

Cascade Resources
ADVOCACY GROUP

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VIA OVERNIGHT MAIL AND ELECTRONIC MAIL

April 30, 2002

Ms. Kim Titus
District Ranger
Hood River Ranger District
6780 Highway 35
Mt. Hood/Parkdale, OR 97041

Re: Comments on Supplement to the Environmental Assessment for Lift 21 at Mt. Hood Meadows Ski Resort (the "SEA")

Dear Ms. Titus:

I am submitting these comments on behalf of the following groups: Friends of Mt. Hood, the Hood River Valley Residents' Committee, the Northwest Environmental Defense Center, and the Oregon Natural Resources Council. As you well know, members of these groups regularly use the Mt. Hood National Forest as well as the Mt. Hood Meadows Permit Area for a variety of purposes and have a strong interest in improving and protecting forest ecosystems. This project directly threatens those interests.

The SEA amends the Environmental Assessment for the Construction of Lift 21 at the Mt. Hood Meadows Ski Area (the "EA"). Instead of restating all the arguments we made in our original comments and appeal, we fully incorporate the following documents by reference:

- All public comments submitted in conjunction with Lift 21;
- Comment letter from Cascade Resources Advocacy Group dated August 17, 2001;
- Administrative appeal submitted by Cascade Resources Advocacy Group dated January 31, 2002 as well as all Exhibits submitted in support of that appeal; and
- Administrative appeal of Friends of Mt. Hood of the Mt. Hood Meadows Ski Area Master Plan/Access Road FSEIS (the "Master Plan") as well as all the attached documents, maps, photos and declarations submitted in support of that appeal.

We specifically reiterate and reserve all arguments made in those documents. We assume that the Forest Service has maintained these documents in the administrative record for Lift 21. We would be happy to provide another copy at the expense of the Forest Service if needed. These comments, however, are tailored to specifically address the new information provided in the SEA.

If Forest Service issues a Finding of No Significant Impacts based upon the EA and SEA and approves the project, it will be in violation of the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 1600 *et seq.* We again call on the Forest Service to prepare an Environmental Impact Statement for Lift 21.

1. The impacts of Lift 21 are controversial and uncertain.

The public, the scientific community and the agency experts have all repeatedly drawn attention to the fact that the Forest Service's mitigation measures have utterly failed to prevent erosion, impacts to water quality and impacts to vegetation and soil quality within the Mt. Hood Meadows Permit Area. Our administrative appeal of Lift 21 contained statements from well-respected university professors and experts in alpine ecology, photographs taken by the public that routinely uses the area, letters from the Oregon Department of Fish and Wildlife, and statements from the Forest Service's own employees. There can be no doubt that the past mitigation measures has failed and that the past erosion control and revegetation efforts have failed. These techniques simply did not perform as predicted by the Forest Service, something you and I specifically talked about during our meeting regarding the administrative appeal.

The Forest Service has responded to these concerns by presenting additional information on the new mitigation measures that have not been analyzed or addressed in the Master Plan. The materials submitted in conjunction with the SEA, however, fail to resolve any of the scientific controversy surrounding the mitigation measures, and they similarly fail to provide any certainty as to what the likely impacts will be. The Forest Service must, therefore, prepare an Environmental Impact Statement to address these issues.

"CEQ regulations outline factors that an agency must consider in determining whether an action 'significantly' affects the environment," requiring preparation of an EIS. *Sierra Club v. U.S. Forest Service*, 843 F.2d 1190, 1193 (9th Cir 1988); 40 C.F.R. § 1508.27; *see also Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 208 (9th Cir 1998). "To determine whether a proposed project will have 'significant' impacts on the environment, an agency must evaluate 'the degree to which the effects on the quality of the human environment are likely to be highly controversial,' and 'the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.'" *Blue Mountains*, 161 F.3d at 1212 (quoting 40 C.F.R. § 1508.27(b)(5)). When there is evidence of a scientific controversy, NEPA "places the burden on the agency to come forward with a 'well-reasoned explanation'

demonstrating” why there is no real controversy. National Parks & Conservation Assoc. v. Babbitt, 241 F.3d 722, 736 (9th Cir 2001).

The Forest Service apparently takes the position that the new erosion control and revegetation measures eliminate any scientific controversy and provide for certainty as to the risks of constructing Lift 21. Otherwise, given the legal requirements, the Forest Service would prepare an EIS. In fact, however, the information in the SEA simply does not eliminate any scientific controversy nor does it provide any certainty as to the scope of the impacts.

First, the information contained in the memorandum of Mark Kreiter fails to present any scientific evidence supporting the conclusions that the revegetation efforts will succeed with respect to Lift 21. Mr. Kreiter relies primarily upon three studies. He seems to place great emphasis on the study written by McCrae and others (2002) that discusses “rebuilding” or “growing” soil. This supposed “study” is actually marketing material set forth by the company that supplies the revegetation materials proposed for use by the Forest Service. This isn’t a scientific study at all, but rather a narrative that does not contain any appropriate controls or peer review. The piece is clearly written by someone with a financial interest in promoting the products, and there is no data supporting the rather broad conclusions and statements.

Furthermore, however, even this transparent attempt to promote the product clearly states that past experience has been primarily limited to roadside revegetation and mining projects. The other studies cited by Mr. Kreiter also relate to highway projects or mines.¹ Mr. Kreiter also relies upon two photographs from a test site in Australia, which bear absolutely no resemblance to the conditions and characteristics of the Lift 21 site. **The Forest Service has not presented any scientific evidence that the proposed mitigation measures will improve upon the well-documented failures of the past.**

The Forest Service also relies upon photographs from a small test site on Branch Creek as well as field reports and photographs from a project on Highway 35. Again, all the available information relates to projects at sites that are dramatically different in both elevation, vegetation and soil composition compared to Lift 21. All of these are summary observations without adequate controls or peer-reviewed studies. None of this information can be used to accurately predict the performance of these techniques at high elevations, in sensitive areas with unique native vegetation.

In fact, the only mention of use within the Permit Area suggests that these techniques were not successful in promoting revegetation. The SEA states that these new hydroseeding techniques were used at the base of Shooting Star and Mt. Hood Express but readily admits that the hydroseeding has not improved revegetation rates. SEA at 4.

¹ Block (2002) is entitled “Controlling Erosion from Highways” and again appears to be marketing material for products related to BIOCYLE. Sort (1996) apparently addresses application of sewage sludge to limestone quarries, which hardly seems applicable to a revegetation project at over 6000 feet in a sensitive alpine ecosystem.

This statement is supported by photographs submitted in conjunction with the previous comments and appeals that document serious revegetation and erosion problems at these locations in both 2000 and 2001. The SEA attempts to explain away these results by claiming that the "emulsion" was applied on top of several inches of new snow but contains no supporting data or evidence for this conclusion.

Even in comparison with the limited experience of the Forest Service, this project appears poorly designed. For instance, the Forest Service appears to have formulated a revegetation plan with respect to the highway project that includes a description of native plants to be salvaged as well as those species that will be planted from seed to revegetate the area. The SEA, on the other hand, does not provide any information as to which species will be used to revegetate the area, whether any of the existing vegetation will be salvaged, how much of the SoilLok and related products will be applied and how the area will be maintained. In fact, all of this information should be available with regards to the previous revegetation efforts at Shooting Star and Mt. Hood Express. Why hasn't the Forest Service provided the public with this information? We request that the Forest Service include a description and analysis of the information documenting the hydroseeding efforts within the Mt. Hood Meadows Ski Area Permit Boundary and why the future efforts will produce better results.

Past failures have been well documented. The Forest Service now attempts to alleviate public concerns by relying on a new technology that has not worked under these site conditions. There is clearly existing scientific controversy as well as uncertainty as to how these mitigation measures will protect the natural resources of the area. In this situation, the Forest Service must prepare an Environmental Impact Statement to address these issues, setting forth with greater specificity the details of previous revegetation efforts within the Permit Area as well as detailed plans for salvage, reseedling, erosion control and revegetation efforts.

From a more practical standpoint, however, why doesn't the Forest Service first implement this technology and produce some demonstrated results at sites that already suffer from severe erosion and revegetation problems? Fix the problems you have already created before asking the public to accept inadequate evidence that you can avoid these problems in the future. Apply this technology to rehabilitate the Permit Area, and then come to the public with evidence of improved performance before moving forward with yet greater construction and disturbance. We are willing to work with the Forest Service to develop a strategy for producing information that we can accept, but until that takes place we will insist on calling out previous failures, revealing the inadequacies of supposed scientific information and forcing adequate public disclosure and involvement.

2. The monitoring plan is inadequate.

The monitoring plan is clearly inadequate and designed to simply continue the ineffective practices of the past. As we set forth in our Administrative Appeal, Doug Jones has already communicated to the public that he does not have adequate time or

resources to effectively monitor the activities of Mt. Hood Meadows. That is why the public has had to discover and document oil spills, erosion problems, revegetation issues, undetonated charges in Heather Canyon and illegal fills in sensitive wetlands. The Permit Administrator has not discovered any of these problems.

Nonetheless, the Forest Service insists on continuing with the same poorly conceived practices. The Monitoring Plan states that the "PA ensures that various prescribed resource treatments are taken by the ski area, determining whether they are effective." SEA at 5. Where was the PA when Mt. Hood Meadows released an oil spill at the base area? Where was the PA when Mt. Hood Meadows filled in the wetlands at the base area? Where was the PA when Mt. Hood Meadows built the "temporary road" above Daisy that had been dropped from the project during the appeals process? The PA has admitted to the public that he does not have the time nor the desire to effectively monitor the area, the public was well-documented failures in the monitoring efforts, and the Forest Service simply proposes to continue with the same process as before.

Furthermore, it is clear that the Forest Service has not consulted with state agencies or the Confederated Tribes of the Warm Springs Indian Reservation. The ROD specifically requires the Forest Service to consult, and the public must have the results of this consultation in order to participate in designing the monitoring plan. The Forest Service cannot simply promise to consult and then implement the project. The public, pursuant to NEPA, must be given the information on the consultation and the ability to comment on the monitoring plan following the input from the agencies that results from that consultation. Furthermore, we would encourage the Forest Service to consult with the Oregon Department of Environmental Quality ("DEQ") as well as the Oregon Department of Fish and Wildlife. The proposed construction activities threaten to impact water quality, and therefore, DEQ should be given a chance to provide input on how to effectively monitor for those impacts.

3. The SEA Fails to adequately address impacts to high-elevation vegetation.

We reiterate that the SEA and the EA have failed to address direct, indirect and cumulative impacts to high elevation alpine vegetation, including the white bark pine and the krummholz communities. The public has well documented the damage done by skiers, snowboarders, and grooming/snow farming practices, as evidenced by the photos and testimonials submitted during the initial public comments and appeal process. The Forest Service apparently responded by approving the Lift 21 Vegetation Management Plan and the snow Grooming and Trail Maintenance Procedure Update. These are wholly inadequate.

First, the Vegetation Management Plan states that 75 trees will be removed. Does this include trees only greater than 6 inches in diameter or does this figure include all trees at the site? The Vegetation Management Plant also indicates that the Forest Service and Mt. Hood Meadows will exercise "discretion" to clear yet more trees without public

comment or process simply to improve the “visual impact” of cutting straight lines. This decision has to be made with public input. The Vegetation Management Plan also calls for transplanting trees, however, we have already discussed and documented how these transplantations have failed in the Permit Area. Why does the Forest Service expect future transplants to survive?

The Snow Grooming and Trail Maintenance Procedure Update is also wholly inadequate. This procedure amounts to an employee training module, yet the policy does not set forth who will be given this procedure and how they will be trained. The policy does not set forth any procedures for recording training or dissemination of this information. And, this policy does not include any mechanisms for enforcing the protocols. In fact, this is little more than a piece of paper written by Mr. Warila to satisfy what he views as some technical requirement. The document clearly displays a complete lack of attention to practical implementation, and there is absolutely no mechanism for ensuring that this policy will be implemented and will actually improve the conditions at the site.

Furthermore, we again ask whether the increased traffic in the areas served by Lift 21 will require additional grooming? If so, what are the expected impacts to the vegetation communities from that increase in grooming and snow farming? We have clearly documented that grooming and snowfarming have an impact on the vegetation communities of the Permit Area. It would seem that increased beginner traffic would require greater snow maintenance activities. If this is true, what impacts are expected from these activities?

4. Is the bottom terminal within the Riparian Reserve of Mitchell Creek?

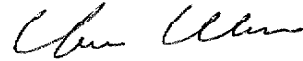
The SEA contains a diagram entitled “Lift 21 Grading Plan.” SEA at 12. The diagram of the bottom terminal includes a dotted line that appears to be Mitchell Creek. Are the bottom terminal construction or the ground disturbance/grading activities going to take place within the Riparian Reserve for Mitchell Creek? If so, these impacts have not been disclosed in the EA or SEA and need to be addressed by the Forest Service. Please clarify this issue in your response to comments and provide a diagram that clearly delineates the boundaries of the bottom terminal and the grading activities with respect to Mitchell Creek and the Riparian Reserve. The public cannot adequately review the impacts of the proposed activity without this information, as required by NEPA.

Thank you for considering these comments. In general, I would like to say that we were pleased that you considered our input as a result of the informal disposition meeting. I would like to see us work together as we move forward in an effort to guarantee that the public receives adequate information on these projects. I believe that this approach will only ensure greater protection of our natural resources (a fundamental goal of NEPA), and it will also help to provide the public with a greater sense of participation and input into the use, protection and management of our scarce alpine

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resources. I encourage you to contact us regarding these comments before you issue your decision notice so that we can discuss what information needs to be disclosed to the public and what analysis the Forest Service needs to undertake. We want to help you comply with NEPA, and we do not want to see contentious disputes arise after the process is complete.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Winter", written in a cursive style.

Christopher Winter