



Forest  
Service

Grand Mesa,  
Uncompahgre and  
Gunnison  
National Forests

2250 Highway 50  
Delta, CO 81416  
Voice: 970-874-6600  
TDD: 970-874-6660

---

**File Code:** 1570/2700

**Date:** March 2, 2010

**Route To:**

**Subject:** Responsive Statement to the Timothy T. Mueller (Crested Butte, LLC) and Steven Rice (CNL Income Crested Butte, LLC) Appeal

**To:** Jim Pena, Deputy Regional Forester, R5

Attached is my "Responsive Statement" to the Timothy T. Mueller (Crested Butte, LLC) and Steven Rice (CNL Income Crested Butte, LLC) appeal of my November 5, 2009 decision.

Four months have passed since my decision to reject Crested Butte Mountain Resort's (CBMR) proposal to develop lift served skiing on Snodgrass Mountain. During that time I have received numerous phone calls, letters and e-mail messages regarding my decision. These comments ranged from utmost distain and anger over my decision to those that were highly supportive. Unfortunately, any decision I made about Snodgrass would have been greeted with essentially the same kind of reaction and emotion. This was an extremely difficult decision. Balancing the needs for continued economic development with the values of open space and environmental conservation is never easy. I tried hard not to dismiss any of the public's concerns and I certainly understand those individuals that want to see Snodgrass developed for economic reasons. Ultimately; however, I made my decision to have Snodgrass stay in its undeveloped character for the variety of reasons cited in my November 5, 2009 letter. I have re-evaluated my decision many times in the past few months. Even in the face of strong opposition from a vocal segment of the community, I still feel that I made the right decision.

Major ski area expansion decisions like Snodgrass have the potential to change communities more than anything else the Forest Service does. For this reason it is essential that proposals come from the community affected, just as much as from the ski company itself. In this situation, we clearly articulated to CBMR that this was their proposal and that they were responsible for delivering community support. Unfortunately during the last few years this project has continued to divide the community and the two opposing viewpoints have become more polarized. Community polarization in addition to the many environmental concerns with Snodgrass Mountain ultimately convinced me that the Snodgrass proposal was not acceptable per the special uses criteria or as a federal proposed action that we would evaluate in NEPA.

It is my responsibility to decide if a proponent driven proposal enters into NEPA. Following guidelines in Forest Service directives, it is also my duty to insure that a proposal has met the special uses screening criteria and has addressed the obvious environmental and social issues, such that the Forest Service believes in the proposed action and can support and defend it as our own. This was not the case with the Snodgrass proposal for the many reasons I documented in my letter and you will find in my responsive statement. The Forest Service, way too often, gets puts in the position of being the arbitrator for deep seated issues related to private development proposals on National Forest lands. It is simply not reasonable to expect that the Forest Service should incur years of costly debate, analysis, criticism, and litigation over a NEPA proposal that



has an unlikely path to success.

The Forest Service has had a positive relationship with CBMR and the surrounding communities for over 50 years. Many projects have been submitted and approved. I am optimistic that this relationship can continue even in the face of the current decision and controversy. As you review CBMR's appeal and my responsive statement I hope you will see, as I did, that entering into NEPA with a proposal that is fundamentally flawed is not the right course of action.

*/s/ Charles S. Richmond*  
CHARLES S. RICHMOND  
Forest Supervisor

Enclosure

cc: Rick D Cables