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Reply to: Seattle Office

March 27, 2020

**VIA ONLINE PORTAL AND E-MAIL**

Wenatchee River Ranger District  
Forest Supervisor Kristin Bail – Responsible Official  
c/o Mason Schuur – Project Lead  
600 Sherbourne St.  
Leavenworth, WA 98826

Re: Comments on Forest Service Draft Environmental Assessment for Mission Ridge  
Expansion, Project No. 53981

Dear Ms. Bail:

I am writing on behalf of the Wenatchee Sportsmen's Association to provide comments on the Forest Service's Environmental Assessment (EA) of the Mission Ridge Ski and Board Resort expansion project in the Okanogan-Wenatchee National Forest. As I will explain in detail in this letter, the adverse environmental impacts of this proposal will be significant and an Environmental Impact Statement (EIS) must be prepared for this proposal pursuant to the National Environmental Policy Act (NEPA). The EA contains incomplete, incorrect, and misleading information and analysis and the EA conclusions about the environmental impacts of this proposal are incorrect.

With its request to amend the existing Mission Ridge Ski Area special use permit, Mission Ridge is proposing to expand into pristine forest habitat that the local community, Chelan County, and the State of Washington have endeavored to protect for several decades. The area at issue contains extraordinary fish and wildlife habitat and serves a valuable role in protecting water resources. The local community has stated, in no uncertain terms, that protection of water resources in this area is a paramount concern and the conservation of wildlife resources – including essential habitat – is a high priority supported by a variety of interests and critical to maintaining the way of life in the community. As a result of their hard work, four sections (approximately 2,560 acres) adjacent to or near the proposed Mission Ridge project were recently purchased by the Washington State Department of Wildlife for the sole purpose of protecting and conserving the valuable habitat from conversion and development, interruption of wildlife corridors, human disturbance, noise pollution, and the destruction of wildlife habitat. Additionally, The Rocky Mountain Elk Foundation, Washington Department of Fish and Wildlife, Chelan County, Wenatchee Sportsmen's Association, and others cooperated with Longview Fibre and Weyerhaeuser to purchase approximately 3,400 acres of additional nearby forest lands that are now managed by

Chelan County for the protection of wildlife habitat. The Department of Fish and Wildlife also recently acquired Section 33 (640 additional acres) in the Stemilt Basin to protect the wildlife in that area.

Now, Mission Ridge is proposing to introduce conflicting high impact uses that are incompatible with the goals and efforts of these land purchases and with the overall goals that have been established for this area by the local community and Washington State. The proposed expansion seeks permission for a massive development in this very same basin. The updated development materials propose 275 homes, 621 condos, townhomes, and duplexes, 110,000 square feet of commercial space, a 57 room lodge, a convention center, restaurants, retail stores, access roads, chair lifts, summer concert venue, parking lots, new ski runs, new Nordic skiing and snowshoe trails, a winter snow play area, and a 4.9 million gallon reservoir. Instead of being protected, this Forest Service and Mission Ridge land will be logged, graded, contoured, and then overwhelmed with noise, lights, people, buildings, waste, vehicles, and machinery. Not only is the Expanded Project area itself critical habitat, but it is also adjacent to the very same sections of the forest that the State Fish and Wildlife Department recently purchased. The conversion of this Mission Ridge and Forest Service property from forest land into residential uses, commercial uses, and expanded recreational uses will have devastating environmental impacts.

#### **A. Wenatchee Sportsmen's Association**

The Wenatchee Sportsmen's Association (WSA) is a non-profit organization that is dedicated to the conservation of wildlife and the enhancement of habitat in Chelan County. Volunteers for WSA donate hundreds of hours annually participating in local fish and wildlife work projects to preserve and enhance their natural habitats. WSA and its members have devoted an enormous amount of time and effort towards protecting the incredibly important spring calving and summer elk habitat in the upper Stemilt and Squilchuck Basins from conversion to incompatible uses, including agricultural and residential development.

Based on WSA's vast experience with and efforts towards conservation of wildlife habitat in this area, WSA and its members, in collaboration with the Stemilt-Squilchuck Partnership, have developed multi-layered and comprehensive knowledge about the area that will be affected by this Expansion Project. It is within that context, that we provide input regarding the Environmental Assessment and the need for an Environmental Impact Statement, outlined below.

#### **B. Stemilt-Squilchuck Community Vision**

Knowledge and analysis of the data, goals and vision expressed in the Stemilt-Squilchuck Community Vision, which was prepared in September, 2008, is critical to a proper and complete environmental review of this proposal. It is evident from the face of it, that the Expansion Project, as proposed, is in conflict with the vision that the community has developed for this area. A copy of the Stemilt Squilchuck Community Vision is enclosed with this letter.

The Stemilt Partnership consists of a broad coalition of agriculture, wildlife, recreation, and conservation interests in Chelan County. It was formed in response to proposed privatization and

development of 2,500 acres of public land in the Stemilt Basin owned by the Department of Natural Resources. Beginning in the fall of 2007, the Stemilt Partnership engaged with a broad spectrum of the community in an extensive planning effort to identify shared goals and key strategies for the Stemilt-Squilchuck Watershed.

Recognizing the critical role that the land in the Stemilt and Squilchuck Basins play in providing clean and essential water, wildlife habitat, and a variety of public recreational opportunities, the Stemilt Partnership and Chelan County worked with DNR to stop the sale and conversion of these forest lands to agricultural or other land uses inconsistent with the Stemilt Partnership goals.

Following an extensive community outreach process and a survey of more than 40 organizations and individuals representing a broad spectrum of interests, goals were developed and agreed upon by the constituents of the Partnership. They include, in order of priority:

1. protecting water resources;
2. conserving wildlife resources; and
3. maintaining and enhancing recreational access.

The findings, guiding principles, and values, and other components of this group's conceptual plan were summarized in the Stemilt-Squilchuck Community Vision Report, which is enclosed with this letter as Attachment 1.

The Stemilt Partnership has been a tremendous resource for identifying and resolving issues in the Stemilt and Squilchuck Basins. Knowledge and analysis of the goals and visions expressed in the Stemilt-Squilchuck Community Vision provide a proven community-based approach that needs to be considered for the proposed action.

The land that was in danger of conversion included Sections 16, 20, 22, and 28 in T21N, R20E. These lands are in close proximity to the project site. Wildlife and wildlife habitat in all of these areas of the forest will be adversely impacted by the Expansion Project.

The Stemilt-Squilchuck Community Vision includes a Conceptual Plan, which illustrates how wildlife, water, recreation, agriculture, and development overlap and interact and, specifically, how the four DNR exchange sections – and surrounding public lands – including those recently purchased lands (4000+ acres) purchased cooperatively by Rocky Mount Elk Foundation, Chelan County, WSA, and DFW, fit into the larger landscape. The Conceptual Plan assigns a large portion of the area in the Expansion Project as “Secondary Wildlife and Habitat Area.” Residential and commercial development is certainly not planned for that area. *See* Stemilt-Squilchuck Community Vision Report Map 6.4. The parcels near and immediately adjacent to the Project area are designated Primary Wildlife and Habitat Areas.

While the Vision does include enhancing recreational access, it is clear that the plan envisions potential expansions would involve just cross country skiing, bicycle routes, and other low impact recreation. The Vision certainly does not envision introducing residential and commercial development onto Sections 19, 24, 25, and 30.

The Stemilt Partnership has recently completed the Stemilt-Squilchuck Recreation Plan in collaboration with the Washington Department of Fish and Wildlife and Washington Department of Natural Resources. A copy of the Stemilt-Squilchuck Recreation Plan is enclosed as Attachment 2 to this letter. That Plan directly addresses the goal of maintaining and enhancing recreational access as stated in the Stemilt-Squilchuck Community Vision Report. The vision statement is to:

Establish sustainable recreation opportunities in the Stemilt-Squilchuck Basin through a community based planning process that embraces community values, protection of water and wildlife resources, and collaboration with all stakeholders.

Stemilt-Squilchuck Recreation Plan at 9. An EIS would allow a full analysis of consistency of the proposal with this plan. In addition, the preparation of an EIS would, in and of itself, further the goal stated above – allow for a community based planning process that allows input from all stakeholders.

Note also that the Stemilt-Squilchuck Community Vision Report states:

Future development plans for Mission Ridge Ski and Snowboard Resort should be thoroughly vetted through a feasibility study, completed in close coordination with Chelan County, the Stemilt Partnership, the U.S. Forest Service, and WDFW...

Stemilt-Squilchuck Community Vision Report at 45. This feasibility study should be accompanied by and informed by an EIS.

The Expansion Project undermines the extraordinary efforts that Chelan County, the Stemilt Partnership, and Washington State have gone to in the interest of protecting and conserving the valuable habitat in this area. This proposal will have significant adverse impacts that will directly and severely undercut those efforts by introducing residential and commercial development and expanded recreational use in the upper watershed that will adversely affect the water resources and will put direct pressure on wildlife and negatively impact critical wildlife habitat.

### **C. The Forest Service Has Improperly Segmented the Environmental Review of the Project**

The Forest Service has improperly segmented major portions of the project in order to minimize the overall impact of the project on the human environment, to reduce the scope of the assessment, and improperly delay portions of the assessment until a later date.

Segmentation occurs when an agency attempts to separate one or more components of a proposed action for study in order to avoid the greater impacts that the combined actions would cause. Under 40 C.F.R. § 1508.25, agencies are required to consider:

(a) Actions (other than unconnected single actions) which may be:

(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statements.

Actions are connected if they:

- i. Automatically trigger other actions which may require environmental impact statements.
- ii. Cannot or will not proceed unless other actions are taken previously or simultaneously.
- iii. Are interdependent parts of a larger action and depend on the larger action for their justification.

“‘Segmentation,’ as the name suggests, addresses an agency’s decision on where one project ends and another begins.” *Highway J Citizens Group v. Mineta*, 349 F.3d 938, 962 (7th Cir, 2003). Piecemealing or segmentation allows an agency to avoid the NEPA requirement that an EIS be prepared for all major federal action with significant environmental impacts by segmenting an overall plan into smaller parts involving action with less significant environmental effects. *Id. citing City of West Chicago v. United States Nuclear Regulatory Comm’n*, 701 F.2d 632, 650 (7<sup>th</sup> Cir. 1983).

Segmentation is improper when the segmented project “has no independent justification, no life of its own, or is simply illogical when viewed in isolation.” *One Thousand Friends of Iowa v. Mineta*, 364 F.3d 890 (8th Cir. 2004). *See also City of Rochester v. U.S. Postal Service*, 541 F.2d 967, 972 (2d Cir. 1976) (“To permit non-comprehensive consideration of a project divisible into smaller parts, each of which taken alone does not have a significant impact, but which taken as a whole has cumulative significant impact, would provide a clear loophole to NEPA.”).

Under Forest Service rules, connected actions must be included as part of the proposed action. FSH 1909.15(11.2).

The Forest Service has improperly segmented the environmental review of that portion of the development that is on private land and WDFW land from that portion that is on federal land. The EA does not include these connected actions as part of the proposed action. The EA indicates that the development on and road access to private land in Sections 19 and 30 will be documented in the State Environmental Protection Act (SEPA) analysis and the County application process. The analysis in EA only considers “the environmental effects of the proposed project on lands administered by the USFS in Sections 24 and 30.” They claim to consider the effects of proposed improvements on private land in Sections 19 and 30 and on WDFW land in Section 25 as “connected actions,” but the analysis of the environmental impacts of these actions is inadequate. Also, the EA does not include an adequate assessment of current conditions on the private land in Sections 24, 25, and 30 for certain elements of the environment, including wildlife, transportation, aquatics and hydrology, water quality and quantity, and recreation. Furthermore, when the actions on Sections 19, 24, 25, and 30 are all combined together and those impacts of this one single

project are assessed, which is what the Forest Service should have done, the conclusion must be that there will be adverse significant environmental impacts that require the preparation of an EIS.

**D. An Environmental Impact Study is Required for the Mission Ridge Expansion Project**

The National Environmental Policy Act (“NEPA”), 42 U.S.C.A. §§ 4321 requires that federal agencies prepare an Environmental Impact Statement (EIS) for major Federal actions that may significantly affect the human environment. The primary purpose of an EIS is to allow for informed public participation and informed decision making. *Earth Island Inst. v. United States Forest Serv.*, 442 F.3d 1147, 1160 (9th Cir. 2006).

NEPA requires Federal agencies to:

- a. Use a systematic interdisciplinary approach in planning and decision-making;
- b. Consider the environmental impact of proposed actions; c. Identify adverse environmental effects that cannot be avoided should the proposal be implemented;
- c. Consider alternatives to the proposed action;
- d. Consider the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; and
- e. Identify any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

FSM 1950.1.

The term “significantly” includes both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

- (2) The degree to which the proposed action affects public health or safety.
- (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
- (5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- (6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
- (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
- (9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

40 CFR 1508.27, FSH 1909.15.

The agency must take a “hard look” at the environmental consequences of the proposed action. *Ecology Ctr. v. Castaneda*, 574 F.3d 652, 657 (9th Cir. 2009).

An environmental assessment (EA) must be sufficient to establish the reasonableness of the decision not to prepare an EIS under NEPA. 42 U.S.C.A. §4332(2)(C); 40 C.F.R. §§ 1508.9, 1502.1. *California Trout v. F.E.R.C.*, 572 F.3d 1003 (9th Cir. 2009).

The Expansion Project to convert Sections 19, 24, 25, and 30 from forested land to commercial, residential and expanded recreational uses will have a broad array of devastating direct, indirect, and cumulative impacts as are described below. There can be no doubt that an EIS is legally

required to disclose and analyze the impacts of this proposal. The EA is not sufficient to establish the reasonableness of any decision not to prepare an EIS.

## **1. Fish and wildlife impacts**

The Stemilt-Squilchuck Watershed encompasses 50,000 acres from snowy Mission Peak, through subalpine forests, to the shores of the Columbia River. It is a haven for fish and wildlife.

That area provides critical seasonal habitat for elk and mule deer in the summer and spring. It is also home to an abundance of fish and wildlife including, but not limited to, the spotted and flammulated owl, white headed and pileated woodpecker, western toad, west slope cutthroat, rainbow trout, eastern brook trout, and predators such as black bear, grizzly bear, Canada Lynx, wolverine, Cascade red fox, gray wolf, bobcat, and mountain lion. Many of these species are listed as threatened or endangered under the Endangered Species Act.

With this proposal, Mission Ridge would destroy fish and wildlife habitat and will introduce uses into the area that will significantly and adversely affect wildlife for miles around. It will dramatically affect and permanently remove precious habitat for fish, birds, grouse, deer, elk, bear, and the whole complement of other wildlife species who live in the Stemilt Basin area. Once the habitat is gone, you cannot replace it. Habitat will be removed to make way for new ski runs and lifts. Habitat will be removed and replaced with new condominiums and homes, commercial retail, restaurants, and other commercial/recreational services that will be essentially the size of a small town. Increasing residential development and recreational use in the upper watershed increases pressure on wildlife and negatively impacts critical wildlife habitat. These new conflicting uses will obliterate existing habitat and will be incompatible with wildlife uses adjacent to and near the new development. The new asphalt access road, which would be open year-round, will introduce traffic, noise, and lights that will cause significant impacts to wildlife as well. With people, come dogs and other pets, which are a source of harassment for wildlife and, at times, a direct cause of wildlife mortality. The commercial and residential development will generate trash that will, in turn, create conflicts with bears. The introduction of new chair lifts, new terrain, alpine ski runs, new Nordic skiing and snowshoe trails, winter snow-play area, and access to backcountry ski touring will introduce noise, pets, people, bright lights, and more to the detriment of critical wildlife habitat that is currently protected as forest.

An EIS is necessary in order to properly analyze and disclose the direct, indirect, and cumulative (short-term and long-term) negative habitat effects on wildlife from habitat alteration caused by logging and clearing habitat for ski runs, residential housing, the new asphalt road, and commercial buildings. The impact of seasonal recreational hikers, snowshoers, and cross-country skiers on all other lands adjacent to the ski area on wildlife and wildlife habitat also needs to be evaluated. It is also critical that an EIS disclose and analyze the impacts of the residential, commercial, and expanded recreational uses on the project site and on the surrounding forest lands. The Environmental Assessment fails to consider the extent of the environmental impact on wildlife and the summary of effects are often inconsistent with direct, indirect, and cumulative effects, and affected actions.



Among other things, the Expansion Project will have significant adverse impacts to elk and elk habitat. This area is particularly significant in elk ecology. *See enclosed* Attachments 10 and 11 (RMEF Comment Letters). Elk and mule deer roam the landscape, using lower elevations for winter range and upper elevations for summer range. An estimated 500 elk use the upper watershed for calving grounds and the area is a critical migration landscape for both elk and deer as they move to and from the Columbia River and the Colockum Wildlife Area, West into the Wenatchee National Forest, and as far west as the Teanaway. Elk migrate seasonally. A development of this magnitude of will have a significant negative impact on elk migration, not to mention calving, foraging, and cover habitat for much of the year. The addition of roads and increased year-round traffic for the proposed residences increases the risk of elk and deer vehicle collisions and reduces elk and deer use within an area much larger than the roads themselves.

The EA states that the Expansion Project would reduce elk habitat quality on approximately 272 acres of federal lands and on 295 acres of state lands during construction. It claims that, of that acreage, 253 acres of federal lands and 110 acres of state lands would return to a moderate level of habitat quality due to human and maintenance activities that will disturb the elk. EA, page 173. The Expansion Project would also permanently reduce elk habitat on 524 acres on the adjacent private land due the high levels of human disturbance of the proposed alpine village. This disturbance would be year-round as opposed to the current ski season. Despite this dramatic reduction of elk habitat, the EA's *Summary of Effects* states that "elk habitat quality would change, but only to a limited degree." EA, page 174. The reduction of elk habitat that is even acknowledged in the EA cannot credibly be characterized as "limited." The numbers and impacts are significant. Decreases in habitat and increased human activity have devastating impacts on elk herds. In the past decade, increased outdoor recreation in places like Vail, Colorado has reduced elk herds from over 1,000 to a mere 53 elk. Disturbances related to recreational activities are behind this decline. Christine Peterson, "Americans' love of hiking has driven elk to the brink, scientists say," *The Guardian* (Aug 25 2019). According to one study, 30% of elk calves died if mother elk were disturbed an average of seven times during calving season. *See enclosed* Attachment 3, Phillips, G and William Alldredge, "Reproductive Success of Elk Following Disturbance By Humans During Calving Season," *Journal of Wildlife Management*, 64(2), 521-530 (2000). These animals are very sensitive to human activity and disturbance. Copy of these research papers are enclosed.

The EA also states that elk are highly mobile and capable of finding alternative routes. EA, page 174. This conclusion is inconsistent with the realities of the project, elk behavior, and the regional goals to preserve elk habitat. The dramatic increase in traffic may interfere with the elk's ability to access other routes and may result in increased collisions with vehicles. Also, increased travel time to walk around the area and find alternative routes due to disturbances reduces the amount of time spent feeding or resting. *See enclosed* Attachment 4 L.M et al, "Behavioral Responses of North American Elk to Recreational Activity," *Journal of Wildlife Management*, 73(3), 328-338 (April 2009). This could impact animal health. Also, in general, this entire region has experienced a dramatic increase in the number of people utilizing the land for outdoor recreation. The "alternative routes" free from human disturbance are already scarce. Furthermore, saying a project should be allowed because the wildlife can find other habitat elsewhere is precisely why species struggle in the face of ever-expanding human development.

Furthermore, the EA references the possibility of mitigation measures to offset the impacts, but no such measures have been agreed to by Mission Ridge. For example, when discussing the long term reduction of elk habitat due to human presence and ski area maintenance activities, the EA says “these activities could be timed to reduce impacts during critical time periods, such as elk calving and during spring and fall migration.” EA, page 174. Assuming the considerable construction, noise, lights, sounds, smells, cars, and bustling human activity of a small town in what was once wilderness does not permanently deter elk from using this entire area moving forward, the existence of measures to mitigate this significant disturbance does not absolve the project from the significant adverse impacts it will actually cause. Mission Ridge has not offered a mitigation plan or any effective measures to protect elk in the area, and the agency should not give them that unearned benefit.

The EA repeatedly states that because there are already roads and human activity that preclude security habitat in the area, that the Expansion Project will not dramatically reduce security habitat. It is essentially arguing that because human have already compromised the habitat for species in the area, further degradation will not adversely impact the wildlife in the area. This statement is in error, because there are healthy populations of deer, elk and many other species existing in this area today. This is the wrong approach to take for environmental assessment of wildlife habitat. The fact that habitat is already compromised is why the agency should be more protective of these lands, not less.

The Expansion Project would adversely impact whitebark pines. Whitebark pine (*Pinus albicaulis*) is a rare sensitive species and a candidate for federal listing as threatened or endangered. EA, page 63. There are approximately 161 whitebark pines on the Forest Service and WDFW land, and an unknown number on the private parcel. EA, page 63. The EA says the Expansion Project would be in conflict with 28% of whitebark pine on Forest Service and WDFW land. The EA also concedes that “[i]n addition to cutting existing trees, alpine ski runs, chairlifts, and the access road would effectively eliminate the possibility of whitebark pine regeneration in these areas.” EA, page 70. Despite these significant impacts, the EA states that the project would have “long-term but minor adverse impacts to whitebark pine.” EA, page 70. The EA’s conclusion is incorrect and is inconsistent with the evidence presented for this rare species.

Furthermore, the success of whitebark pines is dependent upon Clark’s nutcrackers for seed distribution. The EA states, “[i]t is thus important to maintain as much whitebark in the Project Area as possible, and in strategic locations, so as to encourage visitation by nutcrackers in cone crop years.” EA, page 71. Yet the EA does not discuss how the Expansion Project will impact this important bird. It is inevitable that the Expansion Project will deter a wide variety of interconnected wildlife from the area. Simply pointing to the preservation of some trees or narrow strips of unaltered land that could theoretically be used for habitat does not mean that wildlife will have any interest in using it due to the overwhelming amount of human activity and landscape modification involved in a massive project of this scope. Further analysis regarding the project’s impacts on Clark’s nutcracker behavior and range is necessary.

## **2. Water impacts**

There is a concerning lack of information regarding the availability of water for the Expansion Project. The Expansion Project fails to adequately detail how they will obtain an adequate supply of water necessary to supply the small town, as well as the artificial snow machines that will be used at a higher and higher rate due to climate change.

The EA indicates that Mission Ridge plans to enlarge the existing 18-million-gallon reservoir and construct of a new 4-5 million gallon reservoir for expanded snowmaking systems. EA, page 28. The EA statement that Mission Ridge owns water rights for this new use (EA, page 28) is misleading and incomplete. The Mission Ridge application to Chelan County indicates that it is still working on figuring out whether its current water rights can cover the increased usage. *See enclosed* Attachment 5, Revised Project Narrative, page 21. Furthermore, the EA states that groundwater would be used to supply domestic needs of the expanded resort. EA, page 35. But, once again, Mission Ridge has not nailed down these critical details. Mission Ridge is still evaluating the site's suitability for groundwater withdrawal and "the final quantity of water needed for domestic use is not known at this time." Revised Project Narrative, page 21. How much water will the development use? How much water will the snow-making machinery use? Is enough water available? How will it impact erosion, stormwater, and downstream critical habitat? The EA does not adequately assess the environmental impacts of this level of water usage because Mission Ridge has not provided adequate detail. Nor does it evaluate the impact of additional surface water usage and using the high elevation aquifer will affect senior water users downstream from the proposed development.

In addition to inadequate information and assessment regarding water availability and usage, the EA and Mission Ridge's materials are largely silent on the details and impact of the wastewater disposal for this massive development on immediate and surrounding areas. The EA simply says, "Disposal of wastewater produced would utilize drain fields scattered around the property" and "[s]tormwater runoff treatment would utilize on-site filtration and dispersion." EA, page 35. But the EA does not assess the environmental impacts this could have on groundwater quality and downstream habitat. Once again, there is a lack of detailed information on this critical issue

This proposal will likely have significant adverse stormwater impacts. Logging the area and then introducing a significant amount of new asphalt, concrete, and structures into this otherwise undeveloped area will create a new source of pollution of stormwater, streams, and groundwater leading up to the site and on-site. Drainage patterns and the hydraulics of the site will be significantly changed.

Water quality impacts are significant as well. The quality of water that flows into Squilchuck Creek and, in turn, must be protected against contamination and pollutants that would significantly and adversely impact the irrigation water systems that rely on that water source.

Mission Ridge must provide more detailed information and obtain the necessary state and county water authorizations before the Forest Service can assess the water related impacts of this proposal.

Furthermore, an EIS is necessary to fully review and assess the stormwater impacts associated with the proposal.

### **3. Steep slope impacts**

The Expansion Project will have significant adverse steep slope impacts. Slope stabilization issues are plentiful in the Stemilt-Squilchuck Basin and within the proposed area of development. The project site and surrounding area is identified by Chelan County as being within both landslide hazard areas and erosion hazard areas.

That we know of, there have been several active slides including Whispering Ridge and within the Mission Ridge ski area boundary within the last few years. A 100-acre landslide occurred on the Mission Ridge Ski Area, on lands leased from the U.S. Forest Service, in 2016. *See enclosed* Attachment 8. There was a large mid-slope failure up-slope from the main lodge. Approximately 97% of the project area has a high risk of shallow and deep-seated landslides. EA, page 117. In March, 2016, the Chelan County Sheriff's Office warned residents in the Wenatchee Heights area about the risk of a massive landslide as a result of huge cracks that were developing in the ground in a neighborhood near the Mission Ridge Ski area. *See enclosed* Attachment 9. The proposed tree removal, soil contouring, roads, ski runs, snow-making operations, and housing developments will exacerbate slope stabilizing issues not only in the area of development, but for existing properties downslope of the proposed development.

Mission Ridge is proposing a significant amount of logging of forest lands. They will be also be altering the hydraulics of the project site by introducing septic systems and a significant amount of new impervious surfaces into the area. There will be filling, excavation, and grading associated with this proposal. Clearing and construction could exacerbate slope stability issues. It will likely take considerable excavation and earth work to put in the new access road, plus stabilization measures to prevent future problems in this slide prone area.

It simply cannot be denied that this proposal could have significant adverse impacts to the unstable slopes in the area. Because unstable slopes are in and around the area of the Expansion Project, an EIS is necessary to evaluate the proposed logging, road building, construction, septic, stormwater, and operation activities with respect to the potentially unstable slopes or landforms that may be affected. The geologic instability in the ski area needs full assessment by geologists and environmental engineers to ensure that all of these changes and activities are environmentally safe.

### **4. Traffic impacts**

The Expansion Project will have significant adverse traffic and transportation related impacts. Introducing new chair lifts, new terrain, alpine ski runs, new Nordic skiing and snowshoe trails, winter snow-play area, and access to backcountry ski touring will invite significant new traffic, buses, trams, and other vehicles into the area. The new condominiums and homes, commercial retail, day lodge, restaurants, and other commercial/recreational services designed to accommodate residents and guests at those homes and visitors to the ski resort will have enormous traffic impacts.

There are already existing major traffic problems on the roads during ski season and this will only serve to greatly exacerbate the problem.

The EA does not adequately address traffic impacts. The focus of the EA is too narrowly on impacts to the “Forest Service Road System” only. Furthermore, even that analysis is inadequate. The Expansion Project is projected to create an additional 9,468 average daily trips. *See enclosed Attachment 6, Traffic Impact Analysis, page 5.* But the EA simply says “there would be an increase in vehicular traffic” and the new access road would not “impact the National Forest road system.” EA, page 124. It does not consider the significant environmental impacts of this staggering increase in traffic in the area. The EA also fails to give proper consideration to traffic impacts on wildlife in the area. How will the traffic change wildlife migration and range? An EIS is necessary to fully assess these impacts to people, the environment, and wildlife.

## **5. Light impacts**

The Expansion Project will have significant adverse light related impacts. The new ski runs would have electrical conduits buried under runs in order to erect light towers along the side of the runs to provide for night skiing. Not to mention all of the lighting and light pollution associated with the entire town Mission Ridge is proposing to construct on the adjoining parcel. This will certainly have significant impacts on wildlife in the area, yet is not considered in the discussion on impacts to animal species in the EA. The EA does not adequately address the impacts of the considerable amount of unnatural lighting associated with ski runs and an entire village in what should be remote wilderness.

## **6. Wetland and stream impacts**

The Expansion Project will have significant adverse impacts on wetlands and riparian areas. The development on the private property will destroy two wetlands and will generate considerable wastewater that will likely impact downstream surface water, groundwater, and wetlands in the area. In addition to the private parcel’s wetland and riparian impacts on immediate and adjoining lands, the proposed activities on state and federal lands will likely adversely impact the wetlands, streams, and riparian areas across the project area and beyond. The tree removal, grading, soil contouring, snow making, snow compaction, and human activity will likely increase erosion, impair water quality, and reduce wetland diversity. The EA touches on some of these impacts.

- “Riparian areas would also be detrimentally affected by proposed activities.” EA, page 74.
- “Even with revegetation efforts, machine-grading of ski runs has been shown to increase bare ground, reduce productivity and species diversity, and change species composition.” EA, page 73.
- “The wetland area on National Forest would not be impacted by ski run construction or glading, but it would be subject to off-run skiing.” EA, page 74
- “Skiing would compact snow over sensitive wetland soils, resulting in similar detrimental effects as those for snow grooming . . . .” and “it is possible wetland diversity would be reduced.” EA, page 74.

- “In summary, this alternative would cause long-term, detrimental effects to the unique features and biodiversity of the Project Area. . . . The wetland area and riparian areas would experience minor losses of vegetation and diversity . . . .” EA, page 75.

Given these likely significant adverse impacts on wetlands and riparian areas, an EIS is required.

## **7. Fire impacts**

An EIS is needed to fully study the significant fire impacts involved in the Expansion Project. This issue should be given full consideration and study in a more thorough environmental review. Approximately 66% of the project area is rated as high to very high fire risk. The EA considers how construction and tree removal decreases the amount of high fire risk acreage, but does not adequately address how increased human activity impacts these calculations. The EA simply states, “[t]he potential for human caused ignitions during this time is possible, but the probability is low . . . .” EA, page 131. Considering that the preponderance of wildfires are caused by humans, the proposed project will undoubtedly increase wildfire risk as spring, summer, and fall recreationalists from Mission Ridge condos and houses explore the forest habitat for miles. An EIS is necessary to analyze the potential and risk of wildfire in the area that will be caused by this Expansion Project.

## **8. Noise impacts**

The Expansion Project will introduce significant noise into an extremely pristine, quiet area that is currently entirely forested and provides significant habitat for wildlife. Noise will result from the residential and commercial development. Construction noise will be significant. Noise will be introduced into the area by the increased Nordic skiers, snowshoeing, hikers, bikers, dogs, music, outdoor events, crowds, and motor bikes. The potential for significant adverse noise impacts on wildlife that must be fully disclosed and analyzed in an EIS.

## **9. Land use agreement with WDFW**

The Expansion Project still needs approval from WDFW to expand onto WDFW-owned land in Section 25. The EA states “These proposed actions may be modified or changed subject to these approval processes.” EA, page 21. The details and approvals for this Expansion Project have not been nailed down yet and therefore, the Forest Service cannot make determinations about environmental impacts without this information. Therefore, the Forest Service should await further information from Mission Ridge before issuing any decisions, including the NEPA decision, for this project.

## **10. Land use and forest management plan impacts**

This proposal will have significant adverse land use impacts. As a starting point, it will adversely impact nearby forestland of long term significance. The Expansion Project is stretching into the forest well beyond the existing recreational area. It’s encroaching into the forest beyond what’s appropriate for and compatible with forests and wildlife habitat. Not only is it proposed right in

the middle of the forest (and therefore will impact the forest use by wildlife and downstream water uses), this conversion could open up roads and justifications for allowing additional conversions to other development in the area.

As a result of the conflicts between recreational uses and conservation of forest and habitat, there are limitations on land use in the Wenatchee Forest Land Use Resource Management Plan. The Wenatchee Forest Plan allocates 6,021 acres for developed recreation sites, including ski areas and limits developed recreation to .3 percent of the total Wenatchee Forest. Wenatchee Forest Land Resource Management Plan, at III-2. Furthermore, “[r]ecreation facility development or improvement planning will conform to and be consistent with the applicable [Recreation Opportunity Spectrum] ROS Class criteria for level and scale of development, setting, experience level, and social interaction.” Wenatchee Forest Land Resource and Management Plan, at IV-65. The EA did not go into much detail regarding consistency with various Forest Plan requirements. Therefore, the EIS should include a thorough analysis of the consistency or inconsistency of this proposal with the applicable Forest Plan and development limitations.

## **11. Cumulative impacts.**

Among the potential impacts of a major federal action to be analyzed are direct, indirect, and cumulative impacts. The term “cumulative impact” is defined in 40 C.F.R. § 1508.7 as follows:

“Cumulative impact” is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

It’s well established that agencies have a legal obligation under NEPA to include an analysis of the cumulative impact of the proposed project with other past, present, and reasonably foreseeable future actions. *See Department of Transportation v. Public Citizen*, 124 S. Ct. 2204 (2004); *Kleppe v. Sierra Club*, 427 U.S. 390, 96 S. Ct. 2718, 49 L. Ed. 2d 576 (1976); *Mid-States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520 (8th Cir. 2003); and *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062 (9th Cir. 2002).

The Ninth Circuit described the minimum qualifications for an adequate analysis of cumulative impacts as follows:

Consideration of cumulative impacts requires “some quantified or detailed information; ... [g]eneral statements about ‘possible’ effects and ‘some risk’ do not constitute a ‘hard look’ absent a justification regarding why more definitive information could not be provided.” *Neighbors of Cuddy Mountain*, 137 F.3d at 1379–80. The cumulative impact analysis must be more than perfunctory; it must provide a “useful analysis of the cumulative impacts of past, present, and future projects.” *Muckleshoot Indian Tribe*, 177 F.3d at 810. Finally, cumulative impact

analysis must be timely. It is not appropriate to defer consideration of cumulative impacts to a future date when meaningful consideration can be given now. *See Neighbors of Cuddy Mountain*, 137 F.3d at 1380; *City of Tenakee Springs*, 915 F.2d at 1312–13. When an agency's determination of what are “reasonably foreseeable future actions” and appropriate “component parts” is “‘fully informed and well-considered,’ ” we will defer to that determination. *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1211 (9th Cir.1998) (quoting *Save the Yaak Comm. v. Block*, 840 F.2d 714, 717 (9th Cir.1988)). But we “need not forgive a ‘clear error in judgment.’ ” *Id.*

*Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1075 (9th Cir. 2002).

“Groups of actions may have collective or cumulative impacts that are significant. Cumulative effects must be considered and analyzed without regard to land ownership boundaries or who proposes the actions.” FSH 1909.15 (15.1). *See also* FSH 1909.15 (15.3) (cumulative effects framework).

Wheeler Ridge LLC is proposing to convert 280 acres of undeveloped wildlife habitat into a large scale commercial cherry orchard in Sections 16, 17, and 21 of Township 21N, R20 E.W.M. Chelan County has issued a Determination of Significance for that proposal. I have enclosed a copy of WSA EIS scoping comments on the Wheeler Ridge LLC proposal. *See enclosed* Attachment 7, Newman and Clungeon to Kaputa Letter (Feb 21, 2020). It’s important to note that the new access road that is being proposed by Mission Ridge will open up access to Section 17.

The Forest Service has not conducted an adequate assessment of cumulative environmental impacts of the Mission Ridge Expansion Project and the Wheeler Ridge LLC Proposal. These would include water quantity and quality impacts, traffic impacts, steep slope impacts, and fish and wildlife impacts. The EA frequently includes a perfunctory, conclusory statement that “there are ongoing projects, not associated with Mission Ridge Expansion Project, on county and WDNR lands” that could have effects. *See, e.g.*, EA at 132, 167, 170-177. These vague statements do not constitute a “hard look” discussion of the actual cumulative impacts for each element of the environment.

The Mission Ridge Expansion Project could also cause the opening up of asphalt paving all the way to the Upper Stimilt Basin Route Road. Year round, black top, public road access would devastate wildlife use in that area. Yet there was no mention of such nearby projects or impacts.

Among other things, the EA does not adequately address the cumulative impacts of these developments combined that will adversely impact wildlife and wildlife habitat. For example, the direct, indirect, and cumulative impacts discussion for elk does not discuss impacts like increased traffic, collisions, landslides, air pollution, increased energy expenditure to find “alternate routes,” future expansion of the development, human disturbances, altering migration routes, landslides, lights, and nearby land uses—such as cherry orchards—that also impact wildlife in the area. EA at 173–174. The EA’s cumulative impacts discussion for wildlife is inadequate and should be more thoroughly analyzed in an EIS.



The Forest Service should prepare an EIS to more fully address all of the cumulative environmental impacts pertaining to this project.

## **12. Mitigation of environmental impacts**

The EA repeatedly assumes the plethora of adverse environmental impacts resulting from this Expansion Project will be mitigated. Below are a few examples:

“[T]he Applicant will coordinate with Chelan County, WDFW and Washington Department of Ecology to mitigate impacts to migratory bird species.” EA, page 177.

“[T]iming restrictions would be employed as needed to mitigate impacts to elk and spotted owls.” EA, page 177.

“Category 3 wetlands are wetlands with a moderate level of functions and can often be adequately replaced with a well-planned mitigation project.” EA, page 47.

“Short term construction and long term operations and infrastructure impacts from increased stream flow and reduced storage and water quality would be ameliorated with the use of BMPs, design criteria and mitigation measures to reduce the risk of excessive runoff, erosion and sediment transport to streams, wetlands, and Riparian Reserves.” EA, page 54

However, the *Design Criteria, Mitigation Measures and Best Management Practices incorporated into the Mission Ridge Expansion Project* in Appendix B of the EA is general and functions as a series of suggestions with little detail or enforceability. The section on wildlife consists of a meager six sentences and consists of language like “coordinate with WDFW to implement timing restrictions as needed.” This is inadequate to make a fully informed environmental assessment. Mission Ridge should be required to submit more scientifically credible, detailed habitat, mitigation, and design plans before the agency can make a determination about the impacts of the Expansion Project.

**D. Conclusion**

Thank you for consideration of our comments on behalf of the Wenatchee Sportsmen's Association. The Mission Ridge Ski and Board Resort Expansion Project will have significant impacts to the environment and an EIS is necessary for proper review of this major proposal.

Sincerely,

BRICKLIN & NEWMAN



Claudia M. Newman

ATTACHMENTS:

1. Stemilt Squilchuck Vision
2. Stemilt Squilchuck Recreation Plan
3. Phillips, G and William Alldredge, "Reproductive Success of Elk Following Disturbance By Humans During Calving Season," *Journal of Wildlife Management*, 64(2), 521-530 (2000)
4. L.M et al, "Behavioral Responses of North American Elk to Recreational Activity," *Journal of Wildlife Management*, 73(3), 328-338 (April 2009)
5. Revised Project Narrative (Jan. 16, 2020)
6. Mission Ridge Traffic Analysis
7. Newman/Clungeon to Kaputa (Feb. 21, 2020)
8. Newman to Chelan County (Oct. 19, 2018)
9. Seattle Times Article, *Landslide Closes Small Portion of Mission Ridge* (May 9, 2016)
10. KIRO 7 Report, *Risk of Catastrophic Landslide Forces Evacuations Near Wenatchee* (Mar. 18, 2016).
11. Rocky Mountain Elk Foundation Comments (Jan. 3, 2019)
12. Rocky Mountain Elk Foundation Comments (May 2, 2019)

cc: Chelan County Commissioner Kevin Overbay  
Mike Kaputa, Director Chelan County DNR  
Jim Brown, Department of Fish and Wildlife, North Central Region Director  
Gwen Clear, Department of Ecology, Central Region, SEPA Regional Coordinator  
Wyatt Leighton, Department of Natural Resources, South East Region  
Wenatchee Sportsmen's Association