



October 9, 2023

Via Electronic Submission

Gina Owens, Reviewing Officer
USDA Forest Service, Eastern Regional Office
Attn: Lutsen Mountains Objection
626 E. Wisconsin Ave
Milwaukee, Wisconsin 53202

**Re: Lutsen Mountains Objection to the August 2023 Draft Record of Decision
Regarding the Lutsen Mountains Ski Area Expansion Project**

Dear Reviewing Officer:

Lutsen Mountains Corporation respectfully submits this objection to the August 2023 Draft Record of Decision (ROD) and Final Environmental Impact Statement (EIS) for the Lutsen Mountains Ski Area Expansion Project pursuant to 36 C.F.R. Part 218. Lutsen Mountains is the proponent of the project and has worked closely with the Forest Service to develop a thoughtful proposal that addresses the stated purpose and need for the project while minimizing environmental impacts. Lutsen Mountains submits this objection to preserve its right to participate in any objection resolution meetings that may occur and to request the Forest Service to clarify several points in the ROD and EIS.

Lutsen Mountains greatly values its relationship with the Forest Service and believes providing high-quality four-season public recreation opportunities on the Superior NF can be done in an environmentally sound manner. Lutsen Mountains further believes that sustaining a family-oriented downhill skiing resort in Northern Minnesota is possible with strong community support and in a manner that is not in conflict with tribal interests. Lutsen Mountains seeks to resolve this objection, and any issues raised by any other objectors, in a collaborative way. Lutsen Mountains understands that you may choose to hold objection resolution meetings pursuant to 36 C.F.R. § 218.11 and requests the opportunity to participate in any such meetings (including meetings held with other objectors).

I. General Information Required by 36 C.F.R. § 218.8(d)

Lutsen Mountains participated in the planning process, including by submitting written comments on the DEIS. Lutsen Mountains has standing to submit this objection pursuant to 36 C.F.R. § 218.5(a). This objection is timely because it was sent via electronic mail within 45 days following publication of legal notice, 36 C.F.R. § 218.9. Lutsen Mountains provides the following information pursuant to 36 C.F.R. § 218.8:

Objector's Name and Address (36 C.F.R. § 218.8(d)(1)):



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Lutsen Mountains Corporation
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Lutsen, Minnesota 55612
(218) 663-7282

Name of Proposed Project, responsible official, and location (36 C.F.R. § 218.8(d)(4)):

Name of Proposed Project: Lutsen Mountains Ski Area Expansion Project

Responsible Official: Forest Supervisor Thomas Hall

Location: Superior National Forest

Pursuant to 36 C.F.R. § 218.8(d)(6), Lutsen Mountains states that the content of this objection is based on issues raised in Lutsen Mountain's prior written comments and letters responding to public scoping and the DEIS.

II. The draft Record of Decision and FEIS introduces new and modified language to describe impacts/affects to resources that are different from the DEIS without explaining what changed between draft and final. This new terminology describes resource impacts with descriptors such a “critically impaired” that we don’t find in the DEIS or previous projects documents. New verbiage in the FEIS and draft ROD indicates greater environmental effects associated with the action alternatives. Were new studies done between the DEIS and the FEIS to substantiate new resource impacts, or did something change in the affected environment?

Lutsen Mountains has been interested in minimizing environmental effects throughout this process and was perplexed when reading language in both the FEIS and draft ROD that seemed to show increased impacts as compared to those disclosed in the DEIS. We would like to understand what happened to validate the additional impacts. We are not aware of new environmental studies conducted between the DEIS and FEIS. Did something change in the affected environment that has led to the amplified impacts now documented? Here are a couple of examples to illustrate the point. The draft ROD states, *“There would be lasting impacts to forest health, particularly via potentially irreversible impacts to unique resources of this area under the action alternatives.”* The FEIS, Section 3.7.5 states that under the action alternatives *“...the loss of cedar in the vegetation under Alt. 2 and 3 would be irreversible...”*. Yet, in the DEIS, Section 3.7.5, it states, *“The addition of ski trails, lifts, and associated infrastructure would represent irretrievable effects to vegetation resources at Lutsen Mountains; however, this commitment of vegetation resources is not irreversible because facilities could be removed and, in time, areas could be reclaimed and revegetated, restoring their natural condition.”* This



shows a significant shift in the description of impacts between draft and final and we would like to discuss what changed and why the impacts aren't congruent. We believe that had we have known at the time of the draft that there were potentially irreversible impacts there may have been ways to mitigate those impacts via alternatives.

Another example of a perplexing lack of congruence between the DEIS and FEIS/draft ROD relates to the articulation of effects on native plant communities. On page 184 in the DEIS it states, *"However, Alternative 3 avoids impacts to old-growth Upland White Cedar Forest, and as a result, cumulative impacts to this NPC would be minimal under Alt.3."* Yet, in the draft ROD, Page 1, it states, *"Alternative 3 avoids some but not all of these impacts, as negative impacts could occur to mature upland white cedar on the east side of Moose Mountain under Alternative 3 and creating similar, albeit smaller scale, conflicts with Forest Plan direction."* If Alt. 3 conflicts with Forest Plan direction now, wouldn't that have been the case when the DEIS was shared with the public? We would like to better understand what caused this change in articulation of environmental effects.

Another area we seek clarity on regards how the analysis leads to determinations of significance regarding impacts to vegetated communities. Data from the FEIS shows that the upland white cedar community occupies 15,969 acres on the North Shore Highlands and 38,348 acres of the Superior NF within the ceded territory. Alternative 3 proposes either cutting or glading approx. 98 acres. 98 acres is .006% of 15,969, and .003% of 38,348 acres. For the sugar maple community, the FEIS shows 26,750 acres on the North Shore Highlands and 21,375 acres within the ceded territory. Alt. 3 proposes either glading or cutting a total of 176 acres in this vegetative community or .006% of the North Shore Highlands and .008% of the sugar maple on the SNF within the ceded territory. We seek to understand and discuss if there is a metric or standard to determine significance in the Superior National Forest policy regarding vegetative disturbance. This project effects far less than 1/100th of 1% of the acreages shown in the analysis.

There are other examples regarding other resource areas we would like to discuss in meeting to resolve our objection(s). The impacts to recreational opportunities and hydrology as described in the draft ROD/FEIS also include some perplexing new, and accentuated language that we would like to better understand and look forward to discussing.



III. The Record of Decision frames the rationale for selecting the No Action alternative largely in contrast to the resource impacts from the proposed action and does not appropriately acknowledge or reflect the significantly reduced environmental affects under Alt. 3, which Lutsen worked closely with the Forest Service to create.

The Executive Summary of the DEIS introduces Alternative 3 with these words, “*Alternative 3 would be similar to Alt. 2 and would address terrain and guest service deficiencies while **addressing a variety of resource concerns identified by the SNF interdisciplinary team (ID Team)** as well as by the public through the scoping process.*” (emphasis added). Lutsen Mountains indicated a true willingness to develop another action alternative that would reduce the environmental effects and concerns the public and the SNF identified. This included addressing old growth concerns, avoiding wetlands, reducing SHT impacts, etc., by removing any proposed development on the backside of Moose Mountain.

While the draft ROD does mention the reduced impacts under Alt. 3, it mostly frames the rationale for the decision against Alt. 2 – and this approach does not appropriately reflect the work of both the SNF and Lutsen Mountains in developing Alt. 3. We would like to discuss why the draft ROD takes this approach and seek to discuss how it may be resolved.

IV. The draft Record of Decision amplifies negative impacts and underrepresents the cultural, and community and environmental resource benefits of Alt. 3 (and Lutsen Mountains offered revisions) versus current conditions.

A. Environmental. The Record of Decision speaks of “avoiding negative impacts to unique, high value resources”. The fact that some of the cited resources comprise less than 1/100th of 1% of the acreages of such resources in the SNF doesn’t significantly diminish the value of those resources. Those resources, however, are at risk of not being sustained or being managed for continuation or regeneration. Lutsen Mountains made a series of proposals to provide active management under the direction of the USFS to improve and ensure the health, regeneration, and longevity of those resources.

B. Recreational Opportunities and Scenic Views. The Record of Decision speaks of “avoiding negative impacts to the variety of recreational opportunities”. The facts, we believe, support a different conclusion. The preponderance of recreational activity during the winter are alpine skiers--approximately 100,000 skier visits per year, that would grow to 200,000 under the proposal—compared to at most a thousand or so backcountry skiers.

The Record of Decision also does not acknowledge that the current backcountry skiing is occurring utilizing Lutsen Mountains land and ski lifts to access Forest Service land in a manner that Lutsen Mountains has explained is fundamentally unsafe and provides no plan for rescue of injured backcountry skiers and Lutsen Mountains does not



authorize such use of its land and lifts to access an unsafe and unpatrolled backcountry ski experience. Alternative 3 instead provides for many new acres of a similar backcountry ski experience between new alpine ski runs that would be patrolled by ski patrol would provide rescue and first aid services to injured skiers. Thus, rather than displacing a safe and legitimate backcountry ski experience, Alternative 3 would provide a more expansive backcountry experience that is convenient and safe to access.

Likewise, while several hundred feet of the iconic Superior Hiking Trail are proposed to be relocated higher along the ridgeline, rather than obstructing views the creation of the alpine ski trails would open up unique and dramatic views of Lake Superior. Unlike the many other higher elevation segments along the other 100+ miles of the SHT that are currently obscured by vegetation, these new segments will be like SHT segments along the ridges of the Lutsen Mountains existing alpine ski runs that are highly popular due to their dramatic, unobstructed views of Lake Superior. Lutsen Mountains has made clear that lift and chalet structures would be sited to avoid obstructing scenic views from the Hiking Trail. We are concerned that the draft ROD does not acknowledge these facts and would like to understand the rationale for omitting this.

C. Hydrology Impacts. The negative hydrological impacts mentioned in the Record of Decision do not reflect the multitude of hydrological, sediment reduction and stormwater detention measures proposed by Lutsen Mountains and further enhancements that could be implemented in furtherance of Forest Service best management protocols and standards. Additionally, there is a decades-long track record of providing high water quality, in full compliance with all federal, state, and local environmental regulations, and outstanding erosion control on the existing Lutsen Mountains ski resort right next door to the proposed expansion area. Lutsen Mountains' leadership and work with other landowners as part of the Poplar River Management Board resulted in the delisting of the Poplar River for sediment impairment caused principally by natural occurring sediment loading; even more remarkable is that this the delisting of the Poplar River was one of the first such delisting's in the country. Did the Forest Service utilize the knowledge and data from our existing ski area to demonstrate that potential hydrological impacts can be mitigated or managed? If not, we are curious why this information was not used and/or acknowledged in the Final EIS and draft ROD.

D. Cultural Resources. We respect Tribal concerns as to loss of Tribal reserved rights on Treaty lands including the proposed project lands. We are concerned however with how the draft ROD characterizes access to the project area on the SNF. Based on the existing land ownership pattern, the proposed project acreage is inaccessible for convenient Tribal use and there has been no observed or claimed Tribal reserved rights use in any significant manner in recent decades. Moreover, even though Lutsen Mountains has repeatedly offered to make its transportation trails and lifts available to facilitate Tribal use of the proposed project land, there has been no indication that such Tribal access or use is desired.

The other cultural resources at stake are the use and enjoyment for healthy outdoor winter recreation by North Shore residents and tens of thousands of Midwest families. For more than 85 years, the Sawtooth Mountains have hosted North Shore



residents and Midwest family alpine skiers, delighting young and old with the splendor of the Superior National Forest, 100-mile views of Lake Superior inland lakes or forests while enjoying healthy outdoor winter recreation. More than 100,000 skier visits by Midwest families annually would grow to 200,000 visits with the proposed project and in the process secure the sustainability of the alpine skiing tradition of generations of Midwest families into a second century. Alpine skiing recreation is also a large part of the winter culture of North Shore residents including the decades of youth and school skiing champions and a weekend tradition of local families enjoying the slopes at Lutsen Mountains. The Record of Decision does not acknowledge the cultural resources at stake involving a cherished part of winter culture in the Upper Midwest for North Shore residents and tens of thousands of Midwest families each year or incorporate the value of these cultural resources into the decision. The project would support and expand these cultural resources while not approving the project puts these cultural resources at risk.

We would like to understand as to the land in question why the ROD only mentions Tribal cultural resources that to our knowledge have not being significantly (or at all) used in recent decades and as to which there has been no interest expressed in increased future use through improved access and why the ROD does not mention the cultural resources that would be used every year by tens of thousands of North Shore and Midwest families.

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Lutsen Mountains appreciates the efforts of the Forest Service in preparing the detailed analysis in the Draft RO and FEIS. Thank you for considering this objection. Lutsen Mountains requests the opportunity to participate in objection resolutions meetings held pursuant to 36 C.F.R. § 218.11, including meetings held with other objectors.

Sincerely,

Charles M. Skinner

Charles Skinner
President
Lutsen Mountains Corporation

cc: Thomas Hall, Forest Supervisor