

# BIG MOUNTAIN WHITEFISH SKI & SUMMER RESORT

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September 9, 2002

**CQ478**

NEPA Task Force  
PO Box 221150  
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Dear NEPA Task Force:

**Re: Comments on NEPA Task Force's Improvement and  
Modernization of NEPA Analysis and Documentation**

Winter Sports Inc., owners and operators of Big Mountain Ski and Summer Resort at Whitefish, submits these comments in response to the CEQ's Notice and Request for Comments published in the Federal Register on July 9, 2002 on the NEPA Task Force's efforts to improve NEPA analysis and documentation. We appreciate the willingness of the CEQ to extend this deadline for public comments and hope our input will be valuable as your task force seeks solutions.

### 1. The Forest Service is Increasingly Requiring EIS's

The U.S. Forest Service is requiring Environmental Impact Statements (EIS's) in situations where only a couple of years ago an Environmental Assessment (EA) would have sufficed. The tendency to "jump" to an EIS to avoid opposition is a perfect example of the "process predicament" described in the Forest Service's June 2002 report on analysis paralysis. The agency recently suggested an EIS for Big Mountain ski area for new proposed mountain bike trails. Both bike and horse trails had been approved in an earlier EIS.

Potential Solution - Perhaps we need to return to the original NEPA language where EIS's would be used on projects of major (significant) environmental change. Do we need to better identify what is "major" or "significant?"

### 2. EA's and CE's Have Become Longer and More Complicated Than Intended

EA's have become lengthy and expensive analyses. The Forest Service should develop and consider alternatives in EA's only when there are unresolved conflicts, consistent with § 102(2)(c). Agencies implementing NEPA need to keep in mind that CEQ's regulations define an EA as a "concise" document which "briefly provide(s) sufficient evidence and analysis for determining whether to prepare an environmental impact statement." 40 CFR § 1508.9. In the Flathead National Forest we went through a period where they would not consider using either an EA or EE. This has changed a little in the last six months.

Potential Solution - Perhaps we need to return to the original NEPA language where EIS's would be used on projects of major (significant) environmental change. Do we need to better identify what is "major" or "significant?"

### 3. Cumulative Effects Analysis Requirements have become a Moving Target and are Increasingly Burdensome: Consulting Agencies are Contributing to the Problem

The Forest Service and NEPA consulting agencies have increased the level of analysis required in the area of cumulative impacts. Challenging cumulative impacts analysis is the new growth area for environmental groups aiming to delay ski area project approvals. At Big Mountain we found a consultant and funded 100% of the preparation of the first CEM for Grizzly Bears in the 100 miles surrounding our area. This

was done at the request of USFWS and the USFS. One year later the USFS got their own CEM running which confirmed the outcomes of the earlier CEM. Since 1995, neither one of these CEM's have been used by either agency for decision making in our National Forest Area.

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Potential Solution - There is significant concern that any CEM has very limited value, and that any output can be easily challenged. Consider dropping the need (requirement?) for CEM's. If they are not dropped consider having all interested parties fund the CEM on an equal basis. This would force early communication and coordination of these parties so that a CEM has some mutual value.

**4. NEPA Analysis is Redundant; We Conduct New Studies and Analysis of Issues that Have Already Been Adequately Addressed**

See #3 above

There needs to be more intensive use of "tiering" to other completed environmental/NEPA documents. While some courts have suggested a "shelf life" for NEPA documents, that fact is, that much of the environmental informative/data does not change. If a new document is needed, it should tier to the existing documents, and only address any "new conditions."

**5. "Raising the Bar" Due to Fear of Appeals**

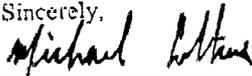
Too often we are asked by the agency to provide more and more detailed information, not to make a better decision, but to show more effort and hopefully to reduce the chance for appeals. This is not productive.

In business, if you can obtain 60% of the information, you generally make your decision. We all live in an imperfect world, and waiting for more information does not necessarily lead to better decisions.

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Once again we thank-you for the extended deadline for comments. Hopefully valuable input has been submitted to the task force for successful improvement of NEPA analysis and documentation.

Sincerely,



Michael Collins  
President and CEO  
Winter Sports Inc.



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### FAX TRANSMITTAL SHEET

SENDING TO: NEPA Task Force  
ATTENTION:  
FAX NUMBER: 801-517-1021

FROM: Winter Sports Inc., Michael Collins  
DATE: September 23, 2002

NUMBER OF PAGES: 3 (including cover page)

If there is a problem with this transmission, please call (406) 862-1932.

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