

LEGISLATION and EXISTING USFS DIRECTION

NEPA requires “consideration of a reasonable range of alternatives that can accomplish the purpose and need of the proposed action.” The comparison table in the FEIS (p 24) displays the similarity among action alternatives.

CEQ regulations pertaining to NEPA:

Purpose and need: Agencies draft a “Purpose and Need” statement to describe what they are trying to achieve by proposing an action. The purpose and need statement explains to the reader why an agency action is necessary, and serves as the basis for identifying the reasonable alternatives available to the agency.

Effects analysis: CEQ directs the analysis of the full range of direct, indirect and cumulative effects of the preferred alternative and of the reasonable alternatives identified. It defines cumulative impact as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”¹

SKI AREA OUTDOOR RECREATION ENHANCEMENT ACT

(1) **AUTHORITY OF SECRETARY**².—Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

(2) **REQUIREMENTS**.—Each activity and facility authorized by the Secretary under paragraph (1) shall—

(B) to the extent practicable—

- (i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located
- (ii) be located within the developed portions of the ski area

(C) be subject to such terms and conditions as the Secretary determines to be appropriate

(D) be authorized in accordance with—

¹ 40 C.F.R. § 1508.7 and § 1508.8 p 26, 2005

² The Secretary of Agriculture delegates this authority to the local USFS offices.

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- (i) the applicable land and resource management plan. The BTNF forest plan guidance for DFC 9B (resorts) specifies that “Visual Quality Objectives are Partial Retention and Modification. Facilities are often dominant, but harmonize and blend with the natural setting.”
- (ii) applicable laws (including regulations)

(5) LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow sports.

FOREST SERVICE MANUAL DIRECTION

FSM 2343.11 states, “Work with holders to ensure that ski areas provide a high-quality recreation experience and that recreation activities at ski areas are conducted in a manner that protects the natural environment and cultural resources and enhances community values.”

FSM 2343.11 also states: “Any expansion of a ski area permit boundary must be based solely on needs related to snow sports. Do not approve additional seasonal or year-round natural resource-based recreation activities and associated facilities at ski areas if they would change the primary purpose of the ski area to other than snow sports.”

FSM 2340.3 states that the Forest Service should deny proposals by the private sector to construct or provide outdoor recreation facilities and services on National Forest System lands if these facilities and services are reasonably available or could be provided elsewhere in the general vicinity.

FSM 2343.14: Apply the following additional criteria in initial screening of proposals for additional seasonal or year-round recreation activities and associated facilities. These activities and associated facilities must:

- a. Not change the primary purpose of the ski area to other than snow sports
- b. Encourage outdoor recreation and enjoyment of nature and provide natural resource-based recreation opportunities
- c. To the extent practicable, be located within the portions of the ski area that are developed *or that will be developed pursuant to the master development plan*
The italicized language in the FSM quote alters what was written in the SKOREA itself, so that calls into question the intent of this change.
- d. Not exceed the level of development for snow sports and be consistent with the zoning established in the applicable master development plan

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- e. To the extent practicable, harmonize with the natural environment of the site where they would be located by:
 - (1) Being visually consistent with or subordinate to the ski area's existing facilities, vegetation and landscape
 - (2) Not requiring significant modifications to topography to facilitate construction or operations
- f. Not compromise snow sports operations or functions
- g. Increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and lifts.

FSM 2343.14 (5): Do not approve additional seasonal or year-round recreation activities and associated facilities when the visitor's experience is not interdependent with attributes common in National Forest settings.

FSM 2343.14 (6): "Allow temporary activities that rely on existing facilities, such as concerts or weddings, even if they are not necessarily interdependent with a National Forest setting, provided they are enhanced by it. Do not authorize new permanent facilities solely for these activities."

FSM 2343.4: Authorize concessioners to provide food services at dining rooms, coffee shops, lunch counters, and temporary, quick-lunch counters that are a part of a resort operation

FOREST SERVICE HANDBOOKS

2709.14 ch 60 Winter Sports Handbook states (61.1):

1. The provisions in this section are applicable to ski areas as defined at 36 CFR 251.51 and FSM 2721.61e. In establishing or revising the boundary for a ski area permit:

- c. According to 36 CFR 251.55(d), exclude lands that:
 - (1) Will not be occupied by the facilities authorized
 - (2) Are not necessary for constructing, operating, maintaining, and fully utilizing the authorized facilities and conducting the authorized activities
 - (3) Are not necessary to address concerns of public health and safety and to protect the environment.

Excellent info sources online, just search NEPA.gov for an example.