



Defend the Sacred

Unifying & Holding Federal Agencies Accountable

Since the publication of its 2005 Record of Decision (ROD) for Arizona Snowbowl Facilities Improvements, the Coconino National Forest has made several piecemeal decisions that allowed Snowbowl's owners to make major changes to the resort without public notification and involvement or Tribal consultation. Some changes to resort operations were made without any publicly available documentation at all.

- **USFS issued three Supplemental Information Report (SIR) Decisions that circumvent public notice, comment, and review procedures required under the National Environmental Policy Act (NEPA), and evade the Tribal consultation required by the National Historic Preservation Act (NHPA), to significantly expand ski area operations beyond capacities approved in the 2005 Record of Decision (ROD)¹ and 1992 Special Use Permit.²**
 - The SIR Decisions occurred after the expiration of a 2005 Memorandum of Agreement (MOA) with Tribes, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation (ACHP); any and all construction after the MOA expiration potentially violated USFS's compliance with the NHPA.
 - The ACHP sent a letter to USFS stating that, *"no further work or permitting related to activities comprising of the undertaking covered by the 2005 MOA may occur absent an alternative Section 106 [of the NHPA] compliance under the Section 106 regulations."*³
 - Additionally, the SIR Decisions are inconsistent with Arizona Snowbowl's 2005 Master Development Plan (MDP).
 - USFS violated its Forest Service Handbook guidelines by issuing SIR Decisions that are not "within the scope and range of effects considered in the original analysis." The "original analysis" in this case is the 2005 Final EIS and 2005 ROD.
- **There are Endangered Species Act concerns related to allowing the "destruction or adverse modification of habitat" for the San Francisco Peaks ragwort with no mitigation or authorization.**
 - The USFS allowed construction of a new chairlift to proceed prior to conducting a survey for a listed threatened plant, the San Francisco Peaks ragwort. The USFS violated an agreement with Objectors who included the Dine' Medicine Men Association and other stakeholders by approving construction prior to conducting the survey.⁴

¹ Arizona Snowbowl Facilities Improvements Final Environmental Impact Statement, February 2005; Record of Decision, Arizona Snowbowl Facilities Improvements Final EIS and Forest Plan Amendment #21, February 2005.

² USDA – Forest Service Ski Area Term Special Use Permit FS-2700-24 (7/92) OMB No. 0596-0103 Expires 12/02/2032.

³ Letter from Jaime Loichinger, Office of Federal Agency Programs, ACHP, to Laura Jo West, Forest Supervisor, Coconino National Forest dated August 12, 2021.

⁴ p. 10 *in* Decision Notice/Finding of No Significant Impact for the Agassiz Chairlift Replacement Project.

- The nearly 34-year-old ragwort recovery plan must be updated. The quote below is taken from the 1987 Ragwort Recovery Plan. Snowbowl visitor use and Ski Area expansion were perceived threats in 1987 and this remains even more relevant in 2021:

“When Senecio franciscanus was cited as a threatened species, perceived threats to it included trampling and habitat destruction by hikers, which would be exacerbated by increased visitor use that would result from the proposed Snow Bowl Ski Area expansion; and inadequate regulation of off trail hiking (Fletcher 1978, Phillips and Peterson 1980, USFWS 1983).”⁵

- **USFS has allowed peak visitation numbers at the resort to become unlimited and uncontrolled, violating the SUP⁶ and conflicting with numerous assertions in the 2005 Final EIS and 2005 ROD that daily visitation would not be allowed to increase⁷:**

- In an arbitrary and capricious manner, the Environmental Assessment for the Agassiz Chairlift Replacement Project assigned a 37% increase in visitor capacity to Snowbowl without explanation or analysis of any direct, indirect, or cumulative impacts.
- Using a SIR Decision, USFS approved 400 new parking spaces for skiers absent the public notice, comment, and review requirements of NEPA, in direct conflict with the 2005 FEIS and ROD, and with no analysis of the direct, indirect, and cumulative impacts.⁸ The 2005 FEIS and ROD stated at least 11 times that USFS would rely on parking and the lack of a shuttle to limit skier capacity.
- In the SIR Decision, the Forest Service authorized the lot to be 3.3 acres; the actual surface area of the built lot including the access road leading to it is far larger.⁹ Ground disturbance associated with the lot construction has an even bigger footprint and is now causing erosion and drainage issues across Hart Prairie. According to a citizen survey, runoff containing parking lot litter and likely containing reclaimed wastewater from melting artificial snow is traveling one-half mile from the ski area boundary.¹⁰
- An extra area of disturbance was originally intended for snowplay use, and rather than requiring Snowbowl to clean up and reclaim Hart Prairie, USFS is allowing the fill to remain for an unidentified “future small guest services facility.”¹¹
- USFS allowed a shuttle to increase visitation, after specifically refusing to analyze the impacts of a shuttle in the 2005 FEIS.¹²

⁵ p. 8 in USFWS 1987. Recovery Plan for San Francisco Peaks Groundsel, *Senecio franciscanus* Greene.

⁶ See Section G, Master Development Plan in USDA – Forest Service Ski Area Term Special Use Permit FS-2700-24 (7/92) OMB No. 0596-0103 Expires 12/02/2032: “For planning purposes, a capacity for the ski area in people-at-one time shall be established in the Master Development Plan and appropriate National Environmental Policy Act (NEPA) document. The overall development shall not exceed that capacity without further environmental analysis documentation through the appropriate NEPA process.”

⁷ Capacity as stated in 2005 Environmental Impact Statement (EIS) Purpose and Need: “Need: To increase the capacities of the day lodges, chairlifts, and other ski infrastructure, bringing it into balance with *current* use levels, while remaining within the ski area’s approved CCC of 2,825 skiers.” (ROD pp. 5-6; *italics copied from original statement*)

⁸ Supplemental Information Report: Arizona Snowbowl Snowplay/Tubing Parking Lot Skier Use Assessment. September 25, 2019. File Code 1950; 2340; 2720.

⁹ *Ibid.*

¹⁰ Citizen surveys during 2020 and 2021 performed by Richard Hereford, Tom Brownold, and Gwendolyn Waring.

¹¹ p. 3 in September 25, 2019 Supplemental Information Report: Arizona Snowbowl Snowplay/Tubing Parking Lot Skier Use Assessment, File Code 1950; 2340; 2720.

¹² The free shuttle is advertised on Snowbowl’s website: <https://www.snowbowl.ski/the-mountain/shuttle/>. Its impacts on visitation have never been analyzed. USFS refused to analyze having Snowbowl run a shuttle instead of building more parking lots in the 2005 EIS because, “To this end, analysis of a potential shuttle system was not completed... as it had already been analyzed, implemented and proven not to be necessary once the access road was paved. In addition, parking is the only limiting factor for peak day visitation.” (2005 Final Environmental Impact Statement for Arizona Snowbowl Facilities Improvements Volume 2 Response to Comments on the Draft Environmental Impact Statement at pp. 21, 176-177.) Now there is a new parking lot for skiers *and* a shuttle, effectively removing any limit on visitation to the resort.

- USFS has allowed chairlift capacity of two lifts to increase with no public disclosure, Tribal consultation, or analysis: the Grand Canyon Express chairlift was supposed to be a 4-seated chairlift but Arizona Snowbowl built a 6-seated chairlift with no public disclosure. The Sunset lift was supposed to be replaced with a lift that had one-third the capacity, but was allowed to remain in place via a SIR Decision that did not discuss the volume of the lift.¹³

A new SUP is required when resort ownership changes, and requires a NEPA and Tribal Consultation process.

- The industry association, the National Ski Areas Association, lists James Coleman's Mountain Capital Partners as the owner of Arizona Snowbowl, Arizona.¹⁴
- According to a Forest Service analysis¹⁵:

"In October 2014 the Coconino National Forest received a form FS-2700-3a - Holder Initiated Revocations of Existing Authorizations from Arizona Snowbowl Resort Limited Partnership notifying the Forest Service of the intent to sell to Snowbowl Recreation I Limited Partnership represented by James Coleman. Coleman also represents [Mountain Capital Partners] MCP and currently operates several other ski areas in the Southwest... However, in January 2015 Coleman and Arizona Snowbowl Resort Limited Partnership asked that the sales process be halted, which the USFS then halted. In July 2015 Snowbowl announced that Coleman joined Arizona Snowbowl Resort Limited Partnership as a general partner rather than buying the resort outright or having a majority interest.

"...As long as the legal partnership entity holding the permit continues to exist, partnership interests in that entity can change, without effecting a change in ownership of permitted improvements, A.R.S. § 29-322. Since Arizona Snowbowl Resort Limited Partnership remains the legal operating entity there is no requirement to issue a new special use permit."
- It is clear from the Forest Service's findings that Arizona Snowbowl Resort Limited Partnership exists solely to prevent a new Special Use Permit, NEPA analysis, and the requirement to consult with Native American Tribes. The Forest Service's decision also sets up a dangerous precedent; as long as Arizona Snowbowl Limited Partnership exists, future owners can join the partnership and the Forest Service may never get an opportunity to update the Special Use Permit again.

***"In managing Federal lands... avoid adversely affecting the physical integrity of such sacred sites...address, among other things...
 "Procedures implemented or proposed to facilitate consultation with appropriate Indian tribes and religious leaders and the expeditious resolution of disputes relating to agency action on Federal lands that may adversely affect access to, ceremonial use of, or the physical integrity of sacred sites" - Executive Order 13007***

¹³ Supplemental Information Report - Arizona Snowbowl, Canyon Express Chairlift. February 8, 2016. File Code 1950; 2720.

¹⁴ https://www.nsaa.org/NSAA/Media/Who_Owns_Which_Mountain_Resorts.aspx, accessed 9/15/21. Interestingly, they make sure to note that Nordic Valley Recreation, Utah is operated under a long term agreement by MCP, though it's owned by Skyline Mountain Base, LLC. They don't mention that Arizona Snowbowl Limited Partnership owns Snowbowl.

¹⁵ "Arizona Snowbowl Resort Ownership" report published on December 31, 2019 by US Department of Agriculture.