within the ski area itself. Glacial activity is evident at higher locations of Mt. Harrison.

- 8) Bald and golden eagles do occur in the project area.

Habitat for bald eagles does not occur in the project area. Random sitings of transient birds may be possible.

- 9) Native artifacts have been observed in this area and other parts of Mt. Harrison.

Native artifacts may well exist in this area. No resources which would qualify this area for nomination to the National Register of Historic Places have been identified in the project area.

- 10) Catch basins for water storage on a yearly basis would interfere with other prior water rights in District 45F by this storage for snow making. The valid water right #45-04114...in the amount of .02 CFS or 9 gpm domestic use would be too insufficient to maintain all of what is called for in the Environmental Assessment of the Pomerelle Ski Resort Master Development Plan.

Water Rights (Permits) are granted and administered by the Idaho Department of Water Resources. Application for water uses will follow all pertinent rules of that agency.

11) The following are comments to issues not addressed in the environmental assessment:

a) Will this expansion propose problem with the fact that this area is a(n) Idaho State Bird Sanctuary.

All lands and most resources within the project area are administered by the Sawtooth National Forest. The name "State Bird Sanctuary" has no significance in managing these resources.

b) Will this expansion continue to limit hunting to only the permittee and not the general public - In reference to keep out sign posted during hunting season.

Pomerelle Ski Area has been closed to use of firearms for many years to provide protection to ski area workers and equipment. The closure is expected to continue.

c) Will this expansion take business away from those that deal in those that are mentioned in the E.A. - Because these business's pay private property taxes that support local government along with schools that support the ski area.

Pomerelle Ski Area pays taxes just as any other business. In addition, a portion of the fees paid by Pomerelle to the Forest Service, for use of the land, is returned to the county in lieu of other property tax revenues.

d) Will the expansion cause conflict(s) between skiers on snowmobilers. In reference to: Monitoring and Evaluation Report for the Sawtooth National Forest = 1991-1995 Page2 top left parigraf (sp).

Pomerelle Ski Area and the Mt. Harrison Snowmobile Club consulted early in the planning process to resolve potential conflicts of use areas. Provision is made for a route through the Ski Area permit to Conner Ridge.