November 13th, 2014

Washington State Parks and Recreation Commission
Attn: Becki Ellison
PO BOX 42630
Olympia, WA 98504

Dear Commission Members:

The following comments are provided to the Washington State Parks and Recreation Commission by the Washington Department of Fish and Wildlife (WDFW) for the November 20th Commission meeting. Item E-1 is a two part agenda item regarding Land Classification and proposed alpine skiing expansion within the Potential Alpine Ski Area Expansion (PASEA) in Mt. Spokane State Park. We ask that the Commission consider our comments below when rendering a decision on these two items.

WDFW supports the selection of Alternative 2 which would classify the PASEA as Natural Forest Area. This classification is the most protective of wildlife habitats that exist within the designated area and appears to be the classification most consistent with the current habitat conditions. Alternative 2 provides the most protection for wildlife; however Alternative 3, a combination of Resource Recreation and Natural Forest Area classifications, also provides protection while encouraging low-impact use of the area. This is in line with the WDFW values in land management and we would support its selection if Alternative 2 is rejected. Both Alternative 2 and 3 would preclude the formal development of alpine ski runs on the backside of Mt. Spokane.

Our understanding is that the selection of Land Classification Alternative 4 will lead to the consideration of three alternatives regarding the development of formal alpine skiing within the PASEA. WDFW supports the selection of Alternative 1: No-Action as outlined in the Final EIS. Our concerns about the short term and permanent impacts associated with formal alpine skiing development within the PASEA have been well documented in our past correspondence with State Parks (MDNS SEPA Comment letter, March 2011; EIS Scoping Comment Letter, December 2013). These concerns include wildlife corridor fragmentation, elimination of large ungulate winter and summer thermal cover removal and impacts to Priority Habitats that support a variety of native wildlife and plant species. As identified in the Final EIS, the permanent removal of old growth/nature forests will result in "permanent loss or conversion of wildlife habitat and fragmentation of wildlife habitat resulting in decreased connectivity and a decrease in travel habitat effectiveness." (EIS, Section III, Pg 67, Long Term Impacts). Permanent impacts such as these will be difficult to mitigate and can only be avoided by selecting the No-Action alternative.
WDFW appreciates the opportunity to provide comments to the Washington State Parks and Recreation Commission. We value our working relationship with State Parks and to that end were pleased to see that it is State Parks' intention to work with WDFW to develop compensatory mitigation should alpine skiing with developed ski runs be approved by the Commission (Final EIS, Section III, section 2.4.2 “Potential Compensatory Mitigation Measures”). We will be glad to provide that assistance when called upon to do so. Should you have any questions regarding our comments please contact me at (509) 892-7852. 

Sincerely,

[Signature]

Steve Porzargar, Regional Director
Washington Department of Fish and Wildlife
Eastern Region, Region 1

cc:  Jeff Davis, Assistant Director, Washington Department of Fish and Wildlife
     Mark Wachtel, Regional Program Manager, Washington Department of Fish and Wildlife
     Grant Pfeifer, Eastern Region Director, Department of Ecology
November 11, 2014

Washington State Parks and Recreation Commission
P.O. Box 42650
Olympia, WA 98504-2650
RE: Mt. Spokane FEIS

Commissioners:
I am writing to voice my concern over a proposed ski area expansion in Mt. Spokane State Park. The removal of old growth forest at the headwaters of Blanchard Creek and the replacement of native forest and meadows with ski runs would cause irreparable harm to this unique piece of Washington’s largest park.


The area in question is unique. It is the largest stand of old growth forest in Spokane County and it supports many protected wildlife species such as wolverine, lynx, and goshawk. Robert Kimbel, a biologist for state parks, wrote that the area has the “highest known density of goshawks in Spokane County and the only place that still has lynx, wolverine and marten observations.” Kimbel has also identified at least 14 pockets of old growth within the area.

The Washington Department of Fish and Wildlife commented regarding concern that these animals, along with others, will be greatly reduced or possibly extirpated. Additionally, WDFW is concerned that “development in the PSEA (proposed expansion area) will alter the water regimes and quality causing impacts to Blanchard Creed draining and the fish resources that inhabit them.” The Washington Natural Heritage Programs, Department of Natural Resources, sent a letter saying they strongly recommend Alternative 2 (no expansion) be adopted to recognize the value of the area in its natural condition. According to the letter, “the northwest slope of Mt. Spokane
(the ski expansion area) is part of the largest, least fragmented forest habitat in the Park and connects the park forests on the south to forests on and off the park to the north.”

The ski concessionaire has said there is no old growth, that they need a lift on the north side to have a longer ski season, and that the expansion will bring in an additional $100,000 of revenue to State Parks. Yet all of the agencies agree there is old growth. Mt Spokane already has a lift on the north side - Chair 4. To increase revenue by $100,000 they would need to double their ski visits, which I question whether this expansion is likely to accomplish.

I support improving the existing Mt. Spokane Ski and Snowboard Park. But expanding into the rare and beautiful unlogged forest would be an irreversible mistake. I share DNR's position of support for Alternative 2 of the non-project combined FEIS, or a land classification that best protects the forest and wildlife. On the project portion of the FEIS, I support Alternative 1.

Sincerely,

Joe Fitzgibbon

Spokane Tribe of Indians
Department of Natural Resources
P.O. Box 480
Wellpinit, WA 99040

13 November 2014

Washington State Parks Commission
1111 Israel Road S.W.
Tumwater, WA 98504

Dear Washington State Parks Commission,

The Spokane Tribe Preservation Program is concerned about the ongoing Proposed Alpine Ski Expansion Area (PASEA) project and would like to see the area classified as Natural Forest Land under the State Parks classification system – Alternative 2 in the first section of the combined EIS. The Spokane Tribe Preservation Program does not wish to see this project proceed. Mount Spokane is an important part of the Tribe’s cultural landscape. The northwest side of the mountain is currently a pristine forest, an intact and healthy ecosystem with important springs, stream headwaters, vegetation, and wildlife habitat. The Spokane Tribe has utilized Mount Spokane and occupied the area around it for thousands of years.

Mount Spokane is part of the traditional Upper Spokane band territory, and the Tribe is deeply rooted to the mountain. Several Tribal elders hail from the area around Mount Spokane and still use it for gathering. These elders are concerned about PASEA and State Parks treatment of the mountain. Younger Tribal members and diverse urban Indians utilize the mountain as a gathering area for plant resources. The Spokane Tribe has a creation narrative situated at Mount Spokane. The mountain top once held large numbers of stacked rock alters, indicative of ceremonial activity. There are historic accounts of an Indian trail that went all the way to the summit at the time Europeans “discovered” the mountain. Large portions of the mountain have already been developed, but the PASEA area is still in very good shape, and looks much like it did a century ago (Figures 1 and 2)
From the standpoint of the Spokane Tribe Preservation Program PASEA will permanently degrade Mount Spokane as a cultural resource, which to us includes natural resources as well. The proposed project would destroy the current high level of integrity and resource value currently intrinsic to the northwest side of the mountain (Figures 3 and 4). The Spokane Tribe Preservation Program recorded Mount Spokane as a Traditional Cultural Place with the Department of Archaeology and Historic Preservation and the State Historic Preservation Officer is aware of our concerns. We feel that the site is eligible for inclusion on the National Register of Historic Places. The Upper Columbia United Tribes organization, of which we are a member, has also written a letter against this project. It is the Spokane Tribe’s sincere hope that the State Parks Commission will respect the long term stewardship objectives of our sovereign nation. We urge you to classify PASEA as Natural Forest Land at the upcoming Commission Hearing on 20 November, 2014. There are few near road-less unlogged forests of this character remaining within the Spokane Tribe’s usual and accustomed areas, whether on State, Federal, or private land. Those that do exist should not be taken for granted.

The EIS did not address the Tribe’s concerns expressed in its scoping comments. No ethnographic study or archaeological survey was conducted. The EIS is inadequate in terms of its addressing of: cultural resources, natural resources, visual impacts, and permitting requirements. There is no way to honestly evaluate impacts based on the level of analysis in the final EIS. Despite correspondence we have received from State Parks to the contrary, it is likely that this project will ultimately fall under Section 106 of the National Historic Preservation Act when the needed Army Corps of Engineer permits are applied for and therefore will trigger a more formal tribal consultation and cultural resource review process than State Parks is currently conducting under SEPA.

The visual impacts of this project are exponentially larger than the draft EIS portrays. In our DEIS comments we requested that a GIS view-shed analysis for the project, and that the data be compared with the visual impacts of other extant ski areas in Washington State. The draft and final EIS stated that it, ”is impractical to undertake a visual analysis of the entire area as a whole” (Combined Final EIS page 127). However, we had a local contractor with a Master’s Degree in GIS conduct the view shed analysis we requested as well as produce some better maps of the project. The view-shed analysis shows a large area were PASEA is visible including large portions of the cities of Spokane, Spokane Valley, Airway Heights, and Deer Park (Figures 5 and 6). This was a conservative analysis too, with a 30 mile buffer, and based on being able to see 15 percent of the ski runs. This analysis has not improved our view of PASEA, and its impacts on our cultural landscape.

The seven proposed new ski runs will convert an intact, high-altitude, perched forest into one cut by linear man-made scars with associated buildings, lights, and infrastructure. Residents of Spokane that today look up during spring, summer and fall to see an unbroken, dark green, evergreen canopy on the side of the mountain will instead see seven man-made corridors cutting this forest from top to bottom. In winter the corridors will be white scars cutting through a mixed green and white hoarfrost forest. The character and integrity of the mountain would be diminished.

In summary, the Spokane Tribe Preservation Program is asking the State Parks Commission to be a positive steward of the land under its protection and to make a land classification decision based on the authentic character of the mountain side in question – Natural Forest Land. Development of this area should not occur; PASEA should not be allowed to proceed. This is the proper decision, considering the generations to come. The Spokane Tribe Preservation Program looks forward to a long term relationship with Washington State Parks, at not only Mount Spokane but other regional state parks. We appreciate your deference on this critical regional issue.
Sincerely,
John Matt
Spokane Tribe of Indians Preservation Program Manager

by James Harrison, M.A.
(desigee)

Figure 1. An historic aerial photo of Mount Spokane.
Figure 2. An historic photo of Mount Spokane showing bear grass in foreground and the PASEA area in the background.

Figure 3. PASEA ski runs plotted on Google Earth image, 3D.
Figure 4. Proposed PASEA ski runs in plan-view, plotted on Google Earth image.
Figure 5. View shed visual impacts (in purple) with topographic background.
Figure 6. View shed visual impacts (in purple) with aerial background.
November 14, 2014

Washington State Parks and Recreation Commission  
Attention: Randy Kline, Environmental Program Manager  
PO Box 42650  
Olympia, WA 98504-2650

Subject: Comment Letter: 2014 Mount Spokane Combined Final Environmental Impact Statement

Members of the Washington State Parks and Recreation Commission,

The Lands Council would like you to consider our comments with regard to the impending Mount Spokane Land Classification. The Lands Council finds serious problems with the FEIS for the Mt. Spokane proposed classification for the PASEA. The FEIS and response to Comments fails to disclose impacts and also fails to provide adequate and measurable mitigation for impacts. Rather than provide an unbiased disclosure of impacts, the Washington State Parks Department (Parks) clearly favors expansion at the expense of protecting natural and cultural resources.

Parks clearly does not understand how a ski area operates. One example is the statement in the FEIS that native huckleberry and bear grass will not only be protected, but will expand because of the ski runs. Parks fails to understand that ski runs are routinely brushed to provide enhanced skiing at low snow conditions. In fact, the concessionaire has recently retrofitted a brush cutter, see photo below. Loss of native meadows and plants will be a loss to the cultural resource.
Old growth forest at the headwaters of Blanchard Creek would be bulldozed for the base of the proposed chairlift. Seven runs that are now native forest and meadows would be cut into the west/northwest side. Parks rushed through an environmental analysis that other state agencies find woefully inadequate. According to several state agencies and the Spokane Tribe, the expansion would cause irreparable harm to the native forest in Washington's largest park.

The Spokane Tribe, Upper Columbia United Tribe, Washington Natural Heritage Program, Washington Department of Fish and Wildlife, and Washington Department of Ecology, all oppose the expansion. Although some at State Parks are promoting the expansion, Robert Kimbel, a scientist at Washington State Parks, is very concerned, writing that there are "14 pockets of old growth identified in BSA ... the majority intersecting with the proposed lower portions of the lift line and associated trails." and the area has the "Highest known density of goshawks in Spokane County and the only place that still has lynx, wolverine and marten observations."

The Washington Department of Fish and Wildlife wrote the following comment: WDFW predicts the following impacts to wildlife in the wake of alpine ski area expansion into the back side of Mount Spokane: Animals extirpated or greatly reduced in the park – lynx, wolverine, marten, wolf. Animals extirpated or greatly reduced in the PSEA (proposed expansion area) – northern goshawk, pileated woodpecker, black-backed woodpecker, silver-haired bat, hoary bat, moose, elk, white-tailed deer, western toad, neotropical birds. WDFW is also concerned about water quality, writing: Development in the PSEA will alter water regimes and quality, causing impacts to the Blanchard Creek drainage and the fish resources that inhabit them.
The Washington Natural Heritage Programs, Department of Natural Resources, sent a letter saying they strongly recommend Alternative 2 (no expansion) be adopted to recognize the value of the area in its natural condition. The letter also said: The northwest slope of Mt. Spokane (the ski expansion area) is part of the largest, least fragmented forest habitat in the Park and connects the park forests on the south to forests on and off the park to the north. Mt. Spokane Park appears not only to be the largest, least fragmented forest landscape locally but inspection of aerial photography in Washington and Idaho reveals that similarly sized and continuous forest areas do not occur within a 20 to 30 mile radius.

The letters from WDFW and DNR have been sent to the Parks Commission and Staff since 2007. Even though the project has been reduced in scope since the first proposal, the fact remains that the 800 acres, no matter how you cut it will cause fragmentation and harms this wonderful biodiverse ecosystem. If a person is hit by a car and survives, it still damages the person, physically, often permanently. That’s what the ski area will do to the PASEA no matter how small. Your staff incorporated the 1993 DNR Natural Heritage Report by reference in the FEIS. 1993 is older than 2007. We have little of this type of forest left in Spokane County. It’s only because it has been under the protection of the Washington State Parks and Recreation Commission that it even exists today. Otherwise it would have been logged. It is your continual job to protect this ecosystem based on your core mission and values. You can read this in the state’s biodiversity document.

Recreation is important, we recognize your dual mission as an agency, but skiing is not the only form of recreation to get future generations in nature. This park is owned by all the citizens of Washington State, not just the “selfish chained to bulldozers environmentalists. King County residents, elitist skiers or non-skiers” (take your choice) and other descriptions from scoping and the DEIS comments that The Lands Council has been assigned to by some supporters of MS2000. Your decision extends way beyond SEPA because it is publically owned at a state-wide level. It doesn’t matter who you contract with privately, the fact remains that it is public land, and always will be.

It’s also a bit ironic that the state is buying natural areas like the Teanaway Wilderness and yet you are considering cutting down a wonderful Natural Forest Area that you already own: That all of us as citizens own?

The ski concessionaire, who has received hundreds of thousands of dollars of taxpayer money over the years to upgrade the lodge and other infrastructure, has repeatedly said there is no old growth, they need a lift on the north side to have a longer ski season, and that the expansion will bring in an additional $100,000 of revenue to State Parks. But all the agencies agree there is old growth and Mt Spokane already has a lift on the north side - Chair 4. To increase revenue by $100,000 they would need to double their ski visits, which is highly unlikely. Parks clearly did not analyze this claim by the concessionaire. Your staff, in the FEIS responses, Appendix H, has said that a Master Concession Plan is not needed because it’s not a contractual requirement. We have made this comment over the years and with the State Parks apparently planning to move into more public/private “partnerships” a Master Plan is just the smart business thing to do to. It protects the citizens as land owners, for one thing. It is a mistake to not have a Master Concession Plan with MS2000. That’s just common sense.

As far as the continuing argument over old growth or natural forest succession, old growth does exist. See 3.3.2.2 Forested Communities in the FEIS. The other state agencies are telling you this. The Nature Conservancy has weighed in the issue as has the Pacific Biodiversity Institute. As you know from DEIS comments, the Spokane Tribe and the Upper Columbia United Tribes all don’t want the PASEA cut. It is NOT just the Lands Council that thinks this. But interestingly enough, MS2000 and supporters have never taken on the other state agencies in their comments, publically that we know of. They don’t address the issue to their supporters they just continue to say it doesn’t exist. They don’t simply say, here’s what WDFW and DNR say about old growth and we disagree and here’s why. Instead they pretend that The Lands Council, the Mountaineers, the Audubon Society, The Native Plant Society, The Neighborhood Alliance and others are making old growth up. We have offered to you before, as Parks Commissioners more than once, to take you on a hike to the old growth in the winter. Regardless of your decision next week, please come see it yourselves in the future.

The Land Council knows about old growth and forests. We have worked on national forests for 31 years. WE started the forest collaboration in the three national forests we work in along with Tim Coleman and Russ Vaggen. Members of the collateral are diverse and include timber companies, county commissioners, motorized recreation, etc but we have managed to have great working relationships, and get things done. We stand ready to help Mt Spokane State Park thrive, if it is properly managed.
Altering the PASEA is controversial, there’s much is not known about it. The Tribes have grave concerns, and other state agencies do as well. The smart thing, for now, would be to take the PASEA out of the hands of MS2000 or any private entity and continue to manage it as a NFA - but allow existing uses such as backcountry skiing. That should be its designation because the future of the PASEA presents a wide variety of opportunities for scientists, educators, students, home for a variety of species, and other forms of non-downhill skiing. Its value now and in the future is far, far greater than that as a ski area. Especially since one exists already.

Sincerely,

Mike Petersen
Executive Director

25 W. Main Ave., Ste. 222 Spokane, WA 99201, Tel. (509) 838-4912, Fax (509) 838-5155,
http://www.landscouncil.org
November 14, 2014

VIA U.S. MAIL and E-MAIL: commission@parks.wa.gov

Commissioners
Washington State Parks and Recreation Commission
1111 Israel Road Southwest
Olympia, Washington 985094

RE: Mount Spokane State Park Classification and Ski Area Expansion and Development

Dear Commissioners:

We are counsel to Mt. Spokane 2000, a Washington non-profit corporation ("MS2000"). MS2000 and the Washington State Parks and Recreation Commission ("State Parks") have had a successful long term relationship for the operation of the existing ski facility. Both parties have engaged in lengthy deliberations about MS2000's right to expand the existing facility into the Potential Alpine Ski Area Expansion ("PSEA") at Mount Spokane State Park ("Mount Spokane"). The current action before the Commission is a result of this deliberative process. MS2000 submits this letter in support of its request that the Commission classify the PSEA pursuant to Alternative 4 (the "Classification Act") and adopt Alternative 3 to permit the expansion of the facility with an additional seven runs and a chairlift (the "Project").

The Classification Action provides for the classification of the PSEA as Recreation, Resource Recreation and Natural Forest Area. This balances recreation activities with continued stewardship of the area. Expansion Alternative 3 provides for the development of the Project in a portion of the PSEA with mitigation to offset potential environmental impacts.

1. MS2000's History of Promoting an Affordable and Accessible Ski Facility Dates to 1990.

MS2000's ties to the existing ski facility and an expanded ski facility relate back to 1990. At its inception, MS2000 undertook efforts to improve alpine skiing on Mount Spokane. MS2000’s initial focus was to ensure the existing concessionaire satisfied the goals of State Parks to provide a first rate and accessible facility. This included the preparation of an analysis of the existing alpine skiing area on Mount Spokane by Sno-Engineering (funded by State Parks). The Sno-Engineering Report (1992) identified a number of deficiencies with the concessionaire’s operation.
In response to the deficiencies in the report, State Parks issued a Request for Proposal for Concession Operation at Mount Spokane in May of 1994 for a term beginning in June of 1995. No responses were received. In January of 1995, State Parks issued a Request for Negotiated Submissions for concession operation at Mount Spokane. In response, State Parks received two submissions, including one from MS2000. MS2000 and State Parks entered into a final concession agreement on October 2, 1997 (the “Concession Agreement”). The Concession Agreement has been extended until 2027 to allow MS2000's continued operation of the facility.

MS2000 had two goals when it submitted its request for concession agreement negotiations in 1995. The first goal was to improve the current operation of the concession at Mount Spokane. The second goal was to expand the current operation into the area identified in the Concession Agreement as the "Potential Expansion Area.”

II. POTENTIAL EXPANSION PLANS HAVE BEEN IN PROCESS FOR FIFTEEN YEARS.

In 2006, MS2000 presented State Parks with a proposal to expand the facility into a portion of the PASEA. In response, State Parks engaged in a long term master facilities planning process approved in August of 2010. This master facilities plan omitted the PASEA, but included the understanding that potential ski facility expansion would be forthcoming, after MS2000 developed more formalized plans.

In 2011, the Commission approved the classification of the PASEA in a manner to permit MS2000 to develop seven runs and a chair lift after the preparation of a Supplemental Environmental Impact Statement ("SEIS") appended to the Master Facilities Plan. The Commission's 2011 decision was appealed and ultimately overturned on the basis that additional environmental review was required.

Notwithstanding the pending court action, MS2000 and State Parks pursued the preparation of the SEIS and Plan of Development to permit the expansion. The SEIS and Plan of Development were approved on November 12, 2012, and the parties executed Amendment #3 to the Concession Agreement. The SEIS analyzed the environmental impacts associated with a potential expansion of the ski facility consistent with the current Project and identified potential mitigation measures. There was no appeal of the SEIS or the Plan of Development.

Since the issuance of the Court of Appeals decision, State Parks engaged in two separate processes in an effort to address the concerns of the court. The first part of the process developed the generalized land classifications pursuant to WAC 352-16-060 for the acreage in the PASEA left unclassified in 1999. The second part reviewed and considered the MS2000 proposal to allow for the expansion of the ski facility with an additional seven runs and a chair lift.
November 14, 2014
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To support the two actions, State Parks prepared the combined Environmental Impact Statement ("EIS"). MS2000 retained ICF International to prepare a Wetland Delineation Report and Draft Habitat Management Plan. Each of these studies required a significant amount of on-site field work. The Draft Habitat Management Plan included studies to determine whether the Project would impact the Northern Goshawk. ICF performed tree coring on 108 trees to determine tree age within the PASEA. No other agency or member of the public conducted an equivalent analysis of the Project. The performance of this work ensures the Commission has all available scientific information to make the appropriate classification of the PASEA and approve the Project. The EIS represents the culmination of over a year worth of environmental review for both the Classification Action and the Project.

The EIS is a comprehensive analysis of the potential environmental impacts that may accrue as a result of the Classification Action and Project. It provides for an exhaustive listing of potential mitigation measures to minimize environmental impacts.

III. THE CONCESSION AGREEMENT RECOGNIZES RECREATIONAL USE OF THE PASEA.

In addition to the fact that the Classification Act and Project have been thoroughly analyzed in the EIS, the expansion is supported by the Concession Agreement. The Concession Agreement allows for “recreational” use within the Concession Area. The Concession Area is set forth on Attachment A of the Concession Agreement, which encompasses the PASEA. Section 2.02 states that it is the obligation of MS2000 to protect the aesthetic values of the concession area and adjacent lands “so far as it is consistent with the intended use of the concession area as a recreation area.” These unqualified obligations support the approval of the Project.

The Concession Agreement imposed minimal limitations on MS2000’s expansion into the PASEA insofar as it contemplates only ensuring MS2000’s use complies with all applicable laws and that it secure all necessary approvals. Ultimately, the contemplated use for the concession area is for recreational use. Any of the alternatives selected by State Parks for either the Classification or the Project that do not permit the expansion of the facility into the PASEA impairs the contractual rights that MS2000 possesses under the Concession Agreement and is inconsistent with the direction of the Commission at the time of entering into the Concession Agreement.

IV. THE PLAN OF DEVELOPMENT SHOULD BE CONSISTENT WITH THE EIS.

MS2000 reviewed the initial Draft ‘Plan of Development’ for the Project provided by State Parks. This Plan of Development details the development and operation of the expanded facility. MS2000 provided State Parks with its initial concerns on the Plan of Development and proposes that the parties continue to work on a Plan of Development going forward that incorporates both the approval and recommendations of the Commission and the reasonable concerns of MS2000.
MS2000's goal is that the Plan of Development be consistent with the EIS and consider permitting agency's conditions of approval.

MS2000 understands that the Plan of Development will include the following stipulation:

1. The current Plan of Development holds all development work until all permits are obtained, subject to potential approval by State Parks to proceed with each permit independently. Some permits contain limitations on their duration and may only be extended in the discretion of the local jurisdiction. MS2000 understands that State Parks will continue to work with MS2000 to permit tree clearing and construction activities to proceed in the event there is a reasonable purpose for doing so.

2. Presently the Plan of Development does not incorporate any potential conditions that are included within a permit issued by a regulatory agency. These should be included within the Plan of Development so that it provides for a comprehensive wrap up of all approvals.

MS2000 proposes the following modifications to the Plan of Development:

1. The contemplated periods where no work can be performed are not supported by the mitigation in the EIS. All proposed work stoppages proposed in the EIS were wildlife based and required review by a qualified wildlife biologist. The mitigation in the EIS to require the on-site biologist provides protection for existing wildlife. The absolute no-build requirement during the period prescribed in the Plan of Development may potentially extend the construction season and cause more impact than what is prescribed in the EIS. The most efficient and least impactful process is to allow MS2000 to complete clearing and construction in the shortest amount of time. There is no provision in the EIS for a work stoppage based upon plants and this restriction should be removed.

2. The management of the area should be consistent with the existing facility. As currently written, the Plan of Development contemplates the entire 279-acre expansion area as having a significantly higher level of protection. This means essentially Natural Forest Area protection in proposed tree islands and Resource Recreation in the runs. This creates inconsistent management between the two portions of the facility and operational difficulties for MS2000.

In addition to the foregoing, all mitigation measures should be the same as set forth in the EIS. The alternatives proposed by MS2000 are supported by the EIS and designed to minimize potential environmental impacts.
MS2000 believes that Classification Alternative 4 and expansion Alternative 3 provide the appropriate balance of ski facility expansion and stewardship. MS2000 appreciates the continued support of the Commission in providing for an accessible ski facility in the region.

Very truly yours,

[Signature]

Nathan G. Smith

NGS/kh

C: MS2000