

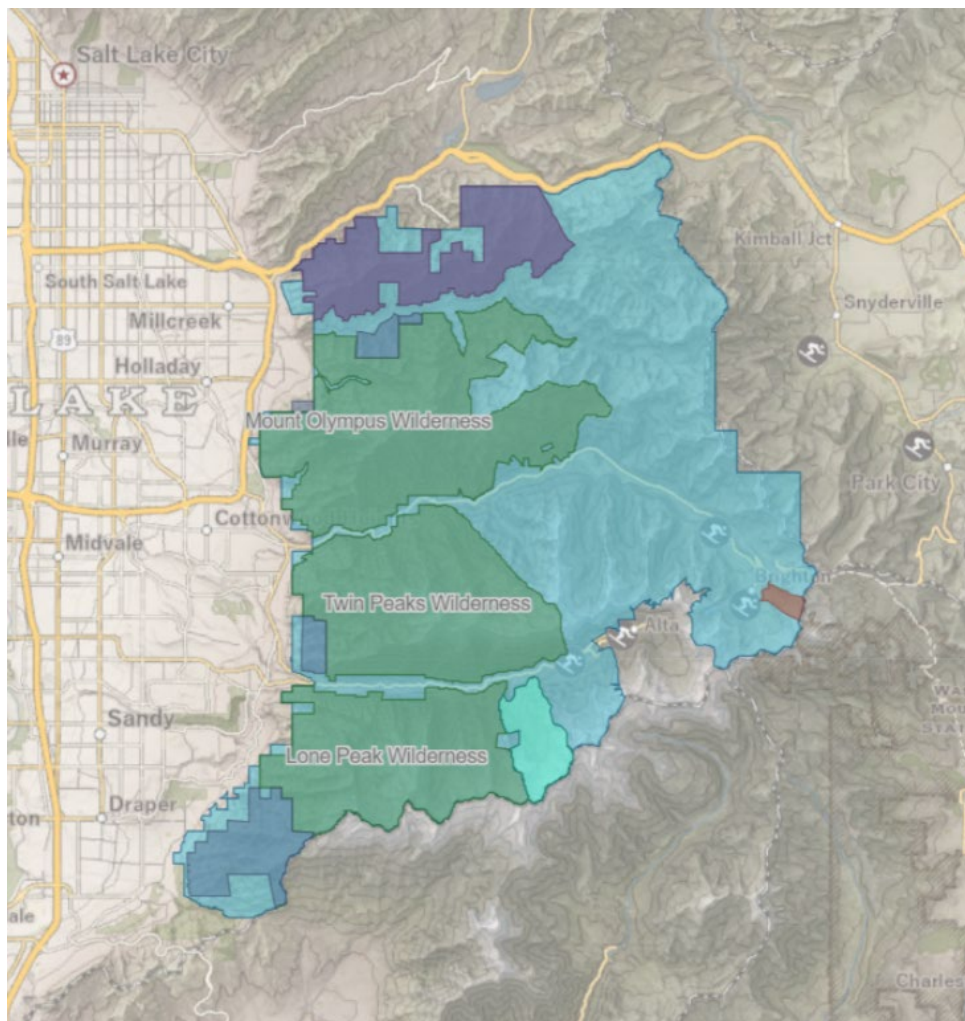


The Central Wasatch National Conservation and Recreation Area Act: What Is It, What Would It Do, and Why Is It Needed?

Introduction

The [Central Wasatch National Conservation and Recreation Area Act](#) (CWNCR Act) is a piece of federal legislation codifying essential components of the Mountain Accord Charter. After the Charter was signed in 2015, the first version of the CWNCR Act was drafted and Congressman Jason Chaffetz ran the bill in 2016, but time ran out in the legislative session before it could advance past the House Natural Resources Committee. The Central Wasatch Commission was formally established in 2017 to continue working on the bill and carry out what was agreed to in the Charter. Updates to the bill with public input continued through October 2020, which is the most recent version of the bill.

The CWNCR Act seeks to permanently protect the vitally important watershed from sources of degradation while providing a variety of quality recreation opportunities amid immense population growth and increased national and international demand by doing the following:



- Establishing a National Conservation and Recreation Area (NCRA) on existing Forest Service (federal) land (shown in light blue on the map).
- Establishing a new Wilderness Area (in purple) and expanding existing Wilderness Areas (dark blue).
- Establishing the White Pine Watershed Protection Area (teal).

The establishment of these areas is critical to the long-term protection of the tri-

canyons area. Although the affected areas are entirely owned¹ and managed² by the Forest Service with some degree of protection and limitations on its use already, Forest Service lands are typically managed to promote a variety of uses and values, including extractive and consumptive use, and impairing the land's productivity is to be avoided, which leaves them vulnerable to threats of development. Numerous proposals for large-scale land development and water use in 2011 and 2012 prompted the Mountain Accord process (and, thereby, the CWNCR) to develop an integrated, comprehensive, and landscape-scale framework for the future of the Central Wasatch Mountains. The most prominent development proposal was an attempt to force the sale of Forest Service land, without public input or knowledge, to a ski company to build a gondola connecting Big Cottonwood Canyon with the Wasatch Back. The bill was also an effort to protect public lands from hostile administrative changes, and these threats continue to rear their heads today: recent congressional efforts to force the sale of 2-3 million acres of public lands, potentially including about 29,000 acres of Forest Service land in the Central Wasatch, and the proposed rescission of the Roadless Rule by executive order, directly threaten the natural beauty of and public access to the land and continued health of the watershed in this sensitive and critical area. The designations in the CWNCR would make the affected lands ineligible for sale, which would protect them from development, preserve recreational access for future generations, and ensure permanent protection of the watershed that sustains life in the Salt Lake Valley and surrounding areas.

Each type of designation (NCR, Wilderness Area, Watershed Protection Area) has its own implications and impacts. The Forest Service currently owns and manages *all of the land* that would be affected by the bill, and the bill would not change that. It would only change *the ways in which* they manage the land, depending on the designation. The impacts and implications of each type of designation are outlined in the sections below.

Establishment of a National Conservation and Recreation Area

While some land would be designated as Wilderness or a special Watershed Protection Area, most of the land affected by the bill would be designated as a National Conservation and Recreation Area (NCR), a [novel designation](#) with elements of a National Conservation Area and elements of a National Recreation Area. The following sections discuss the provisions and implications of this designation.

a) Affected Land

The CWNCR affects *only* Forest Service (federally-owned) land. The light blue shaded sections of the map above show the land that would be designated as a National Conservation and Recreation Area. The current landscape of the Central Wasatch Mountains is a patchwork of public and private ownership, and

¹ Only existing Forest Service land, and no other land, would be impacted by the bill, as outlined in lines 77-79 and 448-451 of the most recent (10/27/2020) draft of the bill.

² The [2003 Forest Plan](#) (Central Wasatch Management Area, Chapter 4, pages 152-164) governs the Forest Service's current management of the proposed CWNCR land.

while the map shows the general areas that would be affected by the bill, there are pieces of non-federal (private, county, or municipal) land *within* the shaded area that would *not* be subject to the CWNCRRA.

Since the bill affects only federal land, private landowners who own property within the CWNCRRA boundaries would continue to have the same access to their property, and ownership of their land or property would not change in any way. The bill explicitly prohibits the condemnation and forced sale of privately owned land and does not allow any government to acquire land within the area through any means other than exchange, donation, or purchase from a willing seller. It does not require private property owners to allow public or government access to their property, nor does it modify any existing law respecting public access to or use of private land.

The four ski resorts that operate in the Cottonwood Canyons on Forest Service land by a Special Use Permit (SUP) issued by the Forest Service would continue to operate with no changes to their SUP. The land within the SUP is exempt from CWNCRRA designation, and ski resort operations would not need to change based on the designation of the surrounding areas. The bill would, however, prohibit ski areas from expanding beyond their existing operating footprint.

The NCRA designation creates no protective perimeter or buffer zone around its perimeter, so activities or use outside or near the designated area would not be impacted.

b) Management Plan

The bill requires that the existing [2003 Forest Plan](#), which guides all natural resource management activities for the Uinta-Wasatch-Cache (UWC) National Forest (i.e. setting desired conditions, objectives, standards, and guidelines for multiple uses such as recreation, timber, wildlife habitat, and watershed protection) would be amended within 3 years to include a new Management Plan specific to the newly NCRA-designated land. The Management Plan would be developed by the Forest Service (the Uinta-Wasatch-Cache National Forest and the Salt Lake Ranger District) in consultation with appropriate state, tribal, and local governments, landowners within or adjacent to the Area, other key stakeholders such as ski resorts, and the public.

As dictated by the bill, an updated Management Plan would include standards and guidelines to protect water quality, protect environmentally sensitive areas, provide for restoration and adaptive management of natural resources, promote public safety (including through avalanche control), and facilitate year-round outdoor recreation. These standards and guidelines would be developed within the context of current levels of use, while the 2003 Forest Plan still in effect today was developed with year-2000 visitation levels. This would translate to increased resources to manage the area.

c) Limitation of Certain Uses and Activities

To protect against development and preserve the character of the Area, the CWNCRRA would prohibit three key activities:

Use of motorized and mechanized transport. Motorized vehicles and mechanized transport within the Area would be allowed but limited, permitted only on roads, trails, and areas designated for such use by the Management Plan, and as necessary for the administration of the NCRA or in responding to an

emergency (see Public Safety section below for more on exceptions). This means that mechanized recreation like mountain biking would be allowed within the parameters of the new management plan.

Construction of new roads. While maintenance and reconstruction of existing roads would be permitted, construction of new roads within the Area would be prohibited except as necessary for administration of the Area or in responding to an emergency. This would protect the Area against disturbances (visual, soil, watershed, wildlife, vegetation) and against the potential rescission of the Roadless Rule, which is being pursued by the current administration. A lack of roads inherently protects against additional encroachment into wild and sensitive areas.

Ski area expansion. The Act would prohibit ski area expansion beyond its existing footprint. Having abundant access to both developed and undeveloped (dispersed) recreation sites is an essential attribute that attracts visitors to the Central Wasatch. The land that the ski areas occupy is owned by the Forest Service and operated by the resorts through a Special Use Permit granted by the Forest Service, but the bill would not affect or limit ski area management, including the potential construction of additional lifts, *within their permitted boundaries*.

d) Public Safety

While the CWNCRRA prohibits most motorized transport and mechanized equipment, it specifically allows for their use for the purpose of wildland fire operations and fuels reduction activities. The bill does not prohibit or limit vegetation management projects, including fuels reduction activities within the area, though the protocol may be different. Emergency response to wildfire and other emergencies would not be impacted.

The CWNCRRA does not affect UDOT's safety improvement activities, including avalanche mitigation work, or prevent installation of, access to, or maintenance of avalanche control devices.

e) Facilities

The CWNCRRA does not affect access to, or operation or maintenance of, existing facilities (water resource systems, flood control systems, electric energy systems, telecommunications systems, pipelines, parking areas, trailheads, and restrooms) located within the area. It would not prohibit the construction of new facilities or expansion of existing facilities but would require authorization by the Secretary of Agriculture (as advised by the Forest Service³) in accordance with the CWNCRRA, the Management Plan, and applicable law.

f) Transportation

The bill was specifically designed not to interfere with existing transportation rules. The exception to this is that the construction of new roads within the area would be prohibited, which preserves the existing character of the area by limiting additional noise, disturbance, and development.

³ The US Forest Service is a division of the United States Department of Agriculture (USDA), and the Forest Service is the executing agent of Secretary of Agriculture. The Salt Lake Ranger District advises and acts under the authority of the Secretary of Agriculture, and the bill would not change that.

Transportation improvements and associated public amenities, such as roadway improvements, public transportation, mountain transportation systems, transit stops, stations, trails, trailheads, bike lanes, restrooms, and pedestrian infrastructure are expressly allowed under the bill for the purposes of facilitating year-round and varied recreation opportunities and improved access. These improvements and amenities would be governed by the Management Plan.

The bill would not alter transportation corridors (SR 210 and SR 190), prevent adjustments to them in accordance with the purposes of conservation and recreation access and NEPA, diminish or otherwise affect easements or rights-of-way or property rights held by UDOT, add to UDOT's permitting process for maintenance or improvement of transportation facilities, affect existing or future appropriations to UDOT, or limit UDOT's avalanche control, maintenance, and safety improvement activities.

Establishment of Additional Wilderness

The Wilderness Act of 1964 defines wilderness in the following way:

A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The Central Wasatch is currently home to three Wilderness Areas: The Mount Olympus Wilderness, the Twin Peaks Wilderness, and the Lone Peak Wilderness (all shown in green on the map). While most of the land affected by this bill would be designated a National Conservation and Recreation Area, there are some particularly sensitive and pristine areas that would be designated as Wilderness, which is the strongest protection that can be placed on public lands, giving them an undisturbed quality that promotes reflection, solitude, connection with nature, and primitive recreation.

Each of the existing Wilderness Areas would have a new section of land incorporated (dark blue areas on the map), and a new Mount Aire/Grandeur Peak Wilderness Area would be established (purple area on the map), adding approximately 8,000 acres of new Wilderness to the tri-canyon area. As originally drafted, the bill would also have made small adjustments to existing Wilderness Areas to allow for the alignment of the multi-use Bonneville Shoreline Trail. However, this has since been achieved by the 2022 Bonneville Shoreline Trail Advancement Act.

The biggest impact a Wilderness designation has on recreation opportunities is that it bars motorized or mechanized implements, which include drones, bicycles, and anything with wheels. This means that, while activities like hunting would still be allowed, there would be changes to how it must be done, such as packing game out on foot without the use of a cart. Drones would not be permitted for scouting or filming. Mountain biking would also not be permitted in Wilderness areas but would continue to be permitted within the National Conservation and Recreation Area. To understand what types of activities are allowed and restricted in designated Wilderness areas, please see the table beginning on page 7.

Establishment of the White Pine Watershed Protection Area

The purposes of the White Pine Watershed Protection Area are to a) ensure the protection and preservation of the outstanding water quality, scenery, and fish and wildlife habitat of the area; and b) provide for the conservation of the recreation, historic, scientific, and cultural resources within the area. The only authorized uses of the land in the area are those that further the above-outlined purposes. The Watershed Protection Area would function similarly to Wilderness, but the land was not suitable for Wilderness designation due to an existing water treatment facility and existing permits for heliskiing. Because the bill does not usurp any existing permits or rights, and because current activities and conditions on the otherwise pristine land make it unsuitable for a Wilderness designation, a special Watershed Protection Area was devised to preserve existing rights and activities while also preserving the untamed character of the land.

a) Affected Land

The proposed White Pine Watershed Protection Area is an 1,800-acre area that abuts the Lone Peak Wilderness Area directly to the east (shown in teal in the map above). As discussed above, this bill has no effect on non-federal land. The ownership, management, use, or improvement of non-federal land or interests in land, including water rights, would not be affected, and existing laws and regulations regarding private property would govern.

b) Motorized Access

Similar to a Wilderness area, motor vehicles and mechanical transport would be prohibited except for administrative purposes and responding to emergencies. Motorized access by local municipalities, water districts, water systems, and public and private utilities for the purposes of maintaining and protecting water resources would not be limited. But unlike a Wilderness Area, heliskiing is permitted due an existing heliskiing permit for the area.

c) Facilities

Permanent structures may not be constructed or installed in the Watershed Protection Area, though existing structures can be modified or reconstructed if authorized by the Secretary.

What Activities Are Permitted on Lands with Different Designations?

The following quick guide outlines what activities are generally permitted or possible on public lands under each of the designations in the bill and under current conditions. See the full bill and footnotes for more details.

Activity ✓ = Permitted X = Prohibited	UWC National Forest (current)*	National Conservation & Recreation Area	Watershed Protection Area	Wilderness Area
Financial and Extractive				
Forced sale/disposal of federal land	✓ ⁴	X	X	X
New mining/mineral claims	✓	X	X	X
Existing mining/mineral claim activity	✓	✓	✓ ⁵	
Commercial timber harvesting	N/A ⁶		X	X
Facilities and Development				
Construction of new roads	✓ ⁷	X ⁸	X	X
Construction of new facilities	✓	✓	X	X
Expansion of existing facilities	✓	✓	X	X
Maintenance of existing facilities	✓	✓	✓	X
Recreation				
Mountain biking	✓	✓	X	X ⁹
Heliskiing	✓	✓	✓	X
Hunting and fishing	✓	✓	✓ ¹⁰	
Camping	✓	✓	✓	✓
Horseback riding	✓	✓	✓	✓
Public Safety / Stewardship				
Prescribed fire	✓	✓	✓ ¹¹	
Emergency fire operations	✓	✓	✓	✓
Avalanche mitigation	✓	✓	✓ ¹²	

⁴ Without CWNCR protection, Congress could force the sale of public lands in the tri-canyons.

⁵ Must be done in a manner compatible with wilderness character and restored upon completion.

⁶ The 2003 Forest Plan states that there are no suitable lands for timber harvest within the Central Wasatch.

⁷ Without CWNCR protection, the rescission of the 2001 Roadless Rule would allow new roads to be built.

⁸ Exceptions for the administration of the area and responding to emergencies.

⁹ Exception for motorized wheelchairs.

¹⁰ Motorized or mechanized transport, including game carts and ATVs, would not be permitted. State laws and permitting requirements would be the same.

¹¹ Permitted for fuels reduction purposes, but not for individual species or vegetation types or other single resource benefits. No mechanized fuels reduction.

¹² As allowed under applicable Wilderness law.

Financial Effects of the CWNCR

The CWNCR would receive annual federal appropriations through the US Forest Service. The funding amount has not been determined.

Why Do We Need the CWNCR?

What does the CWNCR accomplish that could not be accomplished by other means?

First and foremost, it would place *permanent* protections on the land in the Central Wasatch that could not be undone by any action other than an act of Congress, which differentiates it from a National Monument. Although passing a bill is difficult and resource intensive, it's even more difficult to undo, making it the most effective choice to ensure the long-term protection of the region's drinking water, recreation access, and scenic and cultural value for generations to come. It would permanently protect the area from construction of new roads, sale to private hands, and most development. These threats continue to loom over the mountains today.

Second, it would mandate an update to the 2003 Forest Plan within 3 years of the signing of the bill. Typically, Forest Plans are updated every 10-15 years, but there are many plans older than that of the Uinta-Wasatch-Cache National Forest (UWC) that are still awaiting an update, and there is no current estimate for when that might occur for the UWC. Given the explosive growth of the area over the last two decades, an update to the plan would significantly help manage the increased demand through a re-evaluation of the area's needs and increased funding.

The CWNCR designation would protect the natural environment that provides the incredible recreation access that locals and tourists enjoy, which directly supports the regional and state economy. By concentrating and limiting development, recreation access is preserved for both backcountry and ski resort users and the impact on the environment is contained to smaller areas. Stewarding a major metropolitan area that is directly supported by the sensitive headwaters in the Central Wasatch Mountains, whose wide variety of excellent recreation opportunities attract over 3 million visitors annually and generates billions of dollars annually, takes active and careful balancing. The CWNCR aims to promote that balance.

Types of Federal Land Designations

For a more thorough analysis and comparison of NCAs, NRAs, and the NCRA, see this [research paper](#).

For more information about federal land designations, see [here](#).

Designation	Purpose	Process	Administering Entity	Example	Permanence
National Forest	Provide a variety of uses and values, including consumptive use, recreation, habitat, and wilderness – <i>without impairing the land's productivity</i> .	Designated by Congress, President, or Secretary of Agriculture (Organic Administration Act of 1897)	Forest Service	Uinta-Wasatch-Cache National Forest	Permanent. Can be designated (or undone) with an act of Congress, or can be administratively exchanged.
National Park	Preserve, unimpaired, natural and cultural resources and values for enjoyment, education, and inspiration for current and future generations.	Designated by Congress	National Park Service	Zion National Park	Permanent. Can only be designated (or undone) with an act of Congress.
National Monument	Protect sites with natural areas and areas of cultural, historical, and archaeological significance.	Designated by President or Congress (Antiquities Act of 1906).	Bureau of Land Management, Forest Service, National Park Service, Fish and Wildlife Service, or others.	Bears Ears, Grand Staircase-Escalante	Not necessarily permanent. Subject to administrative decisions. (Bears Ears was established under President Obama in 2016, reduced by 85% under President Trump in 2017, restored by President Biden in 2021, and reduced by 90% by President Trump in 2026.)
National Recreation Area (NRA)	Primarily recreation access and balancing tourism with land protection.	Designated by Congress.	National Park Service, Forest Service, Bureau of Land Management	Sawtooth NRA	Permanent. Can only be designated (or undone) with an act of Congress.

Designation	Purpose	Process	Administering Entity	Example	Permanence
National Conservation Area (NCA)	Protect natural resources, cultural landscapes, and historical sites. Offer ecological, cultural, or scenic value.	Designated by Congress.	Bureau of Land Management	Red Cliffs NCA	Permanent. Can only be designated (or undone) with an act of Congress.
National Conservation and Recreation Area (NCRA)	Novel designation designed to address the complex mix of recreation, watershed management, ecosystem health, and transportation infrastructure, and jurisdictional complexity.	Designated by Congress.	Forest Service	N/A (novel designation)	Permanent. Can only be designated (or undone) with an act of Congress.
Wilderness Area	Protect opportunities for solitude or primitive recreation, preserving land undisturbed and unshaped by human activity.	Designated by Congress using the Wilderness Act of 1964.	National Park Service, Forest Service, Fish and Wildlife Service, Bureau of Land Management	Mt. Olympus Wilderness Area	Permanent. Can only be designated (or undone) with an act of Congress.

Further Reading

[Central Wasatch National Conservation and Recreation Area Act \(October 2020 draft\)](#)

[Uinta-Wasatch-Cache Forest Plan](#)

[Wilderness One-Pager](#)

[Assessing Federal Designation Pathways for Utah’s Central Wasatch Mountains: Reflections on Mountain Accord’s Vision and Lessons from Sawtooth and Santo Monica Mountains National Recreation Areas](#)

[Federal Land Designations: A Brief Guide](#)