



Grand Canyon Chapter • Protect the Grand Canyon Ecoregion Campaign  
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June 22, 2020

To: Victoria Christiansen, Forest Service Chief  
Cal Joyner, Regional Forester, Region 3  
Laura Jo West, Supervisor, Coconino National Forest  
Christopher Koepfel, Assistant Director for Tribal Relations  
Amy Lueders, U.S. Fish and Wildlife Service Regional Director  
Sandra Watts, Acting Regional Forester  
Jeffery Humphreys, Field Supervisor  
Shaula Hedwall, Fish and Wildlife Biologist  
Mike Dechter, NEPA Coordinator

From: Alicyn Gitlin; Grand Canyon Program Manager, Sierra Club

RE: Arizona Snowbowl Agassiz Chairlift Replacement Project National Environmental Policy Act (NEPA) and Endangered Species Act violations

Dear Ms. Christiansen, Mr. Joyner, Ms. West, Mr. Koepfel, Ms. Lueders, Ms. Watts, Mr. Humphreys, Ms. Hedwall, and Mr. Dechter:

It has come to our attention that the Coconino National Forest has allowed Arizona Snowbowl to proceed with construction of the Agassiz Chairlift Replacement Project in violation of the conditions listed in the Decision Notice and Finding of No Significant Impact (Decision Notice/FONSI). The Agassiz Chairlift Replacement Project was a contentious decision and received numerous objections. Many of the objectors were Tribal members (this project is occurring within a Traditional Cultural Property) and the objection resolution meetings held in Flagstaff barely allowed enough time for objectors to introduce themselves and explain the rationale behind their objections. Yet, despite the hurried pace of these meetings, there were a few minor concessions made. One of these is expressed on page 10 of the Decision Notice/FONSI:

Provide the results of the San Francisco Peaks ragwort survey to be conducted in the project area prior to construction or any ground disturbance activities related to project implementation.

o This has been addressed by adding a PDC in this decision to provide the results of the preimplementation survey to objectors. (Decision Notice/FONSI at p.10)

While Snowbowl Road was closed to protect public safety during the novel coronavirus pandemic, logging and ground disturbance associated with this project proceeded without any public oversight. On June 3<sup>rd</sup>, with numerous downed trees stacked alongside the project area, a team engaged in a partial survey “with minimal



GPS equipment.”<sup>1</sup> Populations within the project area were relocated and marked. No new populations were found.<sup>2</sup>

**A survey was not conducted, and results were not provided to objectors,** “prior to construction or any ground disturbance activities related to project implementation,” as required in the Decision Notice/FONSI (p. 10).

On June 16<sup>th</sup>, 2020, objector Shawn Mulford was permitted to tour the site, after project implementation had begun. During his visit, a new plant was identified in the project area.

The San Francisco Peaks Ragwort (*Packera franciscana*) was federally listed as **Threatened with critical habitat** in November 1983 and the species is protected under Section 7 of the Endangered Species Act. This unique ragwort species is endemic to the San Francisco Peaks, meaning that it occurs nowhere else in the world. Its limited habitat is shrinking due to recreation (hiking, mountaineering, and skiing) and climate change. Despite its Threatened status and existing impacts to its habitat, **Snowbowl is currently carrying out construction plans within critical habitat, further jeopardizing this species.**

The U.S. Fish and Wildlife Service drafted a recovery plan for the San Francisco Peaks Ragwort more than 30 years ago (October 1987) to prevent the species from becoming endangered or going extinct. **This recovery plan is outdated and must be updated before construction continues to jeopardize recovery.** The U.S. Fish and Wildlife Service initiated a five-year status review for this species in April 2007 to establish a baseline population. One of the goals of the review, aside from monitoring, was to influence management responses and revise the Recovery Plan which has not yet occurred. **Without properly revising management responses linked to existing data, no relevant framework exists to protect this species.**

The 2007 monitoring effort helped identify a baseline population for long-term demographic trend monitoring. Individual monitoring efforts are not meaningful; long-term demographic trend monitoring must take place to understand overall population trends. Assessing whether populations are decreasing, stable, or increasing helps managers determine whether their actions are lending to the recovery of imperiled species. Without stable or increasing population trend data, species vulnerability cannot be properly assessed. **Construction decisions within critical habitat will inevitably increase the vulnerability of this species. Without necessary protective measures, and with the combined impacts of climate change, it is quite possible that this species will go extinct within our lifetime; the survival of the San Francisco Peaks ragwort ultimately relies on our values and actions at present.**

“Section 7 of the (Endangered Species) Act directs all Federal agencies to use their authorities to carry out programs for the conservation of endangered or threatened species. This section further directs Federal agencies to ensure that no actions they authorize, fund, or carry out are likely to jeopardize the continued existence of an endangered or threatened species.” ([https://www.fs.fed.us/wildflowers/Rare\\_Plants/conservation/lawsandregulations.shtml](https://www.fs.fed.us/wildflowers/Rare_Plants/conservation/lawsandregulations.shtml))

The stark lack of oversight, including the lack of consistent demographic monitoring data, prevents the Coconino National Forest from determining whether Snowbowl’s construction plan complies with recovery goals. In this case,

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<sup>1</sup> p. 1 in Agassiz Chairlift Replacement, Arizona Snowbowl Resort, San Francisco Peaks ragwort Project Design Criteria, Mitigations, and Implementation Plan. June 3<sup>rd</sup>, 2020.

<sup>2</sup> *ibid.*

the Coconino National Forest is not complying with Section 7 of the Endangered Species Act because land managers are failing to ensure the continued existence of this threatened species. The Coconino National Forest is not complying with its own Decision Notice/FONSI on this project.

In order to protect the San Francisco Peaks ragwort from potential threats, the recovery plan must be revised, carrying out more consistent monitoring, and ensuring that data demonstrate stable or increasing population trends before permitting actions that could further imperil this species. This species has extremely restricted populations and should be given proper protection for its continued survival.

**This is just one more example of the Coconino National Forest allowing Arizona Snowbowl to operate despite numerous violations of the National Environmental Policy Act.**

After this project is complete, Arizona Snowbowl will be operating six, rather than five, aerial chairlifts. The 2005 Arizona Snowbowl Facilities Improvements Final Environmental Impact Statement (EIS) and Record of Decision (ROD), which the Arizona Snowbowl Agassiz Chairlift Replacement Project Environmental Assessment (EA) explicitly incorporates by reference (at 8), analyzed and authorized the operation of five aerial chairlifts, not six. The Forest Service has never analyzed the cumulative impacts of operating six aerial chairlifts at the Arizona Snowbowl, and did not do so in the extant EA, even though the EA explicitly states that such construction and operations are within the scope of the EA's cumulative impacts analysis.<sup>3</sup>

The Forest Service's legal mandate under NEPA is clear. The Forest Service must "take a 'hard look' at environmental consequences" of its proposed actions. *Earth Island Inst. v. U.S. Forest Serv.*, 351 F.3d 1291, 1300 (9th Cir. 2003); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989); 42 U.S.C. § 4332(2)(C); 40 C.F.R. §§ 1502.16, 1508.7, 1508.8. The required hard look encompasses effects that are "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative." 40 C.F.R. § 1508.8. Cumulative impacts are those that "result[] from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions" and "can result from individually minor but collectively significant actions taking place over a period of time." *Id.* § 1508.7. This "hard look" should be explained, and the information relied upon disclosed, within the FEIS. It requires a "full and fair discussion of significant environmental impacts." 40 C.F.R. § 1502.1. General statements about potential impacts or generalized assertions that one alternative will have less impacts to a forest resource over another alternative do not satisfy this hard look requirement. See, *W. Watersheds Project v. Kraayenbrink*, 632 F.3d 472, 491 (9th Cir. 2011); *WildEarth Guardians v. U.S. Forest Service*, 790 F.3d 920, 927 (9th Cir. 2015).

The five aerial chairlifts analyzed and authorized by the 2005 FEIS and ROD are (1) Agassiz, (2) Humphreys, (3) Aspen, (4) Hart Prairie, and (5) Grand Canyon Express. ROD at 13, FEIS at 2-5, 6. The sixth, unplanned aerial chairlift is the Sunset chairlift, which, as described below, was supposed to have been "replaced" by the Grand Canyon Express chairlift and "relocated" to become the Humphreys chairlift.

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<sup>3</sup> For example, the EA states that "the following projects... could have cumulative effects..." and then lists first among projects the *2005 Arizona Snowbowl Facilities Improvements Final Environmental Impact Statement and Record of Decision*. EA at 40.

The 2005 ROD at 13 and FEIS at 2-7 state that:

*“The Sunset Chairlift would be replaced and realigned with a high speed chair. It would also be realigned and lengthened with a new top-drive terminal located at 10,900 feet in elevation –approximately 300 feet south/southwest of the existing mid-station on the Agassiz Chairlift.”*

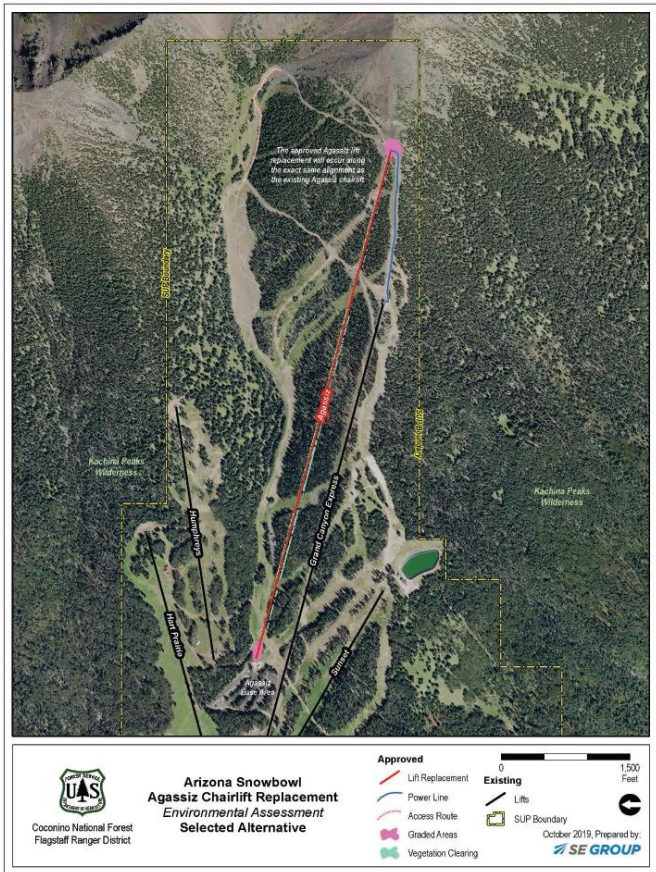
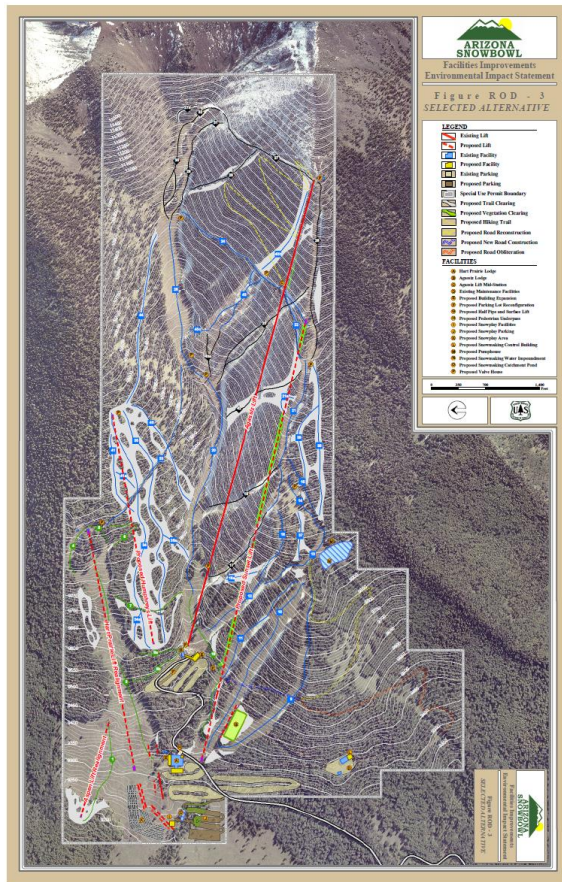
The 2005 ROD at 13 and FEIS at 2-8 state that:

*“The existing Sunset Chairlift would be relocated and installed as the proposed Humphreys Chairlift, accessing a new pod of proposed ski trails. The lift would start near the Agassiz Lodge and extend approximately 3,000 linear feet to terminate at an elevation of approximately 10,400 feet.”*

However, instead of replacing and relocating the Sunset chairlift, the Arizona Snowbowl constructed two new chairlifts to become Humphreys and Grand Canyon Express, leaving the Sunset chairlift in place, which it continues to operate today.<sup>4</sup> This violates the 2005 FEIS and ROD and, for lack of analysis and authorization, NEPA. These differences are shown in the following side-by-side comparison of ski area maps from the 2005 ROD (which excludes Sunset Chairlift) and Draft Decision for the extant EA (which does not show Aspen lift).

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<sup>4</sup> The Arizona Snowbowl website boasts that the ski are currently operates “[six aerial chairlifts and two surface conveyors](#), including Arizona’s first and only high-speed 6-person lift.”



The Forest Service’s failure to analyze the cumulative effects of operating six instead of five chairlifts is exacerbated by other factors.

First, the 2005 FEIS explicitly contemplated that the replacement to the Sunset chairlift would be a four-seated chairlift; Arizona Snowbowl built a six-seated chairlift. Table 3F-8, FEIS at 3-143.

Second, the EA lists a “Comfortable Carrying Capacity” (CCC) of 3780 skiers (EA at Table 2-1), which increases by 37% the 2,825 skier CCC analyzed and authorized in the 2005 ROD, and exceeds peak day visitation CCC analyzed in that ROD. The ROD states:

*“With the Selected Alternative, the Snowbowl’s Comfortable Carrying Capacity (CCC) will be 2,825 skiers-at-one-time. Peak day visitation is expected to continue to reach in excess of 3,400 skiers-at-one-time.”*

2005 ROD at 10. The Forest Service has never analyzed the direct, indirect, and cumulative impacts of increasing the CCC of Arizona Snowbowl by 37%, from 2,825 to 3780 skiers, and did not do so in the context of the EA.

Individually and together, the unauthorized operation of the sixth Sunset Chairlift, the construction and operation of a six- instead of four-seated chairlift to replace it, and the increase of CCC by 37%, from 2,825 to 3780 skiers allow for more uphill capacity and more skier visitation than was analyzed or authorized by



the 2005 FEIS and ROD. This changes the cumulative effects context of the current EA; those effects were not analyzed in the context of the Arizona Snowbowl Agassiz Chairlift Replacement EA.

For example, not previously analyzed uphill capacity of Sunset and Grand Canyon Express chairlifts will result in higher skier densities on ski runs that they individually serve, and that they commonly serve with the Agassiz Chairlift. Those effects include higher on-run skier densities, and, as a result, increased risks of skier collisions, injury, or death. This increases on-run skier density in those areas, and changes the “Density Index” indices analyzed and authorized in the 2005 FEIS and ROD, and the corresponding ability of the ski area to provide for things such as guest services, restrooms, and public safety. Table 3F-8, FEIS at 3-143. Additionally, the operation of six instead of five aerial chairlifts, and the accommodation of 3,780 instead of 2,825 skiers, requires higher overall ski area energy use. This energy use, and its resulting direct and indirect greenhouse gas emissions, are cumulative effects of the proposed action that have never previously been analyzed or authorized under NEPA.

The Forest Service has never analyzed, pursuant to NEPA, the direct, indirect, or cumulative impacts of operating six aerial chairlifts inclusive of the Sunset chairlift or a six-seated Grand Canyon Express at Arizona Snowbowl. The Forest Service has never analyzed, pursuant to NEPA, the direct, indirect, or cumulative impacts of increasing ski area CCC by 37%, from 2,825 to 3,780 skiers. The Forest Service has never undertaken public notice and comment pursuant to NEPA for any proposal to operate six aerial chairlifts, inclusive of the Sunset chairlift or a six-seated Grand Canyon Express, at the Arizona Snowbowl. The Forest Service has never undertaken public notice and comment pursuant to NEPA for any proposal to increase ski area CCC by 37%, from 2,825 to 3,780 skiers. Nor has the Forest Service ever *authorized*, pursuant to NEPA, Arizona Snowbowl’s construction and operation of six aerial chairlifts inclusive of the Sunset chairlift at the Arizona Snowbowl, or increasing ski area CCC by 37%, from 2,825 to 3,780 skiers. The ski area operation, in its current form, has never been analyzed or authorized by the U.S. Forest Service.

And now, the Forest Service has failed to ensure that the Arizona Snowbowl met the requirements established in the Decision Notice/FONSI for the Arizona Snowbowl Agassiz Chairlift Replacement Project.

**Remedy Sought:**

- 1) The Forest Service must immediately halt all construction associated with the Arizona Snowbowl Agassiz Chairlift Replacement Project;
- 2) The Forest Service must conduct a complete and comprehensive survey for the San Francisco Peaks Ragwort (*Packera franciscana*) across its habitat, and within the Arizona Snowbowl boundary. A full report of this survey must be provided to objectors prior to the reconvening of ground disturbance;
- 3) The 30+ year old San Francisco Peaks Ragwort recovery plan must be updated before moving forward;
- 3) The Forest Service should reinitiate Tribal consultation on this project, communicating the results of the updated plant survey and ongoing NEPA violations with the Tribes;
- 4) The Forest Service must prepare an EIS on this project, including an analysis of the correct number of ski lifts that will be in operation after the project is completed and the actual CCC that Snowbowl will be operating at after project completion.

Please keep us informed about this and other activities related to Arizona Snowbowl.

Sincerely,

A handwritten signature in black ink that reads "Alicyn Gitlin". The signature is written in a cursive, flowing style.

Alicyn Gitlin  
Sierra Club - Grand Canyon Chapter