

Alta Town Council

Staff Report



To: Town Council

From: Chris Cawley, Town Manager

Re: Town of Alta Response to UDOT LCC EIS

Date: February 29, 2024

Attachments: DRAFT 2024-R5 A Resolution By The Alta Town Council In Response To The Utah Department Of Transportation's Little Cottonwood Canyon Environmental Impact Statement (version 4)

February Town Council Meeting Presentation and Discussion Regarding the UDOT LCC EIS

The February 14, 2024 Alta Town Council Meeting featured a presentation by Canyon Guard, Friends of Alta, and other organizations regarding the UDOT LCC EIS. Links to meeting exhibits related to the presentation can be found on the [Town of Alta website by clicking here](#). Following the presentation, Mayor Bourke recommended the council convene to consider of a range of possible actions including: *“doing nothing, enacting a resolution endorsing a subset of the UDOT plan, clearly opposing the gondola, calling for a visitor capacity study, joining a lawsuit, filing an amicus brief, or exploring other options.”*

Draft Town of Alta Resolution 24-R-1 In Response To The Utah Department Of Transportation's Little Cottonwood Canyon Environmental Impact Statement

The Alta Town Council has reviewed versions the attached resolutions in several previous meetings. The current version is based primarily on language presented to the council in the December 2023 council meeting. It includes draft language to address some of the possible actions Mayor Bourke described in the February meeting, including a statement in support of “conducting more rigorous and transparent evaluation of the capacity of the natural and social environment in LCC to withstand the additional visitation long-term transportation solutions would facilitate,” and a statement urging “UDOT to suspend all consideration to construct the proposed gondola in Little Cottonwood Canyon.” These statements are highlighted in yellow in the draft resolution.

Potential Town of Alta Legal Action In Response to the UDOT LCC EIS

There are two potential pathways for the Town to take legal action in response to the EIS:

Joining an existing lawsuit as a plaintiff: There are three ongoing lawsuits regarding the EIS:

- Salt Lake City, Sandy City, and Metropolitan Water District of Salt Lake & Sandy vs FWHA, USFS, and UDOT
- Save our Canyons vs. USFS and UDOT
- Friends of Alta, Canyon Guard, et al vs UDOT

Staff has not been able to compile a comprehensive analysis of whether it is possible or desirable to join each of these lawsuits as of February 29th. Whether or how the Town can join one of these lawsuits is dependent, to some extent, on the specific areas of law each complaint or lawsuit is within and the specific claims or complaints of each lawsuit. Town Attorney Cameron Platt has assessed the first of the three lawsuits and determined that since it alleges violations of the Federal Administrative Procedure Act, a deadline to join the suit passed on December 11th 2023, based on the timing on which the suit was initially filed. According to Cameron, the other suits allege the defendants violated the National Environmental Policy Act, and that the statute of limitations for filing or joining claims under NEPA is much longer. The Town could join one of these lawsuits but would need to determine whether it has standing to do so and whether the Town will incur calculable damages as a result of the EIS record of decision.

Filing an amicus brief or “friend of the court” brief: The Town of Alta can file a motion with the court hearing a given lawsuit to be allowed to file a brief. The Town would then provide additional analysis to support claims being made by plaintiffs in that lawsuit.

Next Steps for the Council

Staff recommends the council discuss the attached draft resolution including the new language highlighted in the document, whether the council would like more thorough analysis of the possibility of taking legal action in response to the EIS, and whether the council would like to consider final adoption of a resolution in the March meeting. It may not be possible to conduct a thorough analysis of options to take legal action prior to the March council meeting but staff can pursue such an analysis if the council desires.