

## **APPENDIX B**

# **ISSUES DETERMINED TO BE OUT OF SCOPE**

# Appendix B

## Issues Determined to be Out of Scope

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### INTRODUCTION

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NEPA requires Federal agencies to focus analysis and documentation on the significant issues related to a proposed action. Issues are defined as points of discussion, debate, or dispute about the environmental effects of a Proposed Action. Significant Issues as used in this environmental analysis are those that are used to formulate alternatives or drive alternatives themes, affect the design of component proposals, prescribe mitigation measures, or describe important and variable environmental effects. They are significant because of the extent of their geographic distribution, the duration of the effects, or the intensity of interest or resource conflict.

Other Issues as used in this environmental analysis are those that have been determined to be relevant, are used to disclose consequences, may affect design or prescribe mitigation measures, or whose disclosure of environmental effects are required by law or policy. Other Issues (i.e., non-significant issues) as used in this environmental analysis differ from Significant Issues in that they are not used to formulate alternatives or drive alternatives themes. In addition, these issues often describe minor and/or consistent consequences among alternatives considered in detail.

The interdisciplinary team (IDT), with Responsible Official involvement and approval, has classified the following issues identified throughout the entire scoping process as being non-significant and **out of the scope** of this environmental analysis. These issues include those that cannot be addressed or solved in a project level analysis, issues already decided by law, regulation, or other higher level decisions, issues irrelevant to the decision to be made, issues or suggestions that are outside of the Responsible Official's decision space, and/or issues that are unclear, conjectural or not supported by scientific evidence. These issues are discussed in this Appendix (below) along with agency rationale for their being determined "Out of Scope". Occasionally, a numerical, or alphanumeric tracking code is referenced; these identify an internal Forest Service code for referencing the source of input.

**In this appendix (Appendix B to the FEIS) statements include those received during Scoping Phase 1 (October 1997 - February 2000), the February 2000 DEIS Comment Period (February 200 - March 2002), Scoping Phase 2 (March 2002 - May 2003), and/or 2003 DEIS Comment Period (July 25, 2003 - October 23, 2003).**

*This appendix has changed from the 2003 DEIS to include additional issues and comments tracked from the 2003 DEIS Comment Period; organization of statements to facilitate review; and the deletion of statements that are exclusively viewpoints or opinions.*

## **Issue Statements Related to the City and/or Community of Ashland, or MAA**

Forest Service should present information as commentary or hold public forums. (161, 520)

The Forest Service provides information in various ways regarding scoping, explanation of the EIS process, workshops to help understanding, answer questions, etc. The Forest Service is obligated to remain neutral, open and unbiased to the public they serve. Commentaries as implied in this issue statement would be inappropriate as the focus would not be on information and all views on the subject would not necessarily be shared. While the Forest Service may participate in forums sponsored by others (and has done so), it would be inappropriate for the agency to create a public debate forum of opinions.

During the Comment Period for the 2003 DEIS, the Forest Service held a workshop where specialists were available to discuss any aspect of the DEIS or the proposal (October 23, 2003). Later that day, a public hearing was held where interested public were individually provided a 3-minute time period to offer comments to the Forest Supervisor and Acting District Ranger; these comments were transcribed and became part of the public input to the DEIS Comment Period.

There should be open community forum, or a public charette; an inclusive design approach. (51-S02, 42-S02)

As discussed above, the Forest Service provides information in various ways regarding scoping, explanation of the EIS process, workshops to help understanding, etc. The Forest Service is obligated to remain neutral, open and unbiased to the public they serve. Commentaries as implied in this issue statement would be inappropriate as the focus would not be on information and all views on the subject would not necessarily be shared. This statement further suggests that the community (whomever that may be) should be involved with the technical design of specific features and facilities. The Forest Service believes that with technical proposals and analysis of this type (ski area design), it is best left to design professionals who possess the technical training and experience to design feasible and safe facilities for the public. These professionals have incorporated many ideas brought forth by the public. The Forest Service receives and reviews all public input provided during the scoping and commenting processes, but retains responsibility to oversee the process and ultimately make site-specific decisions.

The Forest Service should analyze and select an alternative that was developed by the community, based on concern with the proposal. Starting point is with deficiencies with the current ski area from a users point of view. Users feel left out, not asked for opinion. (62-S02) (D03-3221)  
No sensing of the environmental and social values of the community (D03-2158, 3174)

As with the above comments and responses, the Forest Service reviews all input and through the NEPA process, utilizes valuable suggestions. There is no requirement to analyze actions or alternatives received from the public, solely because they were designed by the public, or any other entity. Also, there is no requirement to conduct a polling of community values. This most recent process for analyzing ski area expansion at MASA has been in progress since 1997 including active public involvement and scoping; all input, including opinions has been welcomed and utilized as appropriate.

**There should be public feedback regarding site-specific plans and a review of the design of the facilities before construction (solicited by MAA). (62-S02)**

Again, as discussed in previous responses to similar comment, there is no provision to solicit public feedback regarding specific technical design plans. Further, there is no requirement for MAA (or the City of Ashland) to solicit this review. There is opportunity for public review and feedback upon implementation via monitoring; both implementation and effectiveness monitoring are key required elements of actual implementation, if expansion is authorized.

**The Quality Assurance/Quality Control (QA/QC) Team should have authority to require MAA and its contractors to abide by its recommendations. (D03-3221)**

The Forest Service does not have the authority to require a QA/QC process, nor the authority to force MAA or its contractors to abide by its recommendations, making this issue out of scope to the Forest Service process. QA/QC is discussed in more detail the Response to Comments on the DEIS, and in the FEIS. The MASA is operated by MAA under a lease agreement with the City of Ashland, holder of the Special Use Permit. Given this relationship, the City of Ashland could require a QA/QC process and require its authority as suggested in this issue. This would most likely require an amendment to the 1991 Lease Agreement between the City and MAA.

**Mt. Ashland is owned by the community; listen to long term community members. (762)**

As noted above, the MASA is operated by MAA under a lease agreement with the City of Ashland, holder of the Special Use Permit. The Federal government under a NEPA process has specific responsibilities and public involvement requirements (and constraints). The Forest Service encourages public input but cannot bias the analysis by recognizing one group over another for opinions or decisions.

**MAA has to preserve that which members of the community reasonably demonstrate to be of significant ecological and social value. (51-S02)**

This statement seems to imply that MAA has responsibility and/or decision space regarding land allocations or effects of their proposed actions. Under Federal law, they do not; the Forest Service retains responsibility for managing public lands and for authorizing any and all facility improvements on National Forest System Lands.

**This issue should be put to a vote of the City of Ashland residents. Comments from Ashland residents should hold more weight. (D03-24, 811, 2239, 2344)**

The analysis and decision process under NEPA does not involve public voting. Public opinion may be considered by the Responsible Official. Analysis for the MASA is conducted as a proposal for public lands; these lands serve people throughout the area and region, far beyond just those of the City of Ashland. To give local opinions more weight would be illogical. Voting and the weight of those votes is out of scope to analysis and any decision under the NEPA process.

The uniqueness of Ashland; its status as a non-nuclear zone, progressive and environmentally conscious area should be a factor. (634)

These parameters are associated with the values of the Ashland community; while unique and potentially important, there is no direct relationship or utility of this to analysis of a proposal to expand the Mt. Ashland Ski Area on National Forest System Lands.

This process should discuss the Valdez Principles, as adopted by the City of Ashland. (D03-3211, 3230)

The Valdez Principles have been adopted by the City of Ashland; as such, they are not Federal management direction and out of scope to the analysis. However, due to their broad nature, they do not appear to conflict with the proposal for ski area expansion at MASA.

The City of Ashland's charge of \$1.00 per year to MAA for rental fee is poor public policy.

The Forest Service has no responsibility or legal interest in the lease fee charged to the MAA for operation of the Mt. Ashland ski area. The Forest Service has interest in the annual fees paid to the US Government for prorated operation of the ski area as a winter sports venture under a special use permit. These fees are set by national policy. This situation also has no direct relevancy to the analysis of a proposal to expand the ski area at this time.

The Ashland City Council has an obligation to the community to take a position on threats to the community. (1230)

This statement has no application to the NEPA process being conducted for expansion at Mt. Ashland. The City of Ashland is continually involved as a permit holder and stakeholder of actions on National Forest, especially in the Ashland Creek Municipal Watershed. The City Council for the City of Ashland provided extensive comment to the DEIS.

City of Ashland should call for inclusive membership of the MAA board. (D03-937, 948, 2172, 2352) The City Council and Mayor should not exclude public comment. (D03-1375 & 1377) Reorganize the MAA board to give the community the decision power (D03-3228)

During the Comment for the 2003 DEIS, the City of Ashland held public forums regarding the ski area expansion. These forums generated considerable interest regarding support for or against ski area expansion, and apparently, the way the forums were held and how decisions are made. As stated above, the City of Ashland is continually involved as a permit holder and stakeholder of actions on National Forest, especially in the Ashland Creek Municipal Watershed. The City of Ashland is not the decision making entity for actions on National Forest System Lands and comments about how the City of Ashland, its management, its City Council or how the MAA Board of Directors is organized, are out of scope to the federal decision regarding expansion of MASA.

If MASA expansion plans degrade the watershed, how will the city deal with such disasters....increased water rates? Increased taxes? (1230) Ski area failure would create a chance of a major tax increase; don't use taxpayer's money for expansion. (D03-256, 1542) The City of Ashland cannot afford the expansion. (D03-169, 842)

These questions and statements have no direct application to the NEPA process being conducted for ski area expansion at Mt. Ashland. Operations of the City of Ashland are not at the discretion of the Federal Government. The City of Ashland is not funding the expansion; responsibility for funding is that of the MAA. Financing for any resultant ski area closure would come from the reclamation bond, a part of the ski area permitting process. All of these issues are considered out of scope of NEPA analysis for these reasons.

City of Ashland was invited to bring water from Medford, which would alleviate a need for Reeder Reservoir and domestic watershed protection as a whole. (1421)

The Forest Service is aware of this future proposal for supply of water; it however does not change the overall goal of maintenance of high quality domestic water quality. Even if domestic water quality and quantity were not high priority, maintenance of overall water quality and late-successional habitats would still be goals.

Mitigate City of Ashland Parks and Recreation Commission's downstream removal of two dams along the creek in Lithia Park. (1252)

The Forest Service is aware of these actions on the part of the City. The Forest Service has no discretion or decision space regarding actions downstream and off of NFSL; this statement has no direct application to the NEPA process being conducted for analyzing expansion at MASA.

State Constitution (Article XI, sections 7 and 9) prohibits municipal corporations (i.e., the City) from engaging in for-profit activities, e.g., raising money or taking out loans. (D03-3213, 3214)

As noted in the discussion of the above issues, and as discussed in the below issue, the Forest Service has no authority or responsibility in the financial workings of the City of Ashland or the MAA. Whether the City or MAA takes out a loan to finance expansion at MASA is not in the purview of the Forest Service, nor related to the decision making process (out of scope). Under the current arrangement, the MAA operates the MASA as a non-profit corporation.

Financial concerns regarding the Mt. Ashland Association and the Mt. Ashland Ski Area. (123-S02) What is the financial picture of MAA since the beginning of the lease with the City? (D03-916 & 925) The Forest Service should require that sufficient funds be available for expansion as a condition of the decision. (D03-3263)

***These issues appear to be centered on 1) MAA's ability to finance an expanded ski area, and 2) MAA's recent and current economic and financial status. Also contained within one comment (letter) are statements regarding 3) release of information (to the public) regarding financial information.***

1) The financial ability of the MAA to finance an expanded ski area (if authorized) is not within the purview of the Forest Service. The Forest Service is processing a request under Special Use Permit provisions for an expanded ski area; the ability of the MAA (as a non-profit corporation) to finance proposed improvements is not an issue that is germane to Federal analysis under NEPA. Although irrelevant, the prudence of this corporation has been demonstrated through many years of compliance with the terms of the Special Use Permit, including payments to the Government for permitted use, under national policy and provisions of law. Further, as provided under law, the MAA has contributed substantial funding held in Collection Agreements available to the Forest Service for analysis and planning under NEPA for ski area expansion.

2) The recent and current financial status of the MAA is not within the purview of the Forest Service, and is not germane to the NEPA analysis process being conducted for expansion at Mt. Ashland. Proposals being analyzed in detail include provisions for staging of the implementation, over periods of up to 10 or more years. If ski area expansion were to be authorized, each stage of implementation would be reviewed and authorized annually (or more often) by the Forest Service, dependant on the needs (and presumably financial ability) and request of MAA at that particular time. The Forest Service cannot require that financial capital to implement the entire authorized action be solvent at the time of initial development, or at any stage.

3) The Forest Service as a public agency, provides information (copies of documents) as requested and available under the provisions of the Freedom of Information Act (FOIA). There are some exemptions on the Government under FOIA regarding personal and/or proprietary information. When records exist, are Federal records, and are readily available and feasible to copy, they are routinely provided to requestors. Financial information regarding the MAA is considered proprietary and would typically not be a Federal record.

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#### Issue Statements Related to the NEPA Process and/or Analysis under this EIS

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Weight or votes or opinions; do petitions weigh same as signatures? Tracking the opinions would account for attitudes of people for or against ski expansion. Would the Forest Service change their view if 70% of the commenters were for or against it? (20, 36, 1296, 1315, 1331, 1373; D03-889) Take a poll of merchants along Ashland Creek to see what they think about expansion. (975)

These types of comments were received on the previous Draft EIS released in February of 2000, as well as the Comment Period for the 2003 DEIS. Many people apparently felt that providing their opinions or “voting” was part of the comment process and that the Forest Service would track these votes as a reflection of public sentiment regarding this proposed project. This is not the case under a NEPA process. Comments received regarding opinion of preference may be tracked for statistical or other purposes, but since the Comment Period for a Draft EIS is not a public voting process, there is no requirement to make a decision based on the weights of opinions received. The NEPA decision process is centered on the analysis as documented, the consequences of alternatives considered and the rationale for a decision, ultimately made by the Responsible Official. There is no provision for polling or voting, and therefore there is no basis for procedural consideration of petitions or signatures.

There must be a given number of alternatives to have adequate choice.

Under NEPA, there is no requirement for a set number of alternatives considered in detail, or for those considered but eliminated. A No-Action alternative is required, and there is always a “Proposed Action”. Additional alternatives are usually analyzed. While this issue statement is procedurally “Out of scope”, the overall content of the comments received on the February 2000 Draft EIS caused the Responsible Official to consider additional alternatives in detail. The objective of alternatives considered in detail is to provide an adequate range that addresses the various issues associated with the Proposed Action and fully considers reasonable alternatives that attain the stated Purpose and Need. There is no pre-set or required number.

Comparison of recreation value versus value of destroyed forests and wetlands is required. (416, 515)

This issue statement is not specific enough to be utilized in the analysis process. However it is the goal of analysis to ascertain and display the environmental consequences of the proposed activities, and the degree of attainment of the stated Purpose and Need, in this case, primarily recreational and economic objectives. A direct comparison as stated would be inappropriate for analysis and documentation within an EIS; however, the Responsible Official's rationale for a decision (Record of Decision) often includes tradeoff values, rational for selected actions and actions not selected.

The Forest Service should consider more area for wilderness designation, e.g., Ashland Wilderness Area or Students Wilderness Adoption Team (SWAT). Forest Service should be leaving land wild and untouched; value of wilderness; or further analysis of lands being discussed as being not suitable for wilderness (proximity of facilities and residential areas). Forest Service should add un-inventoried adjacent roadless areas to McDonald Peak. What about demand for roadless and wilderness not accounted for; what about national level conservation planning? The Forest Service has failed to address roadless area/wilderness criteria per FSH 1909.12. (1425, 1161, 1361, 1367, 41-S02)

These issue statements refer to the McDonald Peak Inventoried Roadless Area, which is partially within the Special Use Permit area. The permit area boundary resulted from a 1991 Master Plan analysis and decision. Roadless areas remain a subject of national interest and debate. The McDonald Peak area was determined to be unsuitable for Wilderness designation in the 1970s and 1980s. Wilderness designation can only be made by Congress and assessing the McDonald Peak area for Wilderness is outside of the scope of an analysis to consider expansion of the Mt. Ashland Ski Area within its identified Special Use Permit area. Further analysis for suitability (reference FSH 1909.12) is also outside the scope of the ski expansion analysis. There is ongoing national focus on roadless and unroaded areas that may enact some form of future inventory; this process has not been finalized and conditions within the ski permit area would not likely be affected by future national policies.

The roadless area is in full view of mountain top facilities and 3 miles from Ashland. There are better areas in Oregon and the nation that deserve Wilderness protection over this one. (702)

As discussed above, there is no provision for the Forest Service to review or conduct suitability analysis for Wilderness at this time and this is not part of the analysis for ski area expansion. The rationale for the McDonald Peak area being excluded from Wilderness consideration is documented in Appendix C of the 1990 FEIS for the LRMP.

Middle Fork area should be designated as a Research Natural Area (RNA) for the Engelmann Spruce grove. (41-S02 & D03-2245)

Review and assignment of specific areas to a specific land management allocation are part of Forest-level planning. The current Forest Plan was enacted in 1990 and amended by the Northwest Forest Plan in 1994. Reconsideration of areas for designation as an RNA would occur during Forest Plan Revision and is out of scope to this analysis at this time.

The Forest Service should remove the Middle Branch basin from the Special Use Permit. (D03-2085)

The current Special Use Permit area is resultant of the 1991 Master Plan decision for the MASA; there is no proposal (or need) to change this decision (see Chapter I of the FEIS). As noted above, review and assignment of specific areas to a specific land management allocation is part of Forest-level planning. This suggestion is therefore out of scope to the current NEPA process for ski area expansion.

The decision has already been made; the No-Action alternative is not viable. No-Action is dead in the water. (562)

As explained in the EIS, the proposal being analyzed is a site-specific proposal for expansion that tiers to the 1991 Master Plan decision. The 1991 decision was a “programmatic” decision, in that it established a master plan for expansion but did not authorize ground-disturbing activities. Proposals being analyzed at this time under the EIS would authorize ground-disturbing activities, if an action alternative were selected. That site-specific decision has not been made and selection of the No-Action alternative is viable and possible, based on the environmental consequences identified under this analysis. Selection of the No-Action alternative under this analysis would not change the 1991 Master Plan decision.

Explore options that involve educating the public about alternatives to mechanical driven recreation. (976)

This statement has no application to the NEPA process being conducted for expansion at Mt. Ashland because the multiple use mission of the Forest Service includes all types of developed and non-developed recreation.

Why does downhill skiing have to be the main focus of after school programs? What about cross country skiing, snow-shoeing, sledding, tobogganing, or even fort building? (1322)

This comment relates to ski area operations and is, therefore, not part of Forest Service discretion, nor part of NEPA analysis for ski area expansion at this time.

Expand purpose and need statements for the needs of non lift-assisted Nordic skiers in areas surrounding the Special Use Permit. (D03-2241)

The proposal and the Forest Service purpose and need are resultant of an ongoing process to analyze the effects of ski area expansion within the Special Use Permit area. The Purpose and Need and proposals do not include actions outside of the Special Use Permit area and consideration for this is out of scope to the current process.

There has been deliberate low cost estimates to justify development; what about cost overruns?

The Forest Service uses the best available information in its analysis, in compliance with the Data Quality Act. In this project, most of the cost estimates are provided by the proponent, and are based on estimates made by professional ski area designers who are paid consultants to this process with Forest Service oversight and approval. These consultants have disclosed their non-interest in the outcome of this analysis.

The Forest Service remains in an unbiased position and has no reason to assume that consultants have deliberately provided high or low cost estimates to justify development. The Forest Service will continue to use the latest and best available data; these data may include provisions for cost overruns, inflation, etc., as applicable.

**Mt. Ashland ski area is not a destination resort due to its competition and distance from major population centers. (440, 1367)**

The role of the Mt. Ashland Ski Area is understood, its distance from major population centers is known and the current facility and proposed expansion do not market or attempt to establish the ski area as a destination resort.

**The 1991 decision is not valid because more information is known now. (1239)**

The 1991 Master Plan decision is valid and serves to guide expansion activities proposed at this time. The Master Plan is valid until it is superseded or withdrawn, under NEPA (or legal) procedures. The 1991 decision has exceeded the administrative legal statute of limitations (6 years) for litigation purposes. Its validity is not in question and is out of scope to this analysis. New information that is now available is an inherent part of the current site-specific analysis for expansion and is fully considered.

**In 1991, operators and the Sierra Club agreed to a compromise; no appeal if future expansion avoided the south side. (741)**

Alternative 7 (the selected alternative in the 1991 ROD for the programmatic master plan) did not include the area of the “South Side” within the Special Use Permit area(see FEIS Appendix D for more information on the South Side). This analysis is based on site-specific proposals for ski area facility expansion; this analysis does not reopen the 1991 Master Plan decision, therefore this statement has no application to the NEPA process being conducted for expansion at Mt. Ashland at this time.

**Consider habitat fragmentation from corridor disruption to connectivity associated with the Pelican Butte ski development proposal. (1252)**

This issue was considered as part of analysis for Mt. Ashland under the February 2000 Draft EIS. There is no continuous habitat connecting these two areas, and much of the lands between these areas is privately owned and not managed by federal agencies (e.g., Forest Service or Bureau of Land Management). The biggest disruption to habitat connectivity continues to be Interstate 5, its presence being clearly out of scope to agency decisions. Further, the proposal to develop Pelican Butte as a winter sports developed recreation area has been dropped.

**There is a need for disclosure and identification of surrounding area for urban and demographic growth. (1252; D03-3224)**

The EIS does attempt to quantify economic parameters and growth conditions that are relevant to ski area development. Specific identification of areas for urban growth (not on NFSL) is not within the jurisdiction of the Forest Service and is out of scope to this analysis.

**This proposal creates new information that should create an amendment to the Northwest Forest Plan and Columbia Basin Ecosystem project. (1258)**

The Special Use Permit area and proposal for expansion are located on lands allocated to Administratively Withdrawn under the Northwest Forest Plan, and to Developed Recreation or Special Management (ski area emphasis) as associated with the respective Land and Resource Management Plans for the affected forests. The relevant new information is not specified, nor the situation that would require an amendment, and is considered out of scope to this analysis. The relevancy of the Columbia Basin Ecosystem project is likewise unclear and unlikely due to its geographic application (not within lands managed under the Northwest Forest Plan).

**The LSRs in this area are not well connected to other LSRs or well protected. (1356)**

The allocation of Late-Successional Reserves was a decision made in association with the Northwest Forest Plan and is not within the scope of the analysis at hand to analyze ski area expansion with lands allocated as Administratively Withdrawn (Developed Recreation – Ski Area). The designation of “Administratively Withdrawn” represent areas associated with the Rogue River and Klamath National Forest Plans that do not include regulated or programmed timber harvest. They are “withdrawn” from Probable Sale Quantity and **not** from adjacent areas that are designated or otherwise would be designated as Late-Successional Reserve.

**Development potential (i.e., demand) may be met in 20 years; should consider potential for another expansion proposal. (1356)**

The ski area expansion proposal has been initiated by the proponent, based on their perception of logical expansion at this time. This is being analyzed as the Proposed Action. The Forest Service has explored other options within the ski area to alternatively meet the stated Purpose and Need. The proponent is not proposing complete expansion at this time; they are proposing expansion in a portion of the permit area that they believe would provide the most logical attainment of Purpose and Need at this time. There is, therefore, no basis for the Forest Service to consider more development than is being proposed by the proponent.

Additional components were added to the Proposed Action, in association with preparation of the 2003 Draft EIS process, over that which was proposed in the February 2000 DEIS. These additional components were included by the proponent under a longer-term view of development features (a 10 or more year view), based on the time that has passed since original expansion was proposed (1998) and the efficiency that this large scale proposal and analysis under an EIS offers, as opposed to future and separate additional (and likely lower level) NEPA analysis.

**Need to have integrated planning for entire Mt. Ashland area recreation, not just skiing. Can more be done to improve cross country skiing opportunities? (305, 600, 1334)**

While this idea may have merit, there is no federal funding for a planning effort like this and the ski area proponent has not proposed it as part of their package to attain the stated Purpose and Need. It is therefore out of scope for detailed analysis. Some planning and integration for recreation values may occur as part of resource mitigation for ski area expansion, if an action alternative is authorized.

There is a need for a regional/national programmatic EIS to assess connectedness of individual ski area development proposals. (1362, 466)

The existence of ski areas on National Forest System Lands, including known proposals for expansion, was typically part of Forest Level planning and was accounted for, for example, under the Northwest Forest Plan. These plans essentially did account for the connectedness and cumulative impacts and cumulative demand for ski areas. These plans also accounted for theoretical expansion of existing ski areas and ski area development. The need is then to site-specifically analyze the effects of actual expansion and development, which is what is being accomplished with various proposals being analyzed under NEPA for these ski areas. Further, this assessment could not be accomplished within one site-specific analysis such as the EIS for Mt. Ashland and is therefore out of scope.

The analysis should include the cost of civil disobedience associated with expansion. (D03-941 & 3235)

While a potential resultant consequence and potential cost, it would not be prudent for the Forest Service to assume this of the public it serves. The extent of any costs associated with civil disobedience would be variable, unpredictable, and dependent on the decision made that would trigger disobedience. There would be no practical way to estimate this; therefore this issue is considered to be out of scope to this analysis.

The Proposed Action fails to meet standards and guidelines for soils; RRNF LRMP pg. 4-247. (1367)

The standards and guidelines for soils contained on page 4-247 of the RRNF LRMP apply to Management Area 20, Timber Suitable 1 and other lands scheduled for timber harvest (e.g., Matrix lands under the NWFP). They are not applicable to the RRNF portion of the Special Use Permit area, which is allocated to Management Area 4, Developed Recreation. Soils standard and guidelines applicable to Developed Recreation are contained on RRNF LRMP page 4-59, and are not the same for the referenced allocations. This issue statement is therefore not applicable (out of scope).

Public donation of money for 1992 ski area "buyout"; it was assumed existing facilities would be self-supporting. (1451)

The Forest Service was not responsible for the 1992 situation and it is not relevant to the current analysis. It is the position of the Forest Service that ski area management will be self-supporting. This self-supporting situation can also include the ability to expand and increase economic viability of operations, within logical economic means identified by the permittee.

The Forest Service agreed with the need for expansion when it agreed to analyze the Proposed Action under NEPA. The 1992 situation and operation of the current ski area only with existing facilities is not germane to this analysis.

My young child is learning to ski wonderfully without needing beginner slopes (need is a crock). (432)

Certainly some people can and have learned to ski utilizing existing terrain at Mt. Ashland. MAA and the Forest Service strive to provide equal and equitable opportunities for recreation on public lands. Ski industry studies show that the average person and majority of people develop abilities with a diversity of increasingly difficult terrain. The fact that people can develop and learn without this diversity is considered an industry exception and out of scope to this expansion proposal and analysis.

There are many large pine trees along Winburn Ridge that need to be cut. (1388)

Winburn Ridge is nearly two miles from the Special Use Permit area; this comment appears to be related to vegetation management or fuels reduction within the Ashland Watershed. This statement has no application to the NEPA process being conducted for expansion at Mt. Ashland.

The Forest Service should put time and energy into fire suppression and hazardous fuels reduction. (D03-2334, 3192) The real issue is forest protection, i.e., in the interface area. (D03-3199) Ski area planning work has delayed work on the Bear Ecosystem Assessment and affected hazardous fuel conditions. (D03-3223)

The 2003 Upper Bear Assessment was released in December 2003. Forest Service planning work on hazardous fuels reduction needs has been ongoing. The Record of Decision for the Ashland Watershed Protection Project (hazardous fuels reduction) was signed in 2001 and implementation is ongoing. Since these projects are concurrently progressing, these statements are neither accurate nor germane to the analysis for ski area expansion at MASA.

The Forest Service offers no indication of what shrubs could establish after a fire. (D03-3223)

This issue was not found to be in the scope of ski area expansion analysis since proposals do not include prescribed fire (other than pile burning) and in ski runs, shrub height would be maintained to facilitate alpine skiing.

Institutionalize funding for environmental education and mitigation efforts by maintaining a separate fund for watershed protection fee, as part of lift ticket sales. (62-S02) Give penalty tickets (fines) for hot-doggers and show-offs. (D03-2151)

These suggestions relate to ski area operation and management and are therefore not part of Forest Service discretion, nor part of NEPA analysis for ski area expansion at this time.

Plant trees in rest of watershed to make up for area of expansion. (973)

Mitigation measures are included as associated with proposed development of the ski area. There are watershed restoration projects being proposed under some alternatives considered in detail that are outside of the Special Use Permit area. These are designed as overall watershed improvement. This broad statement has no direct application to the NEPA process being conducted for analysis of expansion at Mt. Ashland.

The damage caused by thoughtless people with their off-road vehicles is appalling. (D03-1540)

Ski area expansion proposals are not related to use of off-road vehicles and this use is not an on-going problem at MASA; therefore this issue was considered out of scope.

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## Other

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An expanded ski area would give the Forest Service more money to manage and avoid personnel cutbacks. (750, 1228)

Forest Service revenues derived from operation of the Special Use Permit are not a factor in the analysis for expansion. The agency is funded by Congress and funds collected locally do not go directly back into the local funding source, they go to the national treasury; therefore, this comment is out of scope to this analysis.

The Forest Service doesn't receive enough funding to keep their facilities in adequate shape now. (315)

This comment is out of scope because it is not relevant to the Mt. Ashland Ski Area. Forest Service funding is not used to maintain the ski area; maintenance (and development) is accomplished and financed by the proponent under the terms of the Special Use Permit.

The EIS should have a section describing the entire 30 year planning process and enormous cost. How much money was spent on a proposal that serves 8% of the population? (586, 41-S02)

While the history of the ski area documented in the EIS includes some discussion of the various planning steps associated with development, the cost of this planning to the ski area or to the Forest Service is not directly relevant (out of scope) to the analysis of ski area expansion.

This analysis should account for past failure to meet mitigation measures on timber sales; why should the public trust that they will be met on this project? (1367)

The Forest Service is managed as a credible, public service land management agency. There is never an attempt to violate laws or to not implement actions as described in decisions made. Claims for failure associated with application of mitigation measures would need to be site-specific and substantiated. A general viewpoint that the Forest Service cannot be trusted is not relevant to this environmental analysis under NEPA.

A study regarding Army Corps of Engineer projects has found that less than 8% of the mitigation measures identified were actually implemented. (D03-236)

The Forest Service is managed as a credible, public service land management agency and is required by law to implement actions as described in decisions made. Claims for failure associated with application of mitigation measures regarding Corps of Engineers is not germane to the Forest Service. A general viewpoint that the Forest Service (or government in general) cannot be trusted is not relevant to this environmental analysis under NEPA.

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## Issue Statements Representing An Incorrect Assumption or are Moot.

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The analysis should deal with the potential for heavy artificial creation of snow and the consequences of that action. (D03-950 & 3205)

There has never been operational snowmaking at Mt. Ashland, it was not programmatically analyzed in the 1991 Master Plan decision and is not being proposed at this time.

The analysis should describe the impacts from Heli skiing on wolverines and other winter denning species. (30-S98)

There has never been Heli-skiing at Mt. Ashland, it was not programmatically analyzed in the 1991 Master Plan decision and is not being proposed at this time.

The impact from drilling wells may affect the water supply for the City of Ashland. (49-S98)

There is no proposal to drill wells or to develop additional waters sources for an expanded ski area; nor was it programmatically analyzed in the 1991 Master Plan decision. Current proposals include utilizing the existing spring development and creation of additional storage of water from this source, under an expanded ski area facility.

McDonald Peak Roadless Area is home to scarce wildlife such as American fisher (D03-841); Limit tree cutting and avoid removing the important Brewer's Spruce (D03-137)

There is no American fisher; Pacific fisher is the species found in this area; there are no Brewer spruce in this area, Engelmann spruce is present in a portion of the Ashland Watershed. Pacific fisher and Englemann spruce are discussed throughout the EIS.

There are good Bed & Breakfast establishments and hotels in Ashland that need support; also restaurants after theater season winds down. Don't need any more lodges (D03-1676)

This issue statement apparently presumes the proposed Moraine Lodge would be in competition with overnight lodging facilities in Ashland. The Moraine Lodge is proposed as a day-use, food and beverage winter season facility only.

Non-support for the proposal to build sewage field in the Ashland Watershed. (24)

This comment is out of scope because it is moot; the wastewater system was upgraded and updated, including the wastewater drainfield under Forest Service authorization in 1999. It is presently functioning well on its site in the Knoll area, within the Ashland Creek and Neil Creek watersheds.