



SIERRA CLUB

NORTH STAR CHAPTER

North Star Chapter
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May 21, 2020

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Submitted via electronic means to:
comments-eastern-superior@usda.gov

Re: Lutsen Mountains Ski Area Expansion Project

Thank you for providing this opportunity to comment on scoping for the Lutsen Mountains Ski Area Expansion Project. The comments herein are submitted on behalf of the Sierra Club North Star Chapter, (hereafter “Sierra”). Founded in 1968 the Sierra Club North Star Chapter is a non-profit environmental organization representing over 20,000 members and 80,000 supporters across Minnesota. The Sierra Club works to safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and litigation. As a leading grassroots voice working to preserve and protect Minnesota's environment, we involve volunteer leaders to act through environmental advocacy, community organizing, and outdoor exploration. We participate in the administrative process to encourage environmental health and sustainability, long term wildlife and habitat protection, and biodiversity goals.

Water Quality

Sierra’s primary concern about the proposed Lutsen expansion is the potential impact on water quality, specifically the quality of the Poplar River and Poplar River Watershed, and the area of Lake Superior just below the outlet of the Poplar. The Poplar has been impaired in the past, in part because of toxic runoffs and other effects of Lutsen ski slopes and related Lutsen activities.

The proposed Superior National Forest Special Use Permit for Lutsen (Hereafter referred to as SUP) should not be approved until U.S. Forest Service is satisfied the proposed actions, along with cumulative and combined impacts will not lead to future impairment of the Poplar.

Superior National Forest, including management by U.S. Forest Service, is hereafter identified as **SNF**.

The Poplar River and Poplar River Watershed, and the area of Lake Superior just below the outlet of the Poplar is hereafter identified as the **Poplar**.

SNF Responsibilities

Management of SNF is governed by the 2004 Forest Plan. Relevant “directions” required by the plan include:

D-WS-4 Management activities do not reduce existing quality of surface or groundwater or impair designated uses of surface and ground water.

D-WS-5 Water quality altered stream flow and channel stability do not limit aquatic biota or associated recreational uses. Water in lakes, streams, and wetlands meets or exceeds State water quality requirements.

The SUP should make clear the responsibilities and authority of SNF under the 2004 Forest Plan

Incorporate Poplar River TMDL in SUP

The current ‘governing’ document for the Poplar River, and by extension for Lutsen, is the TMDL approved by EPA in 2013. This document and analytic should be incorporated in any Lutsen expansion approved by SNF. The TMDL has identified Lutsen ski facilities and operations as a major source of past impairment of the Poplar River.

Any substantive change in TMDL water quality data should be grounds for discontinuing Lutsen operations until the situation is corrected and the data reflect desired conditions.

Require NPDES Permits Where Applicable

We note that ski hills are not eligible for NPDES permits. Lutsen, however, utilizes numerous point sources such as snow making guns, the creation of ski slopes leading to discrete runoff channels, and the installation of conduit to channel snowmelt. These are all point sources as defined in the Clean Water Act and are thus subject to NPDES permitting.

To our knowledge, Lutsen has never obtained any NPDES permits for its ski operations. Applicable NPDES permits should be required before the SUP is approved. These might include; 1) the need for a stormwater construction permit for all the construction, 2) a stormwater permit for the whole project focusing on BMPs once the project is operational and 3) NPDES permit for defined point discharges with contaminants to the river and this would be factored in as part of the TMDL

Violations of an NPDES permit should be grounds for termination of Lutsen ski operations on SNF lands.

Design of Ski and Related Facilities

The ski expansion must be designed and implemented based on Best Management Practices for such facilities, especially as best management relates to protection of water quality. Of particular concern are the number and length of ski slopes and the provision for vegetation on and adjacent to slopes.

Financial Assurance

Financial assurance must be the core of any approved Lutsen expansion. Assurance must cover two sets of possibilities. The first is assurance that funds will be available to mitigate any adverse environmental impact of Lutsen on the lands, Watershed and Lake Superior. The second assurance is that funds will be available to restore SNF lands in the event Lutsen ceases ski operations. This is likely at some point because climate change will probably not allow even artificial snowmaking in the projected warmer climate. Western resorts are already experiencing this problem.

Financial assurance must be provided in a form that makes it independent of annual appropriations from the Corporation.

Cumulative Effects

The Lutsen proposal would expand a current operation that involves both private and State lands. Evaluation of the proposal should address the cumulative effects of all current and proposed Lutsen operations in the Poplar River Watershed. The impacts of Lutsen must be combined with those of similar operations in the Watershed. (See comments below on combined effects of all Lutsen and similar operations.)

Combined Effects

The Lutsen ski operation is part of a larger Lutsen operation that includes a golf course, residential and food facilities. Any evaluation of a proposed ski slope expansion must consider the impact of this operation when combined with other Lutsen operations in the Poplar River Watershed.

Lutsen is not the only operation in the Watershed. Caribou Highlands Lodge has an approved resort operation. The impacts of this operation must be combined with Lutsen and the potential impact of all operations evaluated.

Superior Hiking Trail

The Superior Hiking Trail passes through SNF lands proposed for the Lutsen expansion. This will require rerouting one or more portions of the trail, and possibly moving a heavily used campsite. Care should be taken to maintain the natural qualities of the trail, with special emphasis on minimizing the use of roads. This may lengthen the trail. If the campsite must be replaced, emphasis should be given to a site with desirable scenic qualities.

Use of Biological/Chemical Supplements to Enhance Snowmaking

Supplements may be added to the water to enhance the efficiency of snowmaking. Supplements, however, may be toxic and their proposed use should be evaluated and monitored.

Lutsen is proposing to use the supplement Snomax in its current snowmaking. Snomax has been found to be toxic in some studies and approved for use in others.

USFS approved Snomax in 2005 for use in the Coconino NF (AZ) “Snow Bowl” (FEIS, Vol. 2, Feb. 2005, “Arizona Snow Bowl”). SNF lands on the water rich MN N. Shore, however, present different environmental conditions than AZ.

USFS should independently and carefully evaluate the potential impact of Snomax on relevant waters and SNF lands before approving its use. If Snomax or alternative supplements is approved, introduction, use, and subsequent research and regulatory actions by others must be carefully monitored.

Conclusion

Lutsen's proposal to expand its ski and related facilities must be added to the connected impact of the original Lutsen operation and a previous expansion as well as other Lutsen operations and another resort in the area. The potential cumulative impact of these connected actions must then be evaluated. The operation has been impaired in the past and unrestrained development will likely result in future impairment of the Poplar River and Watershed. Although SNF must respond to Lutsen's request and conduct an EIS, no additional ski facilities should be approved until the potential for impairment is carefully evaluated and continued non-impairment reasonably assured.

Sincerely,
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