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First name: David
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Organization: Winter Wildlands Alliance
Title:
Comments: Dear Supervisor Cummins,

Winter Wildlands Alliance (WWA) submitted detailed and timely scoping comments regarding this project in May 2020, and we appreciate the opportunity to comment now on the Draft Environmental Impact Statement (DEIS) as published on September 9, 2021.

WWA is a national non-profit organization whose mission is to promote and protect winter wildlands and quality human-powered snowsports experiences on public lands. WWA has 33 grassroots groups in 15 states and a collective membership exceeding 50,000 passionate and conservation-minded winter recreationists. One of these groups is Superior Highland Backcountry (SHB), a non-profit advocacy and stewardship group for backcountry skiers and riders in Minnesota's Superior Highlands representing a growing community of more than 400 backcountry skiers and snowboarders in Minnesota. As noted in the DEIS, Superior Highland Backcountry, prior to the scoping notice on this project, submitted to the forest two alternatives-"Backcountry Skiing Alternative" and "Sidecountry Collaboration with LMC"-for due consideration in this DEIS. Those proposed alternatives have been dismissed in the DEIS as "outside the scope of this Draft EIS," and as not meeting the forest's narrowly-defined objectives.

We continue to be deeply concerned about the significant and extensive negative impacts that the proposed project by either action alternative would have on ecosystems, wildlife habitat, vegetation, watersheds, air quality, scenic integrity, and carbon sequestration, as well as on equitable access to a truly diverse set of recreation opportunities and natural experiences on public lands within and beyond the project area. We are also concerned about significant negative socioeconomic impacts to local and neighboring communities. We feel very strongly that the Superior National Forest should decide for the No Action Alternative (Alternative 1), denying a Special Use Permit for Lutsen Mountains Corporation (LMC) to develop and operate commercial resort facilities on 495 acres of the Superior National Forest.

The attached comments (pdf) describe a range of significant public concerns and address the DEIS in detail.

December 9, 2021

Constance Cummins, Forest Supervisor

Superior National Forest

c/o Michael Jim[eacute]nez, Project Leader

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Duluth, MN 55808

Submitted online at https://cara.ecosystemmanagement.

org/Public//CommentInput?Project=52440

Re: Lutsen Mountains Ski Area Expansion Project

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Collaboration with LMC[rdquo][mdash]for due consideration in this DEIS. Those proposed alternatives have been dismissed in the DEIS as [ldquo]outside the scope of this Draft EIS,[rdquo] and as not meeting the forest[rsquo]s narrowly-defined objectives.1

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to local and neighboring communities. We feel very strongly that the Superior National Forest should decide for the No Action Alternative (Alternative 1), denying a Special Use Permit for Lutsen Mountains Corporation (LMC) to develop and operate commercial resort facilities on 495 acres of the Superior National Forest.

The following comments describe a range of significant public concerns and address the DEIS in detail.

I. PURPOSE AND NEED STATEMENT AND RANGE OF ALTERNATIVES ARE INSUFFICIENT TO DETERMINE PUBLIC BENEFIT OR APPROPRIATENESS OF PROPOSED PROJECT

1 DEIS, Appendix A, A11-A12

Despite our prior comments regarding the inadequacy of the Purpose and Need statement in the Notice of Intent, the purpose and need in the DEIS is stated exactly as it was in the scoping letter: [ldquo]The purpose of, and need for, the Forest Service's action is to decide whether to grant a SUP for the project.[rdquo] [ldquo]The project[rdquo] is described narrowly as the specific proposed action(s) developed by LMC[mdash] in short, the building and operating of extensive private commercial ski resort infrastructure on 495 acres of prime public land on the Superior National Forest[mdash]in order to meet not the needs of the general public but only LMC[rsquo]s stated commercial needs.

This is clearly insufficient as a baseline for proper NEPA analysis. The Purpose and Need should not be solely defined by a private entity[rsquo]s commercial intent. Indeed, when the [ldquo]need[rdquo] is simply a list of projects proposed by the developer, the only way that the Forest Service can meet this [ldquo]need[rdquo] is to approve exactly what the developer has proposed. This flies in the face of managing public lands in the public trust. In order to adequately consider what is [ldquo]in the public interest and is appropriate, based on the 2004 Superior National Forest (SNF) Land and Resource Management Plan,[rdquo] the Forest Service must instead develop a Purpose and Need based on its own assessment and a stated need for action. As we noted in prior comments, the Purpose and Need statement for this DEIS should be

more broadly stated, such as [ldquo]The purpose of, and need for, the Forest Service's action is to determine whether to authorize a Special Use Permit for commercial ski resort operations on the Superior National Forest.[rdquo] This broader Purpose and Need statement would necessarily compel the Forest Service to consider a broader range of different commercial and perhaps not-for-profit ski resort operation scenarios, as truly separate alternatives, as well as other recreation management and stewardship/partnership scenarios for the same landscape, including but not limited to LMC[rsquo]s proposal(s), as well as to determine whether or not to grant a SUP at all.

The dismissal of proposed alternatives other than those developed by LMC as [ldquo]outside the scope of this Draft EIS,[rdquo] provides clear evidence that the scope of this DEIS is too narrowly defined, and that the line between LMC[rsquo]s [ldquo]purpose and need[rdquo] and the Forest Service[rsquo]s is blurred to the point where the DEIS seems to assume that the proponent[rsquo]s project objectives and the Forest Service[rsquo]s are one and the same. See for example the Forest Service[rsquo]s statements in Appendix A that specific proposals submitted by Superior Highland Backcountry for improving public backcountry skiing and snowboarding access to Moose Mountain [ldquo]would not meet the project objectives of providing undeveloped, minimally maintained lift-served terrain.[rdquo]2 This seems to indicate that the Forest Service, even before undertaking requisite analysis, already shares with LMC the fundamental objective to provide lift-served ski terrain on public land for a small subset of the larger recreating public who are willing and/or able to pay significant access fees charged by LMC for the privilege of recreating on public land. This is despite the fact that, prior to LMC submitting this project proposal, the Superior National Forest had not identified any need, or public desire, for a commercial ski resort on Forest Service lands. Indeed, the 2004 Forest Plan makes no mention of a need for or desired future condition featuring commercial ski resorts or new resort activity of any kind on the Superior National Forest.

The Forest Service also dismisses from detailed analysis in the DEIS an alternative that proposes upgrades and improvements to the existing ski area (within its existing footprint on private land,

without terrain expansion onto public land) under the rationale that such upgrades and improvements [ldquo]fail to meet the project objectives overall, particularly addressing the current deficit in beginner and expert terrain and the resulting need for guest services and infrastructure that would accompany terrain expansion.[rdquo] Again, this indicates a fundamental confusion between the objectives of LMC (to expand its commercial operations onto public land) and the objectives of the

2 DEIS Appendix A, A11-A12.

3

Forest Service ([ldquo]to sustain the health, diversity, and productivity of the nation[rsquo]s forests and grasslands to meet the needs of present and future generations,[rdquo]3 and also to [ldquo][p]rovide a diverse range of quality natural and cultural resource-based recreation opportunities in partnership with people and communities[rdquo]4). The Forest Plan directs the Superior National Forest to [ldquo][a]ttempt to meet demand for special use activities when consistent with the Forest Plan direction and when the proposed use cannot be accommodated on non-NFS land[rdquo]5 However, this proposal is not consistent with Forest Plan direction, the Forest Service has made no attempt to discern whether the proposed use can be accommodated on non-NFS land, and the Forest Service has failed to do its due diligence to determine whether there is even demand for LMC to expand in the manner proposed. Indeed, ours and many other scoping comments demonstrate that none of the above conditions are present. Finally, there are assumptions articulated in the DEIS that the No Action alternative would adversely impact LMC[rsquo]s ski resort operations.6 While this may or may not be true, the only question that is germane to the Forest Service in a DEIS is whether or not the proposed project would adversely affect the quality of the human environment (including natural resources, wildlife, and the range of publicly-accessible recreation opportunities on the Superior National Forest) and/or provide important public benefit. Given the too-narrow statement of purpose and need and the subsequent conflation of the proponent[rsquo]s stated objectives with the objectives and desired conditions of the Forest Service, this question is not adequately analyzed in this DEIS.

II. ALTERNATIVES 2 AND 3 ARE INCONSISTENT WITH 2004 SUPERIOR NATIONAL FOREST LAND MANAGEMENT PLAN

The vast majority of the project area (539 acres) falls within NFS lands which the Forest Plan classifies as semi-primitive non-motorized (SPNM). This Recreation Opportunity Spectrum (ROS) setting is characterized by [ldquo]predominantly natural or natural-appearing environment where interaction between users is low but there is often evidence of other users (USDA Forest Service 1986).[rdquo]7 The Forest Plan states that the [ldquo]SPNM management area emphasizes land and resource conditions that provide recreational opportunities in nearly primitive surroundings where motorized use is NOT permitted[hellip] [and] Interaction among recreational users is low.[rdquo]8 Furthermore, as the DEIS correctly states, [ldquo]The assigned desired ROS condition class is the maximum level of use, impact, development, and management that an area should experience over the life of the 2004 Forest Plan.[rdquo]9

3 https://www.federalregister.gov/agencies/forest-service

4 Agency Focus: Our Goals; also A Framework for Sustainable Recreation, 2010.

5 2004 Superior National Forest Plan, objective O-SU-2

6 Eg. DEIS pp. 79-80: [ldquo]Under the No Action Alternative there would be no changes to Lutsen Mountains[rsquo] terrain network[hellip] The deficit of beginner terrain and current status of learning center facilities alongside the deficit of expert terrain and diverse gladed terrain would persist and could be exacerbated by the assumed baseline increases in visitation to Lutsen Mountains.[rdquo]; [ldquo]The base area at Lutsen Mountains would continue to exhibit operational inefficiencies due to higher concentrations of users in those areas on busy mornings. Baseline increases in visitation to the ski area could result in worsening operational inefficiencies in the base area.[rdquo]; [ldquo]There would continue to be a deficiency of ski school, public and employee lockers, kid[rsquo]s space, circulation space, restaurant, and equipment rental and repair space. In particular, the ski school indoor facility would continue to be undersized and there would continue to be a lack of dining space. Deficiencies in space use

could continue to increase as visitation increases at Lutsen Mountains.[rdquo]

7 DEIS page 71

8 Superior Forest Plan, Chapter 3 page 3-22, emphasis in original

9 DEIS, p. 71, emphasis added

Absolutely nothing about a commercial ski resort or the two action alternatives fits within the desired conditions, objectives, or standards and guidelines associated with SPNM settings in the Forest Plan. For example, while developed recreation sites are permissible in SPNM settings, DSPNM-5 states that [ldquo][d]eveloped recreation sites such as water access sites and trailheads may be provided for public use. There is generally little site modification with rustic improvements designed primarily for protection of the environment rather than the comfort of users. Use of natural materials for improvements is emphasized.[rdquo]10 One would be hard pressed to claim that chairlifts, restaurants, and clear-cut ski runs are [ldquo]rustic improvements[rdquo] designed [ldquo]primarily for protection of the environment[rdquo].

Likewise, a developed ski resort is clearly in conflict with D-SPNM-6: [ldquo][d]ispersed recreation opportunities such as campsites and trails (day use, backpacking, portaging, cross-country skiing, horseback riding, and hunter walking) may be provided for public use. Other human-made structures are rare. Other dispersed recreation opportunities that may not be associated with facilities, such as orienteering, hunting, fishing, berry picking, bird watching, wildlife viewing, and trapping, would also occur.[rdquo]11 The Proposed Action also directly conflicts with G-SPNM-3: [ldquo]Special uses are generally not permitted, except those uses that do not detract from the semi-primitive environment or uses needed to access or supply utilities to private land, recreational facilities, or administrative sites.[rdquo]12 Granting LMC a Special Use Permit, per the Proposed Action, would detract from the semi-primitive environment on Moose Mountain, and the Proposed Action does not fit within any of the narrowly defined exceptions wherein special uses may be permitted in SPNM settings.

An additional 12 acres on Moose Mountain, within the project area, are classified as Semi-Primitive Motorized (SPM) under the Forest Plan. For all of the same reasons outlined above, Forest Plan direction is also incompatible with either action alternative.13

While the ROS in and of itself is not prescriptive, in the Superior Forest Plan ROS settings play double-duty as Management Areas. The 1982 Rule (under which the Superior Forest Plan was drafted) states that Forest Plans shall contain multiple-use prescriptions and associated standards and guidelines for each management area.14 The forest plan direction associated with management areas in the forest plan are prescriptive and insofar as ROS settings are equated with management areas in the Superior Forest Plan, the Forest Service is bound to the management area direction laid out in the Forest Plan.

Not only do the Action Alternatives violate the Forest Plan in terms of permitting activities that are inconsistent with Semi Primitive Management Areas, they violate the Forest Plan by causing irretrievable effects to scenic integrity and are inconsistent with Forest Plan Objective O-S-1. As described in the DEIS, the action alternatives would reduce the existing scenic integrity of the landscape character to Low in High Scenic Integrity Objective (SIO) areas and this effect would essentially be permanent. The DEIS also states that the action alternatives would not comply with the Forest Service[rsquo]s Built Environmental Image Guide.15 Rather than repeat what is already stated in the DEIS concerning the immense negative effects of either action alternative,16 we simply call on

10 Superior Forest Plan, Chapter 3 page 3-22

11 Id.

12 Superior Forest Plan, Chapter 3 page 3-23

13 See Superior Forest Plan, Chapter 3 pages 3-24 through 3-26

14 1982 Rule Sec. 219.11 (c)

15 DEIS page 103.

16 See DEIS section 3.2

you to heed the findings of the Forest Service[rsquo]s own analysis, which clearly show that the only appropriate course of action is to select the No Action alternative.

Allowing extensive new human infrastructure at commercial scale, even if it mimics natural colors and cultural structure forms, is a poor substitute for leaving the landscape and scenery in its natural state. The action alternatives show complete disregard for the Superior Forest Plan and all of the consideration, planning, and public and agency input that went into drafting that document. While the action alternatives may reflect LMC[rsquo]s vision for Moose Mountain, they clearly do not reflect the public or Forest Service[rsquo]s desire for how this area is to be managed. Indeed, to summarize the DEIS, implementing either action alternative will bring an irreversible and irretrievable commitment of resources and bring irreversible and irretrievable effects to the scenery resources in the project area.

This is a highly scenic area that draws people in all seasons to experience a natural landscape. The views offered from this section of the Superior Hiking Trail, and to backcountry skiers and other dispersed visitors, are unique due to the perspective offered by Moose Mountain[rsquo]s elevation, and it would be a tragic disservice to current and future generations if the Forest Service were to permit this area to be developed.

Because the action alternatives clearly contradict Forest Plan direction, the Superior National Forest must choose the No Action Alternative for this project.

III. RELEVANT DATA DOES NOT SUPPORT THE NEED FOR LUTSEN MOUNTAINS RESORT TO EXPAND

Although it is irrelevant to an analysis of the environmental impacts of this project (as we have explained above), LMC[rsquo]s claims that they need to double their skier days to survive flies in the face of current trends in the ski industry. According to Snowsports Industry of America (SIA) data, alpine (resort) skiing and snowboarding participation has trended downwards since at least 2013.17 Furthermore, Minnesota already has 20 ski areas, and skier visits in the Midwest have been fairly stagnant since the 1980s, when the National Ski Areas Association began keeping track.18 Those

numbers don[rsquo]t show demand for a ski resort expansion.

What[rsquo]s more, even with an expansion, Lutsen Mountains Ski Resort, can[rsquo]t change its terrain. LMC claims this expansion is necessary to draw destination skiers, but the expansion wouldn[rsquo]t alter the ski area[rsquo]s 800 vertical feet. And 800 vertical feet isn[rsquo]t going to sway destination visitors, considering LMC considers its competition to be Western resorts. Western resorts generally have considerably more vertical relief and lower ticket prices than LMC. For example, Red Lodge Mountain (Montana), which draws many Midwestern skiers, has a walk-up adult lift ticket price of $79/day (with online and multi-day purchases being less expensive), while LMC[rsquo]s walk-up lift ticket price is $97/day. Red Lodge also offers over 2,000 feet of vertical relief. The same holds true for Bridger Bowl ($84/day, 2,700 feet), also in Montana and a short, direct flight away from the Twin Cities. This pattern holds true for many other Western resorts. A skier at Lutsen is paying significantly more to ski less than half the vertical relief offered by these two, and many other, competitor resorts. It doesn[rsquo]t add up

17 See SIA Participation Studies, 2012-2013 through 2020-2021. Data is as follows for resort (skiing and snowboarding) participation: 2013 (23,717,000 participants nationwide), 2014 (22,907,000 participants nationwide), 2015 (24,099,000 participants nationwide), 2016 (24,352,000 participants nationwide), 2017 (25,286,000 participants nationwide), 2018 (21,800,000 participants nationwide), 2019 (22,700,000 participants nationwide), 2020 (22,200,000 participants nationwide), 2021 (21,597,000 participants nationwide).

18 http://www.nsaa.org/media/303945/visits.pdf

that expanding will do anything to increase skier days at Lutsen. If this were true, Lutsen would have already seen an uptick in winter visitation after the new gondola was installed. Instead it has necessitated an increase in lift ticket prices, just as this expansion will do, which in turn further tips the scales toward Western ski areas in terms of affordability and value for the destination skier, and makes Lutsen Mountains increasingly less accessible or attractive even to local skiers who can[rsquo]t

travel to ski.

Many of the scoping comments the Forest Service received refute the claim that LMC needs to expand onto National Forest land in order to improve their stated objectives. Skier density at LMC is already considerably less than national average, and there are a number of improvements that could be made within the existing resort footprint to improve skier circulation, increase beginner and expert terrain, and increase gladed acreage. We encourage the Forest Service to carefully consider input from those members of the public who have skied at Lutsen for years and have taken the time to share with you their on-the-ground, skier-focused, reasons for why an expansion onto Forest Service lands is inappropriate.

IV. BOTH ACTION ALTERNATIVES WOULD CAUSE SIGNIFICANT AND IRRETRIEVABLE ENVIRONMENTAL HARM

In our previous comments on the Proposed Action, we noted the variety of considerable adverse impacts that the proposed project would have on forest health and integrity, including for vulnerable hardwood stands on both Moose and Eagle mountains, on streams and water quality, and on wildlife habitat for a wide range of species, including Federally threatened and endangered species, MNDNR rare species, and other species of local concern. We also noted the significant immediate and long term effects related to climate change that would result from the building and ongoing operation and maintenance of energy- and emissions-intensive commercial ski resort facilities, especially on a semi-primitive forested landscape that under current management offers significant capacity for carbon sequestration.

We appreciate that the DEIS carefully examines the environmental effects of the proposed project. It is clear from this analysis that these effects, regardless of whether the Forest were to select Alternative 2 or Alternative 3, would be significant, and in some important cases irreversible. From cascading effects related to snow compaction, to forest fragmentation and impacts to wildlife, invasive species and effects to forest health, and changes in hydrology that will impact streams and the organisms that live in them (including fish), either action alternative would bring significant

negative environmental harm[mdash]including significant irretrievable harm[mdash]to the project area. The analysis also acknowledges the climate effects that would result from reduced carbon sequestration capacity and increased GHG emissions.

We encourage you to consider not merely the individual and cumulative effects within each separate category of analysis, but rather the overall, aggregate, and long-term effects[mdash]from an ecosystem services perspective[mdash]on the ecosystem as a whole. For more than a decade, the Forest Service has explicitly recognized the many interconnected benefits that people obtain from national forests, including clean air and water, erosion and flood control, biodiversity and climate regulation, as well as a range of opportunities for sustainable recreation, education, and cultural enrichment. In 2012, the Department of Agriculture published a study indicating an [ldquo]increasing likelihood of nonlinear changes[rdquo] in forest and grassland ecosystems with a corresponding loss in their ability to provide fundamental ecosystem services. [ldquo]Drivers of ecosystem change,[rdquo] the authors wrote, [ldquo]are an

interrelated set of challenges, including land-use change and degradation, biodiversity loss, nutrient loading, invasive species, and climate change.[rdquo]19

The need to consider the complexity and vulnerability of ecosystem services is reflected throughout the 2012 Planning Rule, for example, which requires that responsible officials [ldquo]use an integrated resource management approach to provide for multiple uses and ecosystem services[hellip] considering a full range of resources, uses, and benefits relevant to the unit, as well as stressors and other important factors.[rdquo]20 As the decision maker on this project, you are responsible for considering the whole range of these effects in making your decision. Considering the magnitude of environmental effects and the resulting degradation and loss of ecosystem services that would result, as well as the fact that the project is only necessary in the context of LMC[rsquo]s narrowly-defined [ldquo]need[rdquo] (which is not

in the public interest, as previously addressed), we urge you to select the No Action Alternative.

As we have pointed out, the Superior National Forest can encourage new opportunities for skiing

and other sustainable forms of winter recreation in the region without permitting the expansion of a commercial lift-served ski resort and the myriad environmental impacts associated with such a development. Human-powered backcountry skiing and snowboarding on Moose Mountain involves no lifts, grooming equipment, or snow making, and far fewer (if any) facilities. It does not require clear-cutting or other high-impact tree removal, and has none of the other environmental impacts noted above and in the DEIS, thus facilitating public enjoyment of winter sports on the National Forest with minimal environmental impacts and a negligible carbon footprint. By selecting the No Action alternative you can help to preserve the opportunity for this sport to be enjoyed on the Superior National Forest, in harmony with alpine resort skiing on adjacent private lands.

V. ACTION ALTERNATIVES WOULD SIGNIFICANTLY DIMINISH EQUITABLE PUBLIC ACCESS TO IRREPLACEABLE, HIGH-VALUE RECREATION OPPORTUNITIES

In our previous comments, we described the remarkable year-over-year growth of backcountry skiing and snowboarding nationally. We explained the unique and irreplaceable value of Moose Mountain for this increasingly popular recreational activity in the Midwest, and the existential threat posed to the future of backcountry skiing opportunities on the North Shore and beyond by the proposed development of this particular terrain as a commercial ski resort. We appreciate the acknowledgment in the DEIS that such development would [ldquo]negatively impact[rdquo] backcountry skiers and riders (by displacing them entirely from [ldquo]unique backcountry terrain, offering steep gladed slopes not easily available elsewhere on the SNF[rdquo]21). We are however deeply concerned by the admitted lack of adequate winter visitation data, the failure of the Forest Service to perform relevant use counts, and the reliance in the DEIS on use estimates provided by LMC.

The DEIS argues that permitting one of the two action alternatives will serve the greatest number of people, as there are more resort skiers than backcountry skiers (based on faulty or non-existent visitation data). An argument over whether more people will step foot on Moose Mountain if it is a ski resort or managed as intended for semi-primitive nonmotorized recreation opportunities is

beside the point. The DEIS clearly shows that the action alternatives will cause significant adverse

19 Balloffet, N; Deal, R; Hines, Sarah; Larry, B; Smith, N. 2012. Ecosystem Services and Climate Change. (February 4, 2012). U.S. Department of Agriculture, Forest Service, Climate Change Resource Center. www.fs.usda.gov/ccrc/topics/ecosystem-services

20 36 CFR Part 219

21 DEIS p. 86.

effects to the environment. While we are well aware that NEPA does not require the Forest Service to choose the least environmentally harmful alternative, the Forest Service is obligated to follow its forest plan, and it is in the best public interest for the Forest Service not to take actions that undermine the environment and lands the agency is tasked with stewarding for the public good. The DEIS clearly shows that the action alternatives will violate the Forest Plan. Furthermore, the Purpose and Need for Action in this DEIS states that the forest intends to [ldquo]determine if the project is in the public interest and is appropriate, based on the 2004 Superior National Forest (SNF) Land and Resource Management Plan.[rdquo]22 The DEIS clearly shows that this project is neither in the public interest, nor is it appropriate based on the forest plan.

The Forest Service is tasked with "[providing] a diverse range of quality natural and cultural resource-based recreation opportunities in partnership with people and communities."23 Keeping the project area as it is, free from commercial development, is the best way for the Forest Service to meet this obligation. Moose Mountain provides unique backcountry ski and snowboard terrain not otherwise found in Minnesota, and the DEIS describes how the action alternatives would displace a growing backcountry community (a community that is demonstrably larger than the estimates put forward by LMC, including as many as 200,000 participants in the Midwest, see below). There are already many options available for those seeking a commercial winter resort experience in Minnesota, including at LMC within their current footprint, but due to the factors we have described previously, opportunities for backcountry skiing and snowboarding are extremely limited in this

region. Removing these already limited opportunities for human-powered backcountry winter recreation would represent not just an impact to backcountry skiers and snowboarders but an irretrievable loss, and would not, as the DEIS suggests, be [ldquo]offset[hellip] by improving the dispersed recreation experience in other ways.[rdquo]24 The claim that the proposed project, by expanding the terrain available for already-existing resort-based commercial downhill skiing, impacting the whole range of summer recreation in the area (including the hiking experience on the SHT) as acknowledged in the DEIS, and simultaneously removing the remaining opportunities for backcountry winter recreation, [ldquo]would add cumulatively to the variety and supply of recreation in the project area and beyond[rdquo]25 is of course illogical.

Meanwhile, it must be reiterated that backcountry skiing is the fastest growing segment of the snowsports industry. Sales in uphill gear more than doubled between 2015 and 2017 while winter backcountry equipment sales increased by over 50% in 2016.26 According to the Snowsports Industry Association, 10 million people participated in backcountry winter recreation this past season.27 Approximately 20% of these participants live in the Midwest.28 This is a large percentage of the winter backcountry community. Moose Mountain is arguably the best backcountry ski terrain in Minnesota, as it offers the most significant uninterrupted vertical relief in the state. Maintaining opportunities for public-access dispersed winter recreation on Moose Mountain would meet a growing demand and bring new visitors to the region to engage in a range of winter activities that are more environmentally and economically sustainable.

22 DEIS, ES-1

23 Agency Focus: Our Goals; also A Framework for Sustainable Recreation, 2010.

24 DEIS, p. 97

25 Id.

26 Snowsports Industries of America (2015-2016) Snow Sports Market Intelligence Report.

27 Snowsports Industry Association 2020-2021 Participation Study [ndash] backcountry skiing, splitboarding, crosscountry

skiing, and snowshoeing participating numbers.

28 Id.

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By way of example, Outdoor Alliance recently commissioned an economic impact study of backcountry skiing in Utah[rsquo]s Manti-La Sal National Forest, a forest that is obviously very different from the Superior National Forest, especially in terms of vertical relief, but is similar in that it does not feature a commercial ski resort within its boundaries. Based on visitor expenditure data, and an annual visitation estimate of 5,000 backcountry visitors, the researchers found that backcountry skiing attracted over $500,000 in expenditures for local communities, supported over $250,000 in worker wages, and an estimated $83,000 in state and Federal taxes.29

By selecting the No Action alternative, the Forest Service will allow for a diversity of outdoor recreation activities to thrive along the North Shore. In turn, this will lead to a more economically diverse and sustainable tourism economy, enhancing the economic health of the region, promoting environmental equity, and better serving the public.

VI. THE DEIS FAILS TO ADEQUATELY ANALYZE THE SOCIOECONOMIC IMPACTS OF THE ACTION ALTERNATIVES

We appreciate that the DEIS acknowledges a few of the many impacts on the surrounding community that would result from a significant ski resort expansion project as described, including increased traffic and parking issues and an already significant lack of adequate affordable workforce housing in the region. We also note the acknowledgement that [ldquo][t]he resort expects that recreation and leisure activity prices would continue to outpace inflation and that the development of each of the five phases would result in a lift ticket price increase.[rdquo]30 Although pricing may not have a significant impact on the [ldquo]particular visitor profile[rdquo] for a commercial ski resort, as the DEIS suggests, it would most certainly result in significant curtailment of access to public lands by a large portion of the public, locally and beyond, who are, to use the euphemistic language of the DEIS, [ldquo]sensitive to

price increases.[rdquo]31

Generally, however, the DEIS fails to analyze the many ways in which both action alternatives would disproportionately impact local communities and other important segments of the public who either cannot afford or do not benefit from commercial lift-served resort skiing. In fact, a recent Utah State University survey of 24 different ski resort expansion projects across the Western U.S. identified a range of stakeholder concerns that expanded resort operations, especially on public lands, would [ldquo]lead to significant and possibly irreversible impacts to the social and economic characteristics of the nearby communities.[rdquo]32 These impacts included significant limitations on primitive recreational opportunities and access for local communities, impacts to aesthetic viewsheds, increased traffic and parking issues, employment instability for growing numbers of seasonal and low-wage workers, inflation of property values and further diminished availability of affordable housing for year-round residents, increased residential development and diminishment of open space beyond the resort, tourism impacts and other impacts to quality of life, community structure and identity.

Again, by selecting the No Action alternative, the Forest Service will avoid these socioeconomic impacts and allow for a greater diversity of outdoor recreation activities in the region, supporting a more economically diverse and sustainable economy, enhancing the economic health of the region

29 Maples, James N., Ph.D.; Bradley, Michael, Ph. D.; Perry, Kobe. Economic Impact of Backcountry Skiing in Utah[rsquo]s Manti-La Sal National Forest. 2021. Publication forthcoming. Contact us to receive a copy.

30 DEIS, p. 119

31 Id., p. 120

32 Smith, Jordan W., Ph.D. and Urian Guararrama. Social Impacts of Expanded Ski Resort Operations on Forest Service Lands. Institute of Outdoor Recreation and Tourism, Utah State University, Logan, UT, 2021.

while maintaining ecosystem integrity, public benefit, environmental equity, and quality of life for locals and visitors alike.

VII. THE ALTERNATIVES CONSIDERED IN THE DEIS MUST COMPLY WITH CONGRESSIONAL AND

AGENCY DIRECTION CONCERNING SKI AREA DEVELOPMENT

The Ski Area Outdoor Recreation Enhancement Act (SAOREA) and Forest Service Manual (FSM) provide direction on what activities and developments are permissible concerning ski areas operating on Forest Service lands. Under SAOREA, [ldquo]Each activity and facility authorized[hellip]shall (A) encourage outdoor recreation and enjoyment of nature; (B) to the extent practicable (i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and (ii) be located within the developed portions of the ski area[rdquo]33 The DEIS fails to reference SAOREA or the FSM, other than a blanket statement that the Forest Service has prepared the DEIS in compliance with NEPA and other relevant federal and state laws and regulations. Neither this statement or other sections of the DEIS address concerns we raised in our scoping comments regarding SAOREA and the FSM.

The action alternatives conflict with SAOREA, as the proposed mountain top chalet and parking lots are not natural resource-based facilities. Likewise, SOREA mandates that activities and facilities authorized shall encourage outdoor recreation and enjoyment of nature. Not all activities that occur outside necessarily further the enjoyment of nature, and indeed, the action alternatives will directly undermine dispersed recreationists enjoyment of nature. This is described in the DEIS, in the many discussions of how the action alternatives will displace backcountry skiers, affect users of the Superior Hiking Trail, and other recreationists.

The action alternatives also conflict with direction in the FSM. Section 2343.11(2) of the FSM states that [ldquo]Any expansion of a ski area permit boundary must be based solely on needs related to snow sports.[rdquo] However, LMC[rsquo]s primary rationale for this proposal is to improve their marketability, not necessarily because of needs associated with snow sports.34 The fact that this proposal relates to a ski resort does not necessarily mean that all of LMC[rsquo]s desires are [ldquo]needs related to snow sports.[rdquo] It has been clearly demonstrated in the project record that LMC[rsquo]s stated objectives can be achieved without expanding on to SMC land, and that there are other ways to enhance snow sports in the

project area without developing it for a commercial alpine ski resort.

FSM [sect]2343.14(1)e1 states that recreation and facilities at ski areas must harmonize with the natural environment of the site where they would be located by being visually consistent with or subordinate to the ski area[rsquo]s existing facilities, vegetation and landscape. However, the facilities and structures listed in the action alternatives will visually dominate the landscape. The DEIS describes this quite well in the section addressing scenery. FSM [sect]2343.14(1)e, part 2, also mandates that construction of new facilities or ski area operations not require significant modifications to topography, yet constructing new parking lots, several miles of roads, and retention ponds constitute a significant modification to topography. Finally, FSM [sect]2343.14(1)f states that new activities or associated facilities at skis areas must not compromise snow sports operations or functions. The action alternatives would severely compromise backcountry snowsports [ndash] an existing use of these lands [ndash] if implemented.

33 Ski Area Outdoor Recreation Enhancement Act [sect]3

34 As stated in the Notice of Intent: [ldquo]The MDP and this proposal were developed in response to the Lutsen Mountains[rsquo] need to expand terrain offerings and improve the guest experience across the ski area to ensure the ski area[rsquo]s survival and competitiveness in the Midwest ski area market.[rdquo]

FSM 2343.14(1), part g directs that activities and associated facilities at ski resorts increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and lifts. As this project would be an entirely new development on Forest Service lands, it conflicts with FSM direction, and should not be authorized. LMC already owns thousands of acres of land that could easily serve some if not most of their stated needs, and expanding onto Forest Service land is unnecessary and detrimental to the public interest.

The proposed mountaintop chalet on Moose Mountain and new base areas are incompatible with Forest Service policy. FSM 2340.3(3) directs the Forest Service to deny proposals to construct

facilities and services on national forest lands if these facilities and services are available in the general vicinity. There are already a number of dining options in the vicinity of Lutsen Mountains Resort, including two on-mountain options operated by LMC. There are also several other dining options located very close to the ski hill, as described on the Lutsen Mountains Resort website35 and known to anybody who has spent time in the area. While FSM 2343.4(1) does direct the Forest Service to authorize concessioners to provide food at temporary dining facilities that are part of a resort operation, Lutsen Mountains already has adequate facilities for these purposes. Indeed, it is unclear why LMC requires a second summit chalet on Moose Mountain. The DEIS describes how the new Moose Mountain chalet would be utilized year-round, during both the day and evening hours, as an entertainment and events venue, and how it[rsquo]s primary purpose related to actual skiing is only necessary if additional runs are developed on Moose Mountain. While it seems as though this chalet will perhaps be a decent profit driver for LMC, the DEIS fails to provide any evidence to support the need for a new chalet in relation to SAOREA.

The action alternatives do not align with Forest Service policy or Congressional direction and the Forest Service must select the no-action alternative.

* * *

Vertical rise, skiable terrain, slope pitch and snow depth are all natural resources that are extremely rare on the Superior National Forest, in Minnesota, and in the greater Midwest. LMC[rsquo]s private property holdings already monopolize these resources in the Superior Highlands. Backcountry skiers are public land owners and have a right to recreate and enjoy our National Forests. We urge the Superior National Forest to not to grant LMC a special use permit and instead encourage LMC to work with Superior Highland Backcountry on a more sustainable and multi-use approach to helping northeast Minnesota[rsquo]s economy and ecology survive for the long term.

The Superior National Forest should select the No Action Alternative (Alternative 1).

Sincerely,

Hilary Eisen

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35 https://www.lutsen.com/dining-events/area-dining-guide/