

INTRODUCTION

These comments are offered respectfully. Answers to my questions are meant to inform my personal opinion and understanding of the impact of the proposed expansion of Lutsen Mountains onto public lands. In addition, they are offered to suggest the need for additional information/study, relevant to the *human environment* of Cook County about issues/concerns not addressed or inadequately addressed in the draft EIS. Clearly the US Forest Service represents local residents/taxpayers, tribal governments and the public generally in this decision. Trustworthiness is earned one question and answer at a time.

It is understood that the decision-making process associated with the EIS is based on determining (page 1-2 of DEIS) if the project:

- “is in the public interest and appropriate based on the land and resource management plan”;
- has the “potential to affect the quality of the human environment on public lands administered by the United States Forest Service”
- identifies and discloses “potential direct, indirect, and cumulative environmental effects on the human and biological environment anticipated to result with implementation”

THE PERMITTING PROCESS

What if the business model changes?

Being unfamiliar with the permitting process and any limitations on permissions granted I would welcome a more specific understanding of this process and the ultimate “contract/permit”. I am concerned that if the ski hill expands, builds out infrastructure, and the climate no longer supports snow making, can the owner continue to use the land for whatever they choose?

In other words, **do federal/public lands become private lands during the permit period?** If so, what does the public get in exchange? Increased infrastructure costs (discussed later) associated with the expansion will be paid for by the taxpayers (directly or indirectly via tax abatement). The cost of success and the cost of failure for this project is relevant to the taxpayers of Cook County.

Is this a government contract? If it is a government contract there should be restrictions, limitations, time limits, compensation and periodic monitoring activities to assure compliance. If it is not a government contract then it appears to be a gift.

QUESTIONS: clarifying questions around permitting include:

- *Is the permit open-ended/forever?*
- *Is the permit limited to the expansion of skiing services or does it include lodging, restaurants, four-season resort services?*
- *After the permitting, are the lands private or public?*

- *If private, are these “ceded” lands taxed accordingly?*
- *If public, what are the limits on their use and what is the commitment to periodic monitoring to assure compliance?*
- *And, can public lands become private for free?*
- *If there is a cost to the developer is it a flat fee or a percentage of revenues?*
- *What happens if the land is sold or the business goes into bankruptcy?*
- *If the ski hill expansion proceeds with infrastructure investments and the climate no longer supports snow making, can the owner continue to use the land for whatever they choose?*

ENVIRONMENTAL IMPACTS OF WATER USE

WATER WITHDRAWAL

I am surprised/concerned that the DEIS does not in any way identify the hazards (and associated risks) linked to the:

- withdrawal of Lake Superior (LS) water for snow making
- treatment of that water to facilitate snow-making
- delayed run-off, compaction and potential contamination of vegetation for the current vs. proposed Lutsen ski hill operations.

The international organization of the Great Lakes Compact (<https://www.glscompactcouncil.org/>) **is not listed in section 1.8.3 of the DEIS.** This group consists of governors/premiers from all states/provinces on the Great Lakes basin region. The Compact says: “*there is a ban on new diversions of water from the Basin but limited exceptions could be allowed in communities near the Basin when rigorous standards are met. The States will use a consistent standard to review proposed uses of Basin water.*”.

The original permission to remove water from Lake Superior was approved by this organization; it was granted to a private company. It can only be assumed that “rigorous standards are met” by Lutsen Mountains and monitored for this permission to remain valid. The proposed project represents a change to whatever this agreement provided and the underlying assessment.

Many things have changed - including the proposed use of this water on federal lands and the changing environmental conditions (climate change and drought). The water withdrawal permit should be re-evaluated. Relevant to this issue is the observation that this year, when the ski hill opened, there had been NO natural snow. It seems inevitable that the amount of water required to make snow will be increasing in the coming years, even without the expansion.

QUESTIONS:

- *Why wasn't water withdrawal/use identified in the DEIS? Isn't this a resource to be protected in the land and resource management plan?*
- *Given that millions of gallons of water are withdrawn from LS and placed into the adjoining forest and watershed to support ski hill operations, is this acceptable to the USFS and the Great Lakes Compact?*

- Why was the Great Lakes Compact not listed in DEIS Section 1.8.3 Other Necessary Permits or Consultation?
- Analysis to support the final EIS and USFS decision-making could include:
 - How much water is currently removed from the lake; how much water will be removed from the lake with the expansion?
 - What are the permitted limits for water withdrawal (state, federal, international, and the Great Lakes Compact).
 - Does the permit designate a limit on the amount of water that can be withdrawn annually? If it is currently unlimited; is that appropriate given the climate change.
 - The current position of the Great Lakes Compact, given the expansion. Their input appears relevant as a “necessary permit or consultation”. Note: This international body of state governors and provincial premiers created a compact that says that water diversions are prohibited for these types of uses.

WATER TREATMENT FOR SNOWMAKING

Artificial snow is not made simply with water. It requires nucleating agents and these agents are primarily bacterial in nature (*Pseudomonas syringae*). As a result the snow that melts and runs off the landscape is not the same water that was pulled from the LS basin; it has been treated. What is the impact of that on the vegetation? What is the impact of that on the air quality? Will there be restrictions and/or monitoring of snow making additives in the future?

In response to those who would say that this bacterial agent is ubiquitous, so it's use is not a concern or that it is a “dead” micro-organism so it does not harm, consider the function of *P. syringae* in the environment and judge risk with that knowledge. *P. syringae* promotes freezing of water at higher than normal temperature, which means that ice damages plants that it coats. Such damage benefits the resident bacteria as the plant becomes a food source for them i.e., there is vegetative damage. And, dead *Pseudomonas* are endotoxins (pyrogens); they are not inert entities.

QUESTIONS:

- What is the history of nucleating agent use in snow making at Lutsen Mountains?
- Are there any restrictions imposed because this private company will, with the expansion, be spraying on public lands?
- the final EIS would benefit from an analysis of the environmental impacts of spraying *Pseudomonas* on this type of forest? These are issues that have benefited from more research in the last few years and these potential environmental impacts need to be considered in relation to seeding this bacteria into this federal forest. Note: This potential hazard may not provide an environmental risk but the lack of discussion or evaluation in the DEIS is an oversight.

WATER USAGE/WATER LOST

Only half of the water removed from LS is actually deposited as snow; it does not all automatically run back into LS. It is estimated at 50% of the water is lost to evaporation and sublimation during the snow making process.

QUESTIONS:

- *Given that water is used and lost - not simply used and put back into the basin - is this acceptable to the **international** community (US, Canada, Tribal) of Lake Superior and the Great Lakes Basin? Will this fact require new permitting or permissions?*

LIGHT AND NOISE POLLUTION

Other environmental hazards, unidentified in the EIS, include increased light and noise in this county and specifically behind the current ski hill operations facing north and west.

LIGHT

Cook County, Minnesota (CC) is known for its dark skies, recently acknowledged and touted by National Geographic. <https://minnesota.cbslocal.com/2021/11/18/national-geographic-best-of-the-world-northern-minnesota/> Adding light to the back side of these mountains will destroy any dark sky along the "grade" in CC – and THIS is the darkest, most remote portion of CC. Light from ski runs as well as retail, lodging, restaurants will increase significantly in its direction and intensity . . . AND low lighting does not help . . . light travels and light in the darkness alters the wilderness/back-country experience. Increased light also has an adverse impact on the local wildlife and plant life.

NOISE

Snow guns are noisy, as are diesel engines to run them. As with the light issue, noise will, with the expansion, pollute the inland landscape for miles into what is now valued as wilderness areas. **This indicator is dismissed in the DEIS claiming that it is only a project-related concern.** I disagree, as noise will now travel in many more directions, including inland, from the ski hill operations. This indicator should be studied and addressed in the EIS.

CUMULATIVE BACK-COUNTRY EXPERIENCE

The DEIS admits that the "proposed recreational projects would negatively impact certain users of the project area (backcountry skiers, hikers, etc.) but would improve the recreational experience for other users (traditional downhill skiers)." page 97 of DEIS

EXPANSION PERMITTED FOR DOWNHILL SKIING VS. FOUR SEASON RESORT?

“Details of the SUP, as well as proposed projects to occur within the SUP, were documented in LMC’s 2016 Master Development Plan (MDP). The MDP identifies management direction and opportunities **for future four-season management of the resort on NFS lands.**” from page 1 of DEIS

“LMC’s overall purpose of the proposed projects and associated SUP application is to **improve the guest experience** at Lutsen Mountains, which cannot be accommodated on adjacent private land controlled by LMC.” from page 2 of DEIS

“LMC has applied to the Forest Service for a SUP under the National Forest Ski Area Permit Act of 1986 that would authorize LMC to construct, operate, and maintain an expansion to a **winter sports resort** onto approximately 495 acres of NFS lands.” from page 2 of DEIS

QUESTIONS:

- *Reconsider the dismissal of “noise” as an appropriate indicator. Who decided that it was not an issue worth consideration or analysis?*
- *Clarify if this permit for expansion is “to improve the guest experience at a future four season resort” or is it to expand “winter sports resort”; please clarify as the potential environmental, seasonal impacts will be different.*
- *What is the measurable impact of lighting/noise on the economy of the area which is currently based on wilderness experiences and dark sky? The DEIS says that 52% of the employment comes from tourism but it does not indicate the amount of tourism that comes from skiing vs. wilderness experience in the BWCA and the dark sky country designation.*
 - *When the environmental impact of one tourist business (which relies on the presence of an intact federal forest) negatively impacts another tourist business (which relies on the use of federal forest land but not the forest) what is the priority of the US Forest Service?*
- *Given that the 2004 Forest Plan D-REC-3, states “the [SNF] provides developed sites, facilities, trails, water access sites, and other recreation opportunities within health and safety, resource protection, cost, and maintenance requirements” (page 2 of DEIS), how is the impact/compatibility of a wilderness/back-country experience – inherent to the existence of the SNF - measured or evaluated in the decision making about this project? Sharing this in the final EIS is important.*

COMMUNITY RESOURCES IMPACT - EXAMPLE

The categories of assessment in the DEIS do not address some obvious community resource issues. Cook County Minnesota is a geographically isolated community surrounded by Lake Superior to the east, Canada to the north and a roadless area of Boundary Waters Canoe Area Wilderness to the west. This isolation is an attraction for many but it can also be a barrier to growth and opportunity. Staffing has always

been a challenge and the housing necessary to support staff. These challenges have only been exacerbated in 2020 and 2021 with the increase in tourism and the loss of foreign workers for tourist businesses. BUT the stress on staffing is at all levels of county infrastructure – and no amount of tourism dollars can alleviate the stress on basic services. The cost of this infrastructure stress is on the taxpayers. As an example, Emergency Services are relevant to the ski hill expansion.

EMERGENCY SERVICES

Beginning on page 117 of the DESI the services available in CC are listed without any indication of impact of this proposal on these service capabilities. Page 121 says: "Cook County has effective and up-to-date processes and plans in place should an emergency occur. New visitation and employment at Lutsen Mountains would not affect the ability of Cook County to provide emergency response services." I challenge this statement. Given that no analysis was cited, I am asking for such analysis.

Emergency services for first responders and EMS are often volunteer positions or these individuals are paid a very minimal stipend. Such volunteer service is acceptable if there are only a few calls a week, but recent experience in 2020/2021 have stressed these volunteers beyond what is reasonable. Many have quit; others have aged out of service, and there are no replacements in our limited population base. Emergency Services staffing is critical in CC and ski hill injuries are a significant source of increased emergency calls in winter.

QUESTIONS:

- *Can an analysis of the impact of this proposed ski hill expansion on emergency service availability be provided? What is the current usage and what will the increased skiing population require from EMS? Will additional ambulances be required to serve CC?*
- *Who will pay for this?*

EMPLOYEE HOUSING

Another long-standing barrier to the viability of the tourist industry in Cook County, that is not easily solved, is employee housing. Studies cited in the DEIS are from 2015 and 2018 (page 113 DEIS), **before** the dramatic change in employee housing availability and costs brought on by the pandemic.

Expecting the community to solve these issues (implied on page 113 of the DEIS) has never been a viable option. Especially now when land prices are at their highest and rentals are reserved for high-paying customers.

QUESTIONS:

- *Can a more relevant, current analysis of employee housing in Cook County and for ski hill employees before and after expansion be provided in the final EIS?*

SUMMARY OBSERVATION/OPINION:

The need to expand the operations of the ski hill portion of the Lutsen Mountains, Inc. business (assuming that the expansion is limited to skiing operations) seems to be based on the assumption that these improvements will attract more skiers. All alternatives that support expansion appear to offer “more of the same” as the geography of the territory proposed for expansion is not significantly different than current operations.

Skiers come to expect many things that other ski resorts can offer based on their geographical location that cannot be fixed by the proposed expansion. There *are* some things that money or expansion cannot buy. Millions spent to expand will not:

- make the hills higher or more challenging for skiers;
- ensure cold weather or snow in the winter during the era of climate change;
- move Lutsen closer to a major airport where skiers can fly in and ski within an hour or two or change highway 61 into a 4-lane interstate to facilitate travel;
- ensure that when skiing accidents occur, skiers will have access to high level trauma centers and/or orthopedic services in the area;
- give skiers the wealth of entertainment opportunities they expect in the local community.

But allowing a private business to have access to public lands cannot be taken back. Once the lands are developed, for whatever use is initially declared, they are forever developed. I ask your consideration - during the decision-making process - of the comments/questions I have offered, and the following, based on your own EIS directives:

- More people/more visitors in an isolated, resource-limited landscape and an isolated, resource-limited community is not always beneficial, i.e., **it is not “in the public interest and appropriate based on the land and resource management plan”**;
- Expansion does have the **“potential to affect the quality of the human environment on public lands administered by the United States Forest Service”**. Light and noise pollution alone will impact the west end of Cook County in all seasons.
- The loss of human habitat in a community that has been accustomed to the beauty and benefits of living next to the Superior National Forest is hard to measure but not impossible to understand. We have had this privilege seriously challenged in the last two years of the pandemic with the deluge of tourists and have come to a renewed appreciation for *every little bit of it*.

I am one who is grateful to live here. I am one who also understands that business viability is part of the equation and so are federal tax dollars. But, when the directive of an Environmental Impact Statement requires that one consider the **“potential direct, indirect, and cumulative environmental effects on the human and biological environment anticipated to result with implementation”**, I pause with a renewed appreciation for what I can so easily take for granted . . . the land . . . and I acknowledge that I am here and

contributing member of this human environment because of what it has given me.

Comments respectfully submitted by,



*Carol DeSain
Tofte, MN*

- taxpayer in Cook County for 44 years
- full-time resident in Cook County for 36 years
- biologist
- international consultant: compliance with U.S. FDA/USDA and international drug/biologic regulation
- astro-photographer

(Note correction to page 117 of DEIS: There is only one pharmacy in the county and it is NOT Grand Marais Pharmacy; it is Sawtooth Mountain Clinic Pharmacy).

On Saturday December 4, 2021 these comments were mailed to:
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and e-mailed to comments-eastern-superior@fs.fed.us,