



Grand Canyon Chapter • Protect the Grand Canyon Ecoregion Campaign  
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December 6, 2019

To: Cal Joyner, Regional Forester  
Laura Jo West; Supervisor, Coconino National Forest

From: Sandy Bahr; Grand Canyon Chapter - Director, Sierra Club  
Alicyn Gitlin; Grand Canyon Program Coordinator, Sierra Club  
Joe Shannon; Flagstaff Northern Arizona Group Chair, Sierra Club

Submitted via email to: [southwesternregional-office@usda.gov](mailto:southwesternregional-office@usda.gov)

RE: Arizona Snowbowl Agassiz Chairlift Replacement Project Decision

Dear Regional Forester Joyner and Supervisor West:

This constitutes an objection to the Decision Notice and Final Environmental Impact Statement of the Arizona Snowbowl Agassiz Chairlift Replacement Project Decision on the Flagstaff Ranger District of the Coconino National Forest, decided by Responsible Official Coconino National Forest Supervisor Laura Jo West. It is “based on new information arising after the designated comment opportunities” according to Legal No. 580 Cancellation of Prior Notice and Reinitiation of Opportunity.

Please accept this objection on behalf of the Sierra Club’s Grand Canyon (Arizona) Chapter, including our more than 60,000 members and supporters. The contact for the lead objector is Alicyn Gitlin, Sierra Club Grand Canyon Chapter, 318 W. Birch Ave., Flagstaff, AZ 86001; (928) 774-6514.

Sierra Club’s mission is “to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth’s ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments.” Sierra Club has long been committed to protecting public lands and their ecological health so they are available for future generations to enjoy. Our members have a significant interest in the Coconino National Forest and specifically the lands affected by this project. Our members and supporters enjoy a wide range of recreational activities in the area, including wildlife viewing, hiking, backpacking, camping, and more. This project is significantly controversial and occurring within a Traditional Cultural Property.

This objection is based upon three items of significant new information revealed during the release of the draft decision:

- 1) Snowbowl is operating under an invalid Special Use Permit (SUP). The Forest Service has violated its requirement to issue a new SUP and conduct an analysis under the National Environmental Policy Act to accompany a change in ownership/management for the Arizona Snowbowl. While the **Draft** Environmental Assessment (EA) dated July 2019, Section 1.2 says, in regard to Snowbowl, “It is owned and operated by the Arizona Snowbowl Resort Limited Partnership.” The **Final** EA dated October 2019, Section 1.2 says, “It is operated under a special use permit (SUP) by the Arizona Snowbowl Resort Limited Partnership.” The Forest Service decided not to even try identifying an “owner” in the Final EA and removed “ownership” language from the EA entirely, indicating that even it is unsure about who owns Arizona Snowbowl. It is time to acknowledge that Arizona Snowbowl Resort Limited Partnership is a shell



company that exists for the sole purpose of avoiding the need to issue a new SUP. Now that the Forest Service has made a conscious decision to remove any claims about who “owns” Snowbowl from this EA, it must acknowledge that Mountain Capital Partners (MCP), a new entity not listed on the SUP, is the sole entity that “operates” Snowbowl, according to the following lines of evidence:

- a. MCP website [www.mcp.ski](http://www.mcp.ski) (See attached screenshot): Under tab Our Company -> Our Mountains is listed Arizona Snowbowl. At the top of the page are the words, “Mountain Capital Partners **owns and manages** a collection of ski resorts and mountain bike parks in Colorado, Arizona...” (emphasis added). (<https://www.mcp.ski/about-us/our-mountains/> or see attached screenshot).
- b. Website: Our Company -> Our Improvements -> Arizona Snowbowl -- MCP takes credit for all construction at Snowbowl since the 2015/2016 season. (<https://www.mcp.ski/snowbowl/> or see attached screenshot).
- c. Website: About Us -> Our Leadership lists Arizona Snowbowl General Manager JR Murray as Chief Planning Officer for MCP, demonstrating that Snowbowl’s manager is employed by MCP. (<https://www.mcp.ski/our-leadership/> or see attached screenshot).
- d. MCP’s website doesn’t even list Arizona Snowbowl Resort Limited Partnership as a partner under Our Company -> Our Partners, demonstrating that Arizona Snowbowl Resort Limited Partnership is not an active part of the MCP company. (<https://www.mcp.ski/about-us/our-partners/> or see attached screenshot).
- e. The recent press release posted on Arizona Snowbowl’s website, “Brian Head Resort Joins the Power Pass” about Mountain Capital Partners’ purchase of Brian Head Resort, declares, “Mountain Capital Partners currently **owns and operates** seven ski and bike resorts throughout the Southwest, including Colorado, Utah, Arizona...” (emphasis added) (<https://www.snowbowl.ski/brian-head-resort-joins-the-power-pass/> and attached screenshot).
- f. Personal Communication between Alicyn Gitlin and JR Murray on September 26, 2019 – when Mr. Murray was asked who is paying for improvements at Snowbowl, JR replied, “The owner,” and when pressed for whether that is Coleman, the reply was, “yes.”
- g. On Arizona Snowbowl’s website: “Merry Christmas from James Coleman, **Snowbowl Owner**” (emphasis added) which calls Coleman the owner and also acknowledges he is responsible for all improvements at the resort: (<https://www.snowbowl.ski/merry-christmas/> or see attached screenshot).
- h. Outside Magazine article that says James Coleman of MCP purchased Arizona Snowbowl: (<https://www.outsideonline.com/2159326/ski-king-southwest> or see attached screenshot)
- i. MCP has elected to centralize the marketing for all of their resorts, including Arizona Snowbowl. According to their marketing company: “Mountain Capital Partners (MCP) **owns and operates** some of the nations [sic] most well-known ski resorts including... Arizona Snowbowl...” (emphasis added) (<https://www.workhorsemt.com/work/mountain-capital-partners/> and attached screenshot).
- j. Recent promotion of the imminent Master Development Plan for Arizona Snowbowl clearly communicates that MCP is responsible for operating Snowbowl. Snowbowl’s own press release declares, “Mountain Capital Partners, the Snowbowl management group” and an Arizona Republic article states, “The management group that runs Snowbowl, Mountain Capital Partners...” ([https://www.snowbowl.ski/wp-content/uploads/2019/06/FINAL\\_SnowbowlSharingVisionForNextChapter.pdf](https://www.snowbowl.ski/wp-content/uploads/2019/06/FINAL_SnowbowlSharingVisionForNextChapter.pdf) and

<https://www.azcentral.com/story/news/local/arizona/2019/06/12/snowbowl-ski-resort-near-flagstaff-announces-plans-major-upgrades-arizona/1432492001/> or see attached screenshots).

- k. And, according to this Glassdoor review, employees of Arizona Snowbowl know that they work for Mountain Capital Partners (<https://www.glassdoor.com/Reviews/Employee-Review-Arizona-Snowbowl-RVW21312477.htm> and attached screenshot).

The Forest Service made the conscious decision to change the wording of its Environmental Analysis to reveal in the Final EA that even it is confused about Snowbowl's ownership (Final EA at Section 1.2). The Forest Service is the only entity claiming that an entity besides MCP is operating Snowbowl. MCP and Arizona Snowbowl clearly make the case that the SUP should be reissued and belong to MCP. This EA and decision notice were erroneously produced because the SUP for Arizona Snowbowl is invalid. This significant new information emerged with the release of this Final EA.

**Remedy Sought:**

- a) Rescind this Environmental Assessment and Decision Notice and prepare an Environmental Impact Statement on a new SUP for Snowbowl's owner and operator, MCP.
  - b) Suspend operations at Arizona Snowbowl until, and reinstate operations only if, a new SUP is issued.
- 2) The Forest Service's draft decision includes significant new information revealing that the Arizona Snowbowl is operating six, rather than five, aerial chairlifts. The 2005 Arizona Snowbowl Facilities Improvements Final Environmental Impact Statement (EIS) and Record of Decision (ROD), which the EA explicitly incorporates by reference (at 8), analyzed and authorized the operation of five aerial chairlifts, not six. The Forest Service has never analyzed the cumulative impacts of operating six aerial chairlifts at the Arizona Snowbowl, and did not do so in the extant EA, even though the EA explicitly states that such construction and operations are within the scope of the EA's cumulative impacts analysis.<sup>1</sup>

The Forest Service's legal mandate under NEPA is clear. The Forest Service must "take a 'hard look' at environmental consequences" of its proposed actions. *Earth Island Inst. v. U.S. Forest Serv.*, 351 F.3d 1291, 1300 (9th Cir. 2003); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989); 42 U.S.C. § 4332(2)(C); 40 C.F.R. §§ 1502.16, 1508.7, 1508.8. The required hard look encompasses effects that are "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative." 40 C.F.R. § 1508.8. Cumulative impacts are those that "result[] from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions" and "can result from individually minor but collectively significant actions taking place over a period of time." *Id.* § 1508.7. This "hard look" should be explained, and the information relied upon disclosed, within the FEIS. It requires a "full and fair discussion of significant environmental impacts." 40 C.F.R. § 1502.1. General statements about potential impacts or generalized assertions that one alternative will have less impacts to a forest resource over another alternative do not satisfy this hard

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<sup>1</sup> For example, the EA states that "the following projects... could have cumulative effects..." and then lists first among projects the *2005 Arizona Snowbowl Facilities Improvements Final Environmental Impact Statement and Record of Decision*. EA at 40.

look requirement. See, *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011); *WildEarth Guardians v. U.S. Forest Service*, 790 F.3d 920, 927 (9th Cir. 2015).

The five aerial chairlifts analyzed and authorized by the 2005 FEIS and ROD are (1) Agassiz, (2) Humphreys, (3) Aspen, (4) Hart Prairie, and (5) Grand Canyon Express. ROD at 13, FEIS at 2-5, 6. The sixth, unplanned aerial chairlift is the Sunset chairlift, which, as described below, was supposed to have been “replaced” by the Grand Canyon Express chairlift and “relocated” to become the Humphreys chairlift.

The 2005 ROD at 13 and FEIS at 2-7 state that:

*“The Sunset Chairlift would be replaced and realigned with a high speed chair. It would also be realigned and lengthened with a new top-drive terminal located at 10,900 feet in elevation –approximately 300 feet south/southwest of the existing mid-station on the Agassiz Chairlift.”*

The 2005 ROD at 13 and FEIS at 2-8 state that:

*“The existing Sunset Chairlift would be relocated and installed as the proposed Humphreys Chairlift, accessing a new pod of proposed ski trails. The lift would start near the Agassiz Lodge and extend approximately 3,000 linear feet to terminate at an elevation of approximately 10,400 feet.”*

However, instead of replacing and relocating the Sunset chairlift, the Arizona Snowbowl constructed two new chairlifts to become Humphreys and Grand Canyon Express, leaving the Sunset chairlift in place, which it continues to operate today.<sup>2</sup> This violates the 2005 FEIS and ROD and, for lack of analysis and authorization, NEPA. These differences are shown in the following side-by-side comparison of ski area maps from the 2005 ROD (which excludes Sunset Chairlift) and Draft Decision for the extant EA (which does not show Aspen lift) show this difference.

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<sup>2</sup> The Arizona Snowbowl website boasts that the ski are currently operates “[six aerial chairlifts and two surface conveyors](#), including Arizona’s first and only high-speed 6-person lift.”





the 2005 FEIS and ROD. This changes the cumulative effects context of the current EA; those effects were not analyzed in the context of the Arizona Snowbowl Agassiz Chairlift Replacement EA.

For example, not previously analyzed uphill capacity of Sunset and Grand Canyon Express chairlifts will result in higher skier densities on ski runs that they individually serve, and that they commonly serve with the Agassiz Chairlift. Those effects include higher on-run skier densities, and, as a result, increased risks of skier collisions, injury, or death. This increases not only on-run skier density in those areas, but also changes the “Density Index” indices analyzed and authorized in the 2005 FEIS and ROD, and the corresponding ability of the ski area to provide for things such as guest services, restrooms, and public safety. Table 3F-8, FEIS at 3-143. Additionally, the operation of six instead of five aerial chairlifts, and the accommodation of 3780 instead of 2,825 skiers, requires higher overall ski area energy use. This energy use, and its resulting direct and indirect greenhouse gas emissions, are cumulative effects of the proposed action that have never previously been analyzed or authorized under NEPA.

The Forest Service has never analyzed, pursuant to NEPA, the direct, indirect, or cumulative impacts of operating six aerial chairlifts inclusive of the Sunset chairlift or a six-seated Grand Canyon Express at Arizona Snowbowl. The Forest Service has never analyzed, pursuant to NEPA, the direct, indirect, or cumulative impacts of increasing ski area CCC by 37%, from 2,825 to 3780 skiers. The Forest Service has never undertaken public notice and comment pursuant to NEPA for any proposal to operate six aerial chairlifts, inclusive of the Sunset chairlift or a six-seated Grand Canyon Express, at the Arizona Snowbowl. The Forest Service has never undertaken public notice and comment pursuant to NEPA for any proposal to increase ski area CCC by 37%, from 2,825 to 3780 skiers. Nor has the Forest Service ever *authorized*, pursuant to NEPA, Arizona Snowbowl’s construction and operation of six aerial chairlifts inclusive of the Sunset chairlift at the Arizona Snowbowl, or increasing ski area CCC by 37%, from 2,825 to 3780 skiers. The ski area operation, in its current form, has never been analyzed or authorized by the U.S. Forest Service.

#### **Remedy Sought:**

The Forest Service cannot issue a Finding of No Significant Impact for the Arizona Snowbowl Agassiz Chairlift Replacement Environmental Assessment without first analyzing effects resulting from (1) the construction and operation of six instead of five aerial chairlifts, inclusive of the Sunset chairlift, and (2) increasing ski area CCC 37%, from 2,825 to 3780 skiers. Further, and relatedly, the Arizona Snowbowl cannot continue to operate the Sunset chairlift until the Forest Service has completed public notice, comment, analysis, and authorization under NEPA for operating six instead of five aerial chairlifts at Arizona Snowbowl.

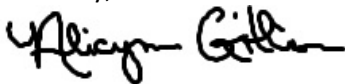
- 3) The Forest Service revealed significant new information that arose after the designated comment opportunities by acknowledging that it has received a draft of Snowbowl’s new Master Development Plan (MDP) (Draft Decision Notice and Finding of No Significant Impact at 1). The Forest Service is not considering the MDP to be a “Reasonably Foreseeable” activity because it has not officially accepted the document. This is a piecemeal application of the National Environmental Policy Act and averts the Forest Service’s obligation to analyze cumulative impacts that “result[] from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions” and “can result from individually minor but collectively significant actions taking place over a period of time.” *Id.* § 1508.7. The Forest Service has an obligation to consider cumulative effects with foreseeable activities. It is clear from ongoing outreach meetings that Snowbowl has been conducting, from the issuance of a press release and associated media, and from the fact that Snowbowl has submitted a draft Master

Development Plan to the Forest Service that a new Plan is “reasonably foreseeable.” (See [https://www.snowbowl.ski/wp-content/uploads/2019/06/FINAL\\_SnowbowlSharingVisionForNextChapter.pdf](https://www.snowbowl.ski/wp-content/uploads/2019/06/FINAL_SnowbowlSharingVisionForNextChapter.pdf) and <https://www.azcentral.com/story/news/local/arizona/2019/06/12/snowbowl-ski-resort-near-flagstaff-announces-plans-major-upgrades-arizona/1432492001/> or see attached screenshots). This new lift is just one of many new facilities to be proposed at Arizona Snowbowl in the near future. Other resorts owned by MCP have greatly increased their summer operations and this is a first step in that process, as evidenced by the Purpose and Need (p.1) in the Draft Decision Notice: “Coupled with ongoing improvements that Snowbowl is making to its current summer program...” Outreach related to the Master Development Plan describes many changes to proposed summer programs and the Master Development Plan IS a reasonably foreseeable action. What makes this chairlift replacement so urgent that it can’t be analyzed as part of the new Master Development Plan, and analyzed with cumulative effects of that plan?

The Forest Service is fully aware that this or another draft of the Master Development Plan is imminent and therefore it must be considered a Reasonably Foreseeable Action and cumulative effects of this lift and the activities it is meant to serve must be considered together. Snowbowl’s own press release about the MDP discusses “Year-round recreational activities” including amusement park rides and mountain bike trails (<https://www.snowbowl.ski/the-next-chapter-sharing-snowbowls-future/>, and screenshot attached). This new lift could help enable those activities and those activities will increase ground disturbance, tree clearing, habitat reduction, and viewshed impacts, and therefore the effects of this project cannot be separated from the other reasonably foreseeable actions that will be part of the Master Development Plan.

Thank you for your consideration of this objection. Please keep us informed about this and other activities related to Arizona Snowbowl.

Sincerely,

A handwritten signature in black ink that reads "Alicyn Gitlin". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Alicyn Gitlin  
Sierra Club - Grand Canyon Chapter