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To the Members of the Mt. Washington Commission:

I attended the Commission meetings during which the July 5 Draft Master Plan was written. I have read all pertinent documents on the MWC and its Master Plan web site. I took copious notes during MWC meetings, and I attempted to warn the MWC that its rush to write a Master Plan before it know the results of an Environmental and Climate Assessment would produce an unacceptable document. The public release of the July 5 Draft Master Plan has confirmed my worst fears.

#### THE DRAFT MP LACKS SCIENTIFIC LEGITIMACY

The Mt. Washington Commission's refusal to authorize a comprehensive Environmental and Climate Assessment before writing the July 5 Draft MP renders the Draft an illegitimate and potentially harmful document. A Draft Master Plan written in ignorance of the environmental and climate conditions on Mt. Washington and its Summit lacks credibility—scientific, political, and ethical. It violates the requirement of RSA 227-B:6(d): *"The commission shall: I. Prepare a master plan for the summit including but not limited to: (d) Protection of the summit as to its unique flora and other natural resources."*

If the Commission is ignorant of the current condition and potential threats to the health of the Summit, its unique flora, and other natural resources, it cannot begin to discharge its legal obligation to the true owners of the Summit, the citizens of New Hampshire. The Draft Master Plan must be rejected in its entirety.

**The Draft Master Plan trivializes the need for a thorough Environmental and Climate Assessment:** On page one, the Draft MP claims it can maintain and increase visitor levels while protecting ecosystems whose health status is unknown. This is preposterous and irresponsible.

**Limiting Scope to 60 acres:** In signing the MOU with the Cog Railway on May 20, the State now contractually promotes the Lizzie Station proposal that lies just outside the State Park. The Lizzie Station's impacts will be substantial on and off the summit, yet we have no assessments of current conditions or an environmental assessment of the Lizzie Project prior to writing the Draft MP.

**The Commission claims it utilized a process that "utilized third-party expertise where appropriate." (page 3 of Draft MP):** This is false. An Environmental and Climate Assessment would require third party expertise, but the MWC refused to perform

an Assessment prior to writing the Draft MP. The State never utilized third party expertise in monitoring the summit over the past half century.

**A Scientifically-credible planning approach:** The Environmental and Climate Assessment must identify and map degraded locations, sensitive areas, and current and potential climate threats. It must establish the Summit's carrying capacity: *the number of daily and annual visitors the Summit can handle without degrading any part of Mt. Washington or its summit.*

Once a thorough, credible Environmental and Climate Assessment has been completed, the Planning Process can begin. The new Master Plan, informed at every step by the completed Environmental & Climate Assessment, will take steps to reduce human and carbon footprints on the summit. Necessary steps include, but are not limited to: removing the Yankee Building; clearing away debris; reducing motorized visitation below carrying capacity; and reducing hiker numbers to prevent trampling of alpine tundra. Operation of the SAB will become consistent with the Assessment findings, including Summit carrying capacity.

**Section IV: Environment, Summit Assessment, and Aesthetics (page 4):**

- “aspire to minimize harm:” This weak language preferences “human presence” over land health. State: “Minimize harm.” Without the Assessment, there is no way of writing a Master Plan that minimizes harm.
- “As an initial step, a Summit assessment should be completed.” Yes, BEFORE writing the MP, not after the fact.
- The Assessment must be performed by independent, third-party experts, not State Agencies. Data from Agencies should be used as a starting point to determine what additional data and research is necessary. Since MWC and DNCR have already politicized the Environmental and Climate Assessment process by refusing to perform it first, and DNCR has signed a MOU with the Cog that contractually binds the State to promote a high-impact, controversial development just outside the State Park, it is clear the State will apply political pressure to underfunded agency scientists, who, in any case, lack the full scope of expertise necessary to conduct a credible Assessment.
- “The Assessment will form a baseline for planning.” The planning for the MP was performed without this essential “baseline.” Thus, the Draft MP lacks credibility and cannot meet its mandate to protect summit health.
- “To the extent possible, NH State Parks and Summit partners should address damage and deterioration of the environment.” This is indeed a feeble commitment to protecting the summit from revenue generation... *to the extent possible*. Since some summit partners have a conflict of interest, they will continue to place revenue generation ahead of land health and climate mitigation.

At the June 10 meeting, I objected to the use of conditional verbs rather than strong verbs such as “shall address,” “shall include,” etc. I was informed this weak commitment to protection was intentional. Shame on the Commission for intentionally offering weak words instead of strong actions.

- Additional Summit structures “should be minimized while balancing on-going needs.” The State can, and must, relocate the Yankee Building off the summit. The State can, and must, reduce visitors to levels that do not degrade the mountain and summit integrity. “Balancing” is a term that means the Draft’s authors place profits ahead of land health. *A responsible Master Plan would state that since we cannot alter the laws of nature, when human aspirations conflict with natural limits, we must modify human aspirations.*

- “Minimize environmental damage.” The only way to achieve this is to perform the Environmental and Climate Assessment before writing a new Master Plan. Currently, the MWC has no idea whatsoever how serious the damage already is.

RSA 227-B:6(d) says “protect” the summit. Where does it authorize the State merely to “minimize the damage”? Who is the judge of what is “minimal”? Only qualified scientists can make that determination. Yet the MWC, with no members who are biologists or climate scientists, and without any monitoring over the past half century, and with no Assessment, made the determination that it was qualified to write a Master Plan in complete ignorance of current environmental and climate conditions.

- “Construction could actually promote positive environmental changes.” We need to reduce current visitor levels, not promote more construction. The idea that additional human impacts on an already degraded summit could “promote positive environmental changes” is ludicrous. This statement must be eliminated.

- “NH State Parks should account for aesthetic impacts.” This would have been good advice to DNCR before it signed the May 20 MOU with the Cog to impose a major increase in aesthetic impacts: the two 500-foot long platforms and the 18 railway cars of the Lizzie Station proposal. A major development that is one-tenth of a mile long constitutes a major aesthetic impact.

**(Page 10) Perimeter Trail:** We know the State is far along in drafting plans for a Summit Perimeter Trail. Where is the Environmental Assessment of such a high impact, inappropriate, major engineering project? Who will pay for the Trail? NH’s beleaguered taxpayers?

There is already too much pavement on the Summit. There are plenty of trails tourists can walk on now, including the Crawford Path and the Nelson Crag Trail. ELIMINATE any further consideration of a Summit Perimeter Trail and delete this paragraph.

**(Page 11) Implementation:** The Master Plan will be implemented “as soon as possible.” And yet, the State under both DRED and DNCR has failed to implement important directives from the 1970 Master Plan, especially:

- Preserve summit environs
- Identify and protect mountain flora.

The state and the MWC had half a century to act on these directives, but did not bother. The State conducted zero monitoring during the past half century. The Draft MP makes one mention of monitoring, but offers no evidence that it is serious in making this happen on a regular basis, or in providing the funding necessary to perform comprehensive, regular monitoring. We need third party experts to design an monitoring system that can be at the heart of any new planning document. How can the public trust the State to implement any environmental protections, relying on a Draft Master Plan written in ignorance of current, unmonitored conditions?

**Elements of an Environmental and Climate Assessment:** An independent, comprehensive Environmental and Climate Assessment must examine Mount Washington from base to summit, and not merely the 60-acre State Park. Essential elements of the Assessment include: **Alpine Ecology, Climate Change, and Visitor Carrying Capacity on the summit. It must develop a rigorous, well-endowed monitoring program.** The Assessment Team must be composed of independent ecologists and climate scientists, not underfunded State Agency scientists vulnerable to political pressure. The State and private interests responsible for current degradation and congestion should pay for the assessment, but have no influence over its methodology or report.

#### THE JULY DRAFT MASTER PLAN PROMOTES MORE VISITORS, DEVELOPMENT, CONGESTION, AND DEGRADATION OF MT. WASHINGTON AND ITS SUMMIT

Additional harmful elements of the July 5 Draft that should never appear in a Master Plan informed by an Environmental and Climate Assessment:

- **(Page 2); “The Summit of Mt. Washington is iconic and emblematic of the Granite State.”** The MWC might wish to reconsider the implication of this statement. The congestion, debris, waste-water permit non-compliance, and the MOU with the Cog for more development are “emblematic” of a reckless government that rules by sovereign immunity, rather than accountability to its own laws.
- **(Page 2) “The Commission must try to balance conflicting goals.”** When the conflicting goals are maximized revenue generation via ever-increasing motorized visitation vs. land health and mitigating climate change, such “balance” is impossible. Major environmental degradation has been inflicted for decades and increasing the causes of degradation (more motorized visitors emitting more carbon, and more development to accommodate those visitors) will result in greater degradation, not greater protection.

If there is any doubt that the State is aggressively promoting increased development, congestion, degradation, and visitation, recall that Commissioner Stewart introduced the

Cog's Lizzie Station proposal on March 4 thusly: "It's my hope that with this [new station] the state park gets a new impetus" for increased visitation.

The State cannot promote policies to increase visitation, congestion, and degradation and claim to obey the law requiring it protect the health of the summit region.

- **(Page 6) Finance: "The Summit should be a model of sustainable tourism and land management."** Sadly, it is a monument to mismanagement and degradation of a sacred mountain.

- **(Pages 6-7) Entrance Fee:** If the State is sincere about a "fiscally-sustainable State Park," the NH Legislature must appropriate adequate funds for its operation, and entrance fees must be charged that reflect the damage a visitor, on average, inflicts to the land, including that visitor's carbon footprint. The entrance fee should recognize that an auto driving to the summit, and the Cog's coal- and biodiesel-powered engines emit more hydrocarbons than a hiker. Hikers also impose substantial impacts.

- **(Page 7) "To ensure smooth operations, NH State Parks should explore and consider opportunities closer to the base of the mountain to support Summit operations."**

The MWC engaged in no disciplined discussion of this important idea during its rush to produce a Draft MP. It also never seriously considered reducing motorized visitors. Currently, most motorized visitors spend an hour at the summit, waiting in line for bathrooms, consuming fast food, and purchasing cheap souvenirs. They hardly experience the wild, dangerous world of the summit.

The State should relocate the SAB off the summit. Its new building could offer a museum worthy of Mt. Washington, a mountain sacred to the Abenaki and renowned for its wildness and weather. This new building could offer visitors a virtual reality experience of ascending the mountain in all seasons. This would bring them closer to a real experience than an hour on the summit spending money in the SAB.

- **(Page 7) Pikes Peak App:** This paragraph is inappropriate. It is the pet project of the Cog, whose June 10 presentation on Pikes Peak extolled the potential for massive increases in visitation. Taxpayers subsidized the Pikes Peak development to the tune of millions of dollars. If the MWC and the State support taxpayer subsidized Summit degradation and congestion, the public needs to be informed.

- **(Page 8) "... clarify and solidify existing property rights on the Summit."** This should clarify that existing property rights do **not** include:

- a) The "right" to degrade ecosystem integrity or increase carbon emissions;
- b) The "right" to externalize the costs of degradation, pollution, or carbon emissions onto the land, air, or public.

- **(Page 9) Accessibility:** “...ensure that the Summit is accessible and inclusive.” Section E of the 1964 Dartmouth Deed stipulated that access is “*subject only to such restrictions as may be reasonably necessary to safeguard the property of the State of New Hampshire.*” Protecting the ecosystem integrity of publicly owned lands that are in the care of the State is a valid limitation, essential limitation.
  - **(Page 9) Inclusiveness: The Draft seeks “to determine the significance of the Summit to indigenous people.”** From time immemorial, the Abenaki believed it a sacrilege to climb New England’s highest mountain. Abenaki names for this wild, dangerous peak included *Maji Neowaska*, where a demon, or bad spirit, was supposed to dwell on the highest peak. “Inclusiveness” begins with respecting indigenous values and traditions.
  - **(Page 10) Yankee Building:** Replacing the Yankee Building could cost in the vicinity of \$15 million. The broadcasting services should be relocated off the Summit. TownSquare Media, owner of the broadcasting rights, opposes relocation because it would lose many grandfathered rights. What are these grandfathered privileges? Why should a for-profit “partner” receive special treatment that few, if any other, broadcasters enjoy?
  - **(Page 10) Water and Waste:** The Summit’s overtaxed waste water treatment plant is a high maintenance operation. The current sewer system has been out of compliance with its permit for years. The Draft notes that it will be upgraded and its capacity increased by 50 percent. The Summit is a very small space. The solution to acute overcrowding on the finite Summit is to reduce summit visitation levels to below the Summit’s carrying capacity, not to intensify Summit congestion and expand sewage treatment facilities. Currently, the summit’s carrying capacity is unknown, but it could be established by a credible Environmental and Climate Assessment(E&CA).
- Congestion creates waste water problems. The sensible solution—reduce the number of daily and annual visitors—would diminish the Cog’s and State’s revenue flows. Phil Bryce told the MWC on April 22, 2022 that “concessions and retail” are the major revenue sources for “upgrading” the Park: “We are dependent on our visitors for our well-being.”<sup>1</sup> It appears that the State promotes more congestion to finance the Department of Parks and Recreation.
- **(Page 11) Energy Efficiency and Sustainability:** Reducing carbon emissions requires maximum efficiency, but it also requires substantial reductions in visitation and other carbon-emitting activities. The Draft MP, by refusing to discuss reducing current visitor levels, is proposing policies that will expand energy generation. Even if the new system is less wasteful, it fails to reduce summit-related carbon emissions.

## THE COMPOSITION OF THE MWC AND ITS PROCESS

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<sup>1</sup> Jamie Sayen, “Notes of April 22, 2022 Mount Washington Commission Meeting.”

- **(Page 2) Composition of the Mt. Washington Commission and Conflict of Interest:**

Currently the seats of two of the three public representatives on the MWC are vacant. The land itself has no representation. The July 5 Draft exposes the conflicts of interest of some public and private members. We need an independent MWC that represents the public interest in preserving the ecosystem integrity of Mt. Washington, not a Commission that is dominated by vested public and private interests.

- **(Page 3) Process:** This section is dishonest. It comes from the Harvard Report's critique of the weaknesses of the MWC process. And now, a few months later, the MWC claims these weaknesses as accomplished virtues. The July 5 Draft shows no evidence of trust-building. Indeed, the State's veto of performing the Environmental and Climate Assessment before writing the Draft exposes a lack of respect and trust.

- **(Page 8) Recusal:** This would not be necessary if the Commission were not afflicted by conflict of interest.

- **(Page 11): Conclusion: "The Master Plan fulfills the Commission's responsibilities under RSA 227-B:6."** This is a false statement because the MWC has refused to fulfill RSA 227-B:6(d) to protect the health of the summit.

**Concluding Comment:** The Mt. Washington Commission has an opportunity to rise to the challenge of history and climate change. To do so, it must be guided in all deliberations and actions, including the commissioning of the Environmental and Climate Assessment and subsequent Master Plan, by acknowledging that human aspirations are circumscribed by natural limits. Continued refusal to modify human behaviors that degrade Mt Washington and its Summit will accelerate the processes that are driving the alpine tundra off Mt. Washington.

Future generations expect more worthy behavior from the Commission and the State.

Sincerely,

Jamie Sayen