



**NOTICE OF A MEETING OF THE
CITY OF HOLLADAY CITY COUNCIL
THURSDAY, SEPTEMBER 17, 2026**

Holladay Council Chambers - 3330 S 1300 E

5:30 p.m. **Council Dinner** – *Council members will be eating dinner. No city business will be discussed.*

PUBLIC NOTICE IS HEREBY GIVEN that the Holladay City Council will hold a Council meeting on **Thursday, September 17, at 6:00 pm.** Members of the Council may participate electronically if needed. The Council Chambers shall serve as the anchor location.

** Agenda items may be moved in order, sequence and time to meet the needs of the Council*

All documents available to the City Council are accessible on the City's website or in this agenda. Interested parties are encouraged to watch the **live video stream** of the meeting - [agendas/https://holladayut.gov/government/agendas_and_minutes.php](https://holladayut.gov/government/agendas_and_minutes.php)

To provide a public comment or make a comment during any public hearing, may do so in the following ways:

1. **In-person attendance:** at Holladay City Hall
2. **Email** your comments by 5:00 pm on the date of the meeting to scarlson@holladayut.gov

AGENDA

- I. **Welcome** – Mayor Fotheringham
- II. **Pledge of Allegiance** -Scout Troop 442
- III. **Public Comments**
Any person wishing to comment on any item not otherwise on the agenda may provide their comment via email to the Council before 5:00 p.m. on the day of the meeting to scarlson@holladayut.gov with the subject line: Public Comment. Comments are subject to the Public Comment Policy set forth below
- IV. **Consideration of Ordinance 2026-15 Amending Sections 13.71.045, 13.100 and 13.04 to Allow “Arts and Culture” as an Allowable Use in the Holladay Village Zone**
- V. **Consideration of Resolution 2026-27 Granting the Advice and Consent of a Member to the Planning Commission**
- VI. **City Manager Report** – Gina
- VII. **Council Report & District Issues**
 - a. **Calendar**
Council Meetings –Oct. 1 & 22, November 5 & 19, Dec. 3 & 10,2026
- VIII. **Recess to Work Meeting**
 - a. **Central Wasatch National Conservation and Recreation Area Act** - Lindsey Nielsen,
Executive Director, Central Wasatch Commission

IX. ***Closed Session For the Purpose(s) Described in U.C.A. 52-4-204 and 205***

X. ***Adjourn***

Public Comment Polic & Procedure: During each regular Council Meeting there will be a Public Comment Time. The purpose of the Public Comment Time is to allow citizen's access to the Council. Citizens requesting to address the Council will be asked to complete a written request form and present it to the City Recorder. In general, the Chairman will allow an individual three minutes to address the Council. A spokesman, recognized as representing a group in attendance, may be allowed up to five minutes. Comments which cannot be made within these time limits should be submitted in writing to the City Recorder prior to noon the day before the meeting so they can be copied and distributed to the Council. At the conclusion of the Citizen Comment time, the Chairman may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all Public Hearings.

CERTIFICATE OF POSTING

I certify that the above agenda notice was posted at Holladay City Hall, the City website www.holladayut.gov, the Utah Public Notice website www.utah.gov/pmn, and the Holladay Library.

DATE POSTED: Friday, September 11, 2026

*Stephanie N. Carlson, MMC, City Recorder
City of Holladay*

CITY OF HOLLADAY

ORDINANCE NO. 2026-15

**AN ORDINANCE OF THE CITY OF HOLLADAY AMENDING TITLE 13 OF CITY CODE
RELATING TO ARTS AND CULTURE LAND USES WITHIN THE HOLLADAY VILLAGE
ZONE**

WHEREAS, in response to constituent requests for local arts and culture activities, City staff has prepared amendments to Title 13 of City Code to allow for arts and culture uses within the Holladay Village Zone; and

WHEREAS, the City Council has held a public hearing and has determined that the proposed amendments will serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

Section 1. Amendment. Section 13.04 Definitions of the City of Holladay Municipal Code is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Amendment. Section 13.71.075 Holladay Village Development Standards of the City of Holladay Municipal Code is hereby amended to read in its entirety as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Amendment. Section 13.01.100 Table of Allowed Land Uses of the City of Holladay Municipal Code is hereby amended to read in its entirety as set forth in Exhibit C, attached hereto and incorporated herein by reference.

Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 5. Clerical Corrections. The City Recorder, under the supervision of the City Manager and in consultation with the City Manager and City Attorney, is authorized to make non-substantive corrections to any portion of this Ordinance for grammatical, typographical, or numbering errors, or for consistency purposes that do not alter the substance of the Ordinance.

Section 6. Effective Date. This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this ___ day of September, 2026.

HOLLADAY CITY COUNCIL

By: _____
Paul Fotheringham, Mayor

[SEAL]

VOTING:

David Sundwall	Yea	Nay ____
Matt Durham	Yea	Nay ____
Natalie Bradley	Yea	Nay ____
Drew Quinn	Yea	Nay ____
Emily Gray	Yea	Nay ____
Paul Fotheringham	Yea	Nay ____

ATTEST:

Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this ____ day of September, 2026.

RECORDED this ____ day of September, 2026.

13.04.040: DEFINITIONS OF TERMS:

For the purpose of this title the following terms have the following meanings:

ABANDONMENT: See section 13.88.130 of this title.

ABUTTING: Properties which have a common property line or corner.

ACCESSORY BUILDING: A detached, subordinate building clearly incidental to and located upon the same lot occupied by the main building and occupied by or devoted to an accessory use. When an accessory building or structure is attached to the main building in a structurally substantial manner, by an enclosed conditioned space, such accessory building shall be considered part of the main building.

.....

ARTIST STUDIO, GENERAL: A studio for artist activities, such as painting, sculpture, photography or video with outdoor impacts.

ARTIST STUDIO, ARTISIAN INDUSTRIAL: A studio for artisan-related crafts, which are more intensive uses, such as metalworking, glassblowing, furniture making, pottery, leathercraft, and related items are conducted.

ARTIST STUDIO, COMMERCIAL: A commercial establishment where an art, or activity is taught, practiced, or studied, such as dance, photography, music, painting, or yoga. May have performance-space related to the classes taught on-site.

ARTS AND CULTURE, LOW INTENSITY: An indoor or outdoor accessory use, where paintings, sculpture, photography, ~~video~~ digital art or other works of art are displayed or musical arts or recital engagements of no more than 50 attendees are performed on a non-permanent, temporary basis for the general public and in conjunction with ~~another~~ the primary use where such primary use is closed for business. Such uses shall not include any form of use defined in Title 5.82.050, Sexually Oriented Businesses or be conducted in opposition to Special Event requirements as provided in title 14.56.

ARTS AND CULTURE, HIGH-INTENSITY: A use, indoor or outdoor, where an existing primary use also engages in the sale, loan or display of works of art, provides live entertainment whether or not admission is charged, such as; musical acts, karaoke, theatrical acts, stand up comedy, magic act or similar acts, or a General, Artisan Industrial or Commercial Art Studio (as defined). Such uses shall not include any form of uses or operations defined in Title 5.82.050, Sexually Oriented Businesses or be conducted in opposition to Special Event requirements as provided in title 14.56

TEMPORARY STOREFRONT GALLERY: A temporary gallery within existing storefront windows where works of art are displayed to the public while building space has no primary tenant or is otherwise vacant. Shall not include any form of use or operations defined in Title 5.82.050, Sexually Oriented Businesses.

Chapter 13.100 APPENDIX A - ALLOWED USES

C = Conditional use, P = Permitted use, - = Not allowed, SDMP = Site development master plan

ZONE

USE	All FR Zone	R-1-4, R-1-8, R-1-10, R-1-15	R-1-21, R-1-43, R-1-87	R-2-8, R-2-10	R-M	RO	NC	P	HCR	ORD	C-1	C-2	HV	PO	R/M-U	LU
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ACCESSORY USES*

Arts and Culture																See SDMP	See 13.63
	Low-Intensity Arts and Culture	=	=	=	=	=	=	=	=	=	=	=	=	P	=		
	High-Intensity Arts and Culture	=	=	=	=	=	=	=	=	=	=	=	=	=	=		
	Temporary Storefront Gallery	=	=	=	=	=	=	P	=	P	P	P	P	P	=		
Accessory dwelling unit		P ²³	P ²³	P ²³	P ²³	P ²³											
Alcoholic beverage retail sales ¹⁴																	
	Bar establishment	-	-	-	-	-	-	-	-	P ²²	C	-	C	-	-		
	Bar establishment, equity	-	-	-	-	-	-	-	C	P ²²	C	-	C	-	-		
	Bar establishment, fraternal	-	-	-	-	-	-	-	-	P ²²	C	-	C	-	-		
	Brewery	-	-	-	-	-	-	-	-	P ²²	C	-	C	-	-		
	Off premises	-	-	-	-	-	-	P	-	P	-	P	P	P	-		
	On premises banquet and catering	-	-	-	-	-	-	-	P	P	C	-	C	P	-		
	On premises beer retailer	-	-	-	-	-	-	-	P	P	P	-	P	P	-		
	Restaurant - beer only	-	-	-	-	-	-	P	P	P	P	P	P	P	-		
	Restaurant - full service	-	-	-	-	-	-	P	P	P	P	P	P	P	-		
	Restaurant - limited service	-	-	-	-	-	-	P	P	P	P	P	P	P	-		
	Single event permit	-	P	P	P	P	-	P	P	P	P	P	P	P	P		
Drive-through		-	-	-	-	-	-	-	-	C	P	C	P	-	-		
Family food production		P ¹	P ¹	P ¹	-	-	-	-	-	-	-	-	-	-	-		
Flea market/farmers' market		-	-	-	-	-	-	-	P	P	-	P	P	P	-		
Guesthouse and/or caretaker quarters		C 9	C 9	C 9	-	-	-	-	-	-	-	-	-	-	-		
Home daycare/preschool		C 3	C 3	C 3	C 3	C 3	-	-	-	-	-	-	-	-	C ³		
Home daycare/preschool, small		C 4	P 4	P 4	P 4	P 4	-	-	-	-	-	-	-	-	P ⁴		
Home occupation		C 5	C 5	C 5	C 5	C 5	-	-	-	C	-	-	-	-	-		
Household pets		P 10	P 10	P 10	P 10	P 10	-	-	-	P	-	-	-	-	-		
Livestock, large		P ¹	-	P ¹	-	-	-	-	-	-	-	-	-	-	-		
Livestock, small		P ¹	P ¹	P ¹	-	-	-	-	-	-	-	-	-	-	-		

CHAPTER 13.71 HOLLADAY VILLAGE ZONE

SECTION:

- 13.71.010: Vision And Purpose
- 13.71.020: Scope
- 13.71.030: Primary Uses
- 13.71.040: Accessory Uses
- 13.71.050: Nonconforming Development
- 13.71.060: Relocation Of Existing Uses Within The Zone
- 13.71.065: Project Approval
- 13.71.070: Project Approval Procedures
- 13.71.075: Development Standards
- 13.71.080: Design Guidelines
- 13.71.090: Illustrations

13.71.010: VISION AND PURPOSE:

A. It is intended that the Holladay Village (HV) Zone reflect the vision and goals of the Holladay Village Master Plan of the Holladay General Plan and facilitates a special, unique place for people to gather, shop, recreate, and enjoy the views of the surrounding mountains. The Holladay Village primarily caters first to the residents of Holladay providing goods and services that encourage them to shop and recreate at home rather than outside of the City. It is intended that the character of the Holladay Village become a place of human scaled, diverse land uses within an aesthetically attractive, easily accessible, and economically healthy environment. A pedestrian scale environment will be created through building height and mass, and orienting structures toward the streets and sidewalks. A range of commercial, service, public, and residential land use, including mixed-use is desired. Charming, traditional, early Utah architecture with some flexibility for individual expression employing high quality materials and energy efficiency and site features will create visual interest, encourage greater pedestrian and bike use, and enhance the image and economic vitality of the entire City.

Because the Village is intersected by a crossroads, an inherent conflict between pedestrians and vehicular traffic arises. By creating a walkable Village with a unique character catering equally to pedestrians and vehicles in one or all quadrants of the Village, it is hoped these objectives may be accomplished.

B. Another important goal of the Village is the preservation and enhancement of surrounding residential neighborhoods. These neighborhoods supply much of the patronage of commercial uses within the Village; consequently, care should be taken in the review of development of the Village to protect nearby residential uses from adverse impacts such as uncontrolled traffic, spillover parking, and noise and light pollution. Particular attention shall be paid to Locust Lane-Hugo Avenue, Phyliden Drive, Clearview Street, Kentucky Avenue, and Arbor Lane to ensure that most traffic to and from the Village is contained on arterial streets and not through surrounding residential neighborhoods.

To achieve these goals, in part, street level floor space immediately abutting 2300 East, Holladay Boulevard, Murray-Holladay Road, and Laney Avenue between 2300 East and Holladay Boulevard and abutting Holladay Village Plaza, as shown in section 13.71.080, figure 13.71.4 of this chapter shall be retail use only with the exception of small street level lobby areas that lead to upper story uses and Low-Intensity Arts and Culture accessory uses as defined in this title.

However, it is not the intent of this chapter to impair the rights of existing businesses and property owners. Therefore, land uses and structures legally existing at the time of adoption of this chapter shall be treated as nonconforming uses and structures, except as expressly stated herein. The provisions of this chapter allow lawfully established buildings and uses to continue but limits their expansion or modification unless brought into compliance with the requirements herein except for previously established drive thru uses.

C. To ensure the architectural and aesthetic goals of this section are met, any development within the HV Zone shall first be reviewed by the Design Review Board (DRB). The DRB determines a project's degree of overall conformity with the architectural design guidelines set forth in this chapter and makes, in a timely fashion, a recommendation. These guidelines are established to create and enhance a sense of place and visual continuity within the HV Zone.

D. Approval of any applicable land use application, as provided for in this chapter, within the Zone may only be given by the Planning Commission. Recommendations of the DRB are non-binding upon the Planning Commission and shall be considered.

E. Appeals from decisions of the Planning Commission or where appropriate as set forth herein, shall be made to the City Council in accordance with the provisions of section 13.08.040 of this title. (Ord. 2012-15, 9-20-2012; amd. Ord. 2014-15, 8-21-2014; Ord. 2021-05, 3-4-2021)

13.71.020: SCOPE:

--NO CHANGES PROPOSED

13.71.030: PRIMARY USES:

A. Permitted Uses: The permitted uses allowed in the HV Zone shall be as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title.

B. Conditional Uses: Any use legally existing as a conditional use in the HV Zone on the effective date of this chapter, is allowed to continue and is subject to the requirements of the conditional use permit issued for such use. Except as otherwise set forth in section 13.71.060 of this chapter, each conditional use shall conform to the development standards and design guidelines of this chapter and other applicable requirements of this title.

C. Mixed or Combined Uses: (See subsection 13.71.020B of this chapter.) Any mixture or combination of allowed uses may be established within the same building or on the same

lot or parcel. If any of the proposed uses are a conditional use, that use shall be reviewed and approved by the Planning Commission as required by section 13.08.040 of this title. Denial of a conditional use within a mixed-use building does not automatically result in denial of conforming use(s) and/or the site plan.

D. Prohibited Uses: Any primary or accessory land use not shown as a permitted or conditional use in chapter 13.100, "Appendix A - Allowed Uses", of this title shall be prohibited.

E. Hours: None of the foregoing uses shall be open to the public between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. except for hotels and bed-and-breakfast uses. (Ord. 2014-15, 8-21-2014; amd. Ord. 2021-05, 3-4-2021)

13.71.040: ACCESSORY USES:

Permitted and conditional uses set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such primary uses allowed by chapter 13.100, "Appendix A - Allowed Uses", of this title.

A. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the Zone except as otherwise expressly provided in this title.

B. No accessory use, building or structure, shall be allowed on a lot or parcel unless a primary permitted or conditional use is currently established on the parcel except as allowed by section 13.09.020 of this title.

C. Specific accessory uses allowed in the HV Zone are as set forth in chapter 13.100, "Appendix A - Allowed Uses", of this title. (Ord. 2012-15, 9-20-2012; amd. Ord. 2021-05, 3-4-2021)

13.71.050: NONCONFORMING DEVELOPMENT:

--NO CHANGES PROPOSED

13.71.060: RELOCATION OF EXISTING USES WITHIN THE ZONE:

--NO CHANGES PROPOSED

13.71.065: PROJECT APPROVAL:

--NO CHANGES PROPOSED

13.71.070: PROJECT APPROVAL PROCEDURES:

--NO CHANGES PROPOSED

13.71.075: DEVELOPMENT STANDARDS:

The following minimum development standards shall apply in the HV Zone. Application of the design guidelines set forth in section 13.71.090 of this chapter may require a higher standard to be met.

A. Lot, Yard And Other Development Standards: Except as otherwise required by a provision of this section or section 13.71.090 of this chapter, the development standards shown on chart 13.71.1 of this section shall apply in the HV Zone.

CHART 13.71.1

Development Standard	Amount
Development Standard	Amount
Lot area, minimum	5,000 square feet
Lot width, minimum	50 feet at 25 feet back from right-of-way
Lot frontage, minimum	50 feet
Build-to line	Buildings should abut the right-of-way line, where possible, except for proper architectural movement, plazas, sitting areas, art displays, or other justification as recommended by the DRB and approved by the Planning Commission
Maximum dwellings per acre	24
Right-of-way encroachments	Exception: Ornamental architectural features such as arcades, canopies, awnings, balconies, cornices, etc., and subsurface intrusions such as footings and foundations may be allowed to protrude into the right-of-way provided they do not interfere with the normal use of the right-of-way, after review and approval of the Planning Commission and subject to a license agreement approved by the City Manager
Front setback, nonconforming	Expansion and remodeling permitted so long as nonconforming setback is not expanded
Maximum allowable impervious surface coverage	100 percent, except for buffering landscaping requirements for properties abutting non-HV residential uses, preservation of protected trees, storm drain detention areas, etc.
Building width, maximum	No requirement
Building height, maximum ¹ , including screened mechanical equipment but excluding: 1) chimneys of 6 feet or less; 2)	See figure 13.71.3 of this subsection

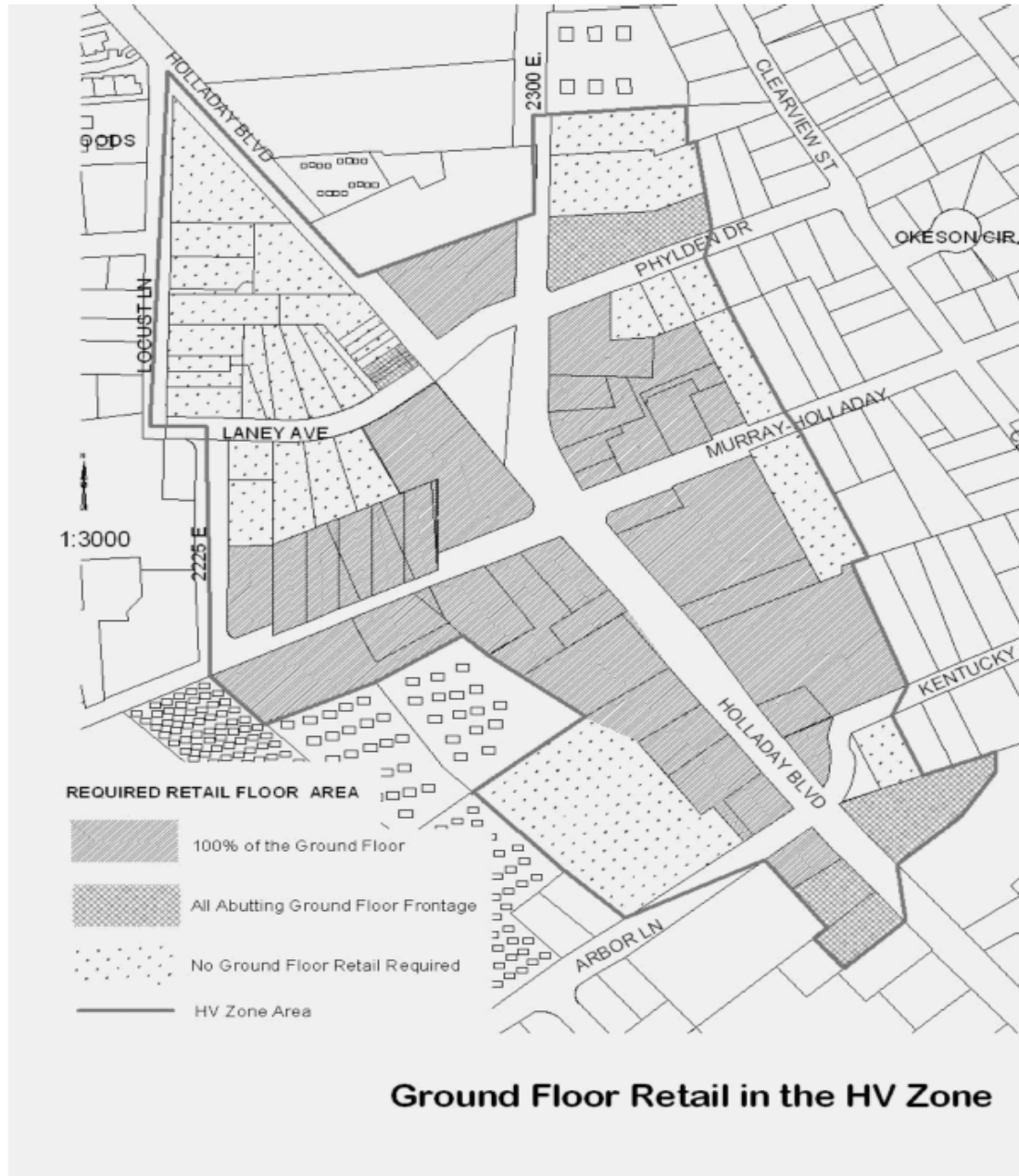
architecturally compatible elevator shafts 14 feet or less (2,500 lb maximum elevator capacity rating); 3) gables 4 feet or less	
Land uses for street level floor space abutting major streets and plaza within the Holladay Village Zone	The street level floor space fronting and abutting major streets, 2300 East, Holladay Boulevard, Murray Holladay Road and Laney Avenue between 2300 East and Holladay Boulevard and floor space abutting Holladay Village Plaza, as shown on figure 13.71.4 of this subsection shall be retail uses ² and select accessory uses as provided in §13.100 Table of Allowed Uses. Exception: Small street level lobby areas that lead to upper story uses

Notes:

1. To reasonably accommodate for grade and slope changes and as measured from the top back of curb of the nearest street, maximum building height for multi-story buildings may be averaged using 10 equal measurements over the length of the roofline facing the street but at no point may exceed 4 feet above maximum.

2. For the purposes of this chapter the term “retail use” shall include all allowed uses categorized under the general heading of “retail” in chapter 13.100, “Appendix A - Allowed Uses”, of this title as well as uses categorized as “personal service” and “pet grooming/pet daycare”.

FIGURE 13.71.4



13.71.080: DESIGN GUIDELINES:

--NO CHANGES PROPOSED

13.71.090: ILLUSTRATIONS:

--NO CHANGES PROPOSED

CITY OF HOLLADAY

RESOLUTION No. 2026-27

**A RESOLUTION GRANTING ADVICE AND CONSENT OF THE CITY COUNCIL FOR THE
APPOINTMENT OF A MEMBER TO THE PLANNING COMMISSION.**

WHEREAS, the City Manager has the responsibility and authority pursuant to Section 2.08.010 City of Holladay, Code of Ordinances to appoint individuals to various boards and commissions; and

WHEREAS, the City Manager has requested advice and consent of the City Council for the appointment of Scott Bennion from District 5; and

WHEREAS, the City Council has the responsibility pursuant to Section 2.08.010 of the City Code to provide advice and consent on all appointments to City boards; and

WHEREAS, the City Council has met in regular session to consider this appointment;

NOW, THEREFORE, be it resolved by the City Council of the City of Holladay, Utah as follows:

Section 1. Appointments. The City Council hereby gives advice and consent for the appointment the following individual to the Planning Commission for a term as specified. Said term shall be as follows:

<u>Name</u>	<u>Date Term Begins</u>	<u>Date Term Ends</u>
Scott Bennion – District 5	September 17, 2026	June 30, 2029

Section 2. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this 17th day of September, 2026.

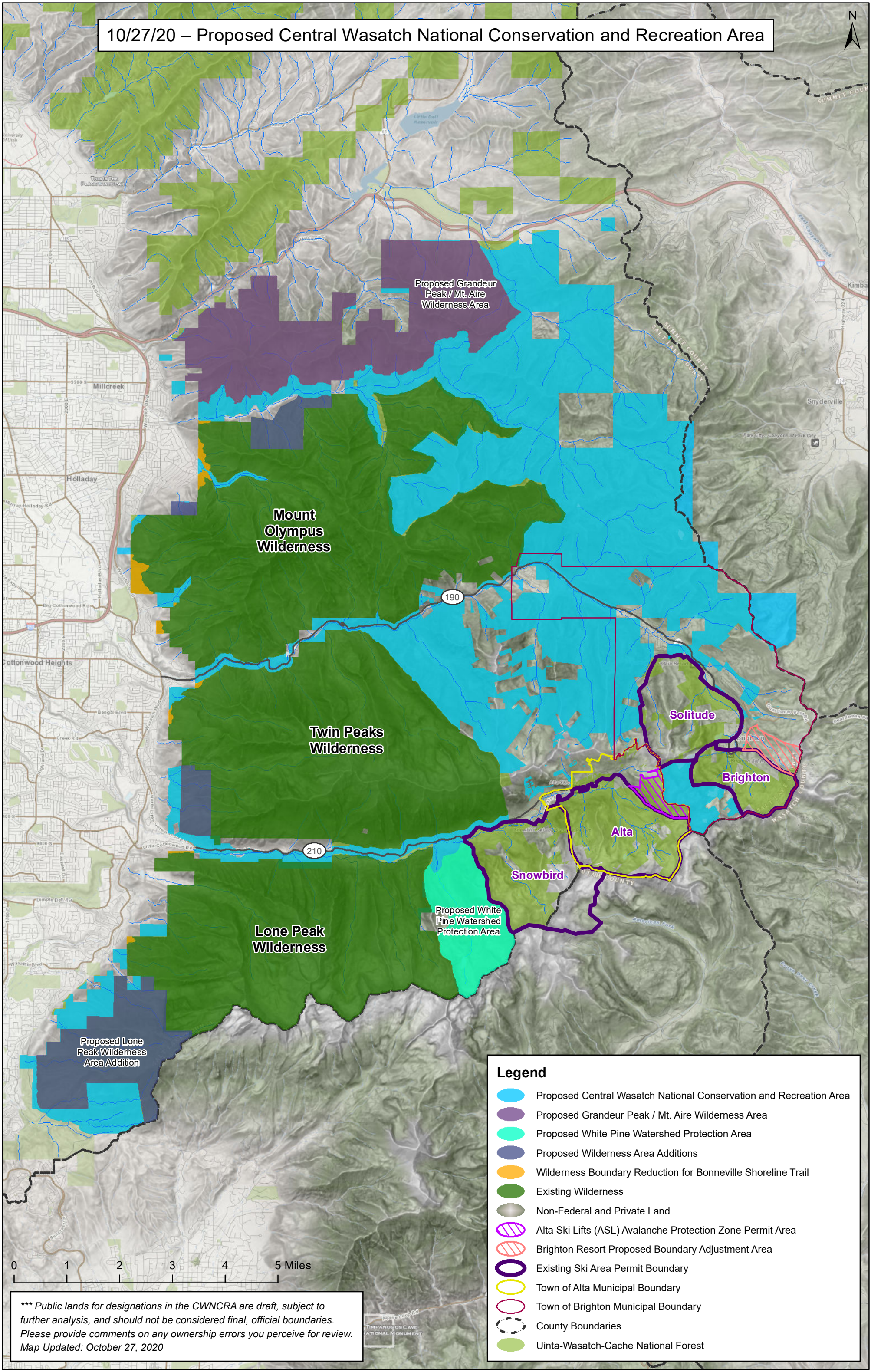
HOLLADAY CITY COUNCIL

By: _____
Paul Fotheringham, Mayor

[SEAL]

VOTING:

10/27/20 – Proposed Central Wasatch National Conservation and Recreation Area



Legend

- Proposed Central Wasatch National Conservation and Recreation Area
- Proposed Grandeur Peak / Mt. Aire Wilderness Area
- Proposed White Pine Watershed Protection Area
- Proposed Wilderness Area Additions
- Wilderness Boundary Reduction for Bonneville Shoreline Trail
- Existing Wilderness
- Non-Federal and Private Land
- Alta Ski Lifts (ASL) Avalanche Protection Zone Permit Area
- Brighton Resort Proposed Boundary Adjustment Area
- Existing Ski Area Permit Boundary
- Town of Alta Municipal Boundary
- Town of Brighton Municipal Boundary
- County Boundaries
- Uinta-Wasatch-Cache National Forest

*** Public lands for designations in the CWNCR are draft, subject to further analysis, and should not be considered final, official boundaries. Please provide comments on any ownership errors you perceive for review. Map Updated: October 27, 2020

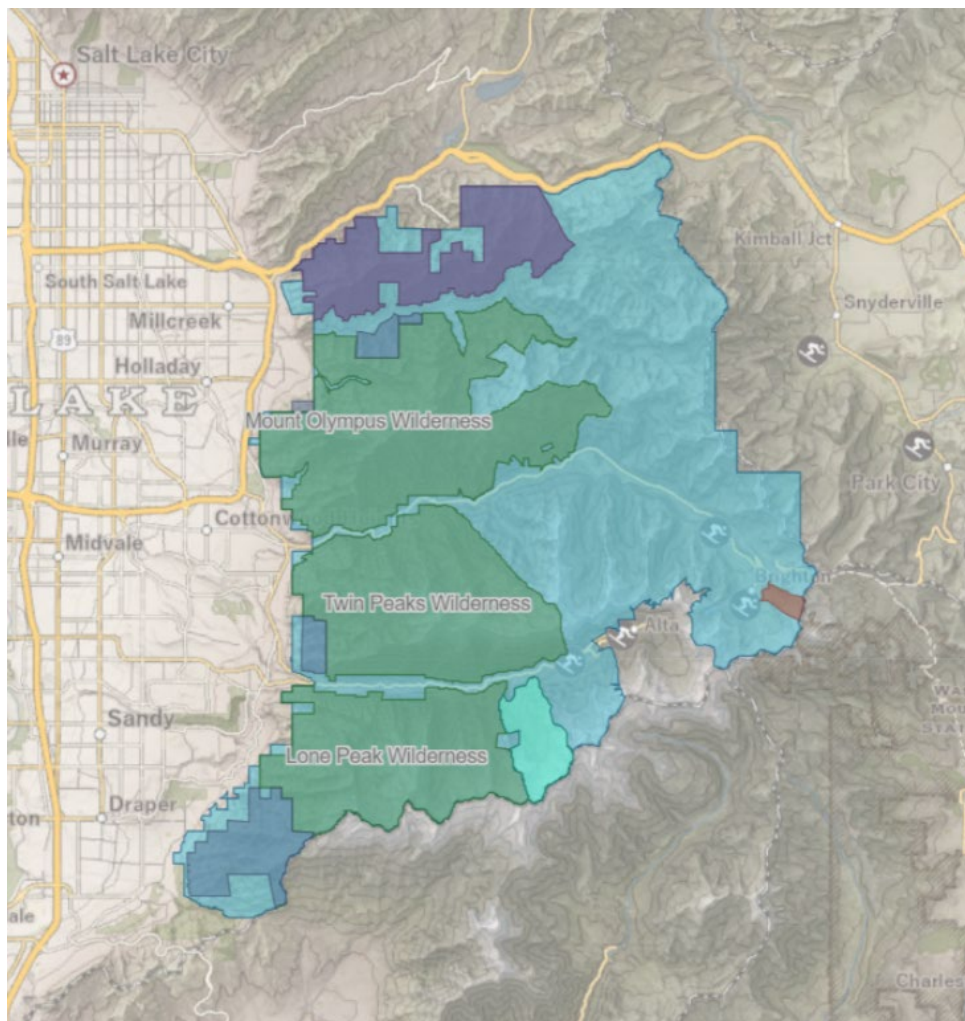


The Central Wasatch National Conservation and Recreation Area Act: What Is It, What Would It Do, and Why Is It Needed?

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 (NCRA, 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 (NCRA), 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](#)

H.R. _____

IN THE HOUSE OF REPRESENTATIVES

XXX, 2021

Rep. introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To create new lands designations, a new land management plan
for those designations for lands in Utah, and for other
purposes.

1 *Be it enacted by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE. This Act may be cited as the “Central
5 Wasatch National Conservation and Recreation Area
6 Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

9 Sec. 1. Short Title; Table of Contents.

10 Sec. 2. Definitions.

11 Sec. 3. Central Wasatch National Conservation and Recreation Area.

12 Sec. 4. Wilderness.

13 Sec. 5. White Pine Watershed Protection Area.

14 Sec. 6. General Provisions.

15 .

16 Sec. 7. Authorization for Appropriations.

17 **SECTION 2. DEFINITIONS.**

18 (a) DEFINITIONS.—In this Act:

19 (1) CONSERVATION AND RECREATION AREA.—

20 The term “Conservation and Recreation Area” means
21 the Central Wasatch National Conservation and
22 Recreation Area established by section 3(a).

23 (2) CONSERVATION AND RECREATION AREA

24 MAP.—The term “Conservation and Recreation Area
25 map” means the map entitled “Proposed Central
26 Wasatch National Conservation and Recreation Area
27 Map” and dated ___, 20 __.

28 (3) FACILITY.—The term “Facility” includes
29 systems for water resources, flood control, electric
30 energy, telecommunications, pipelines, and
31 recreation, including parking areas, trailheads, and
32 restrooms.

33 (4) FOREST PLAN.—The term “forest plan” means
34 the Revised Forest Plan: Wasatch-Cache National
35 Forest, dated February 2003, as amended.

36 (5) MANAGEMENT PLAN.—The term
37 “management plan” means the management plan for
38 the Central Wasatch National Conservation and
39 Recreation Area developed under section 3(d).

40 (6) MOUNTAIN ACCORD.—The term “Mountain
41 Accord” means the Mountain Accord agreement
42 dated July 13, 2015.

43 (7) MOUNTAIN TRANSPORTATION SYSTEM.—A
44 public transportation system used for the purpose of

45 transporting people year-round between developed
46 destinations.

47 (8) NATIONAL FOREST SYSTEM.—The term
48 “National Forest System” has the meaning given that
49 term in section 11(a) of the Forest and Rangeland
50 Renewable Resources Planning Act of 1974 (16
51 U.S.C. 1609(a)).

52 (9) SECRETARY.—The term “Secretary” means the
53 Secretary of Agriculture.

54 (10) SKI AREA.—The term “ski area” means
55 downhill ski area operating under a special use
56 permit.

57 (11) SKI LIFT. —The term “ski lift” means
58 motorized systems in a permitted ski area used for the
59 purpose of transporting skiers or other recreational
60 users.

61 (12) WATERSHED PROTECTION AREA.—The term
62 “Watershed Protection Area” means the White Pine
63 Watershed Protection Area established by section
64 5(a).

65 (13) STATE.—The term “State” means the State of
66 Utah.

67 **SEC. 3. CENTRAL WASATCH NATIONAL**
68 **CONSERVATION AND RECREATION AREA.**

69 (a) ESTABLISHMENT.—

70 (1) IN GENERAL.—Subject to valid existing rights,
71 there is established the Central Wasatch National
72 Conservation and Recreation Area in the State.

73 (2) AREA INCLUDED.— The Conservation and
74 Recreation Area shall consist of approximately __
75 acres of National Forest System land managed by the
76 U.S. Forest Service, as generally depicted on the Map.

77 (3) AREAS EXCLUDED.—The Conservation and
78 Recreation Area established under section 3 shall not
79 include non-Federal lands.

80 (b) PURPOSES.—The purposes of the Conservation
81 and Recreation Area are to—

82 (1) conserve and protect the ecological, natural,
83 scenic, cultural, historical, geological, and biological
84 values of the Conservation and Recreation Area;

85 (2) protect, enhance, and restore the water quality
86 and watershed resources in the Conservation and
87 Recreation Area;

88 (3) facilitate a balanced, year-round recreation
89 system with a wide variety of opportunities for
90 residents and visitors; and

91 (4) facilitate and accommodate improved access
92 for a growing number of users.

93 (c) ADMINISTRATION.—

94 (1) IN GENERAL.—The Secretary shall administer
95 the Conservation and Recreation Area—

96 (A) in a manner that conserves, protects, and
97 enhances the purposes for which the Recreation
98 Area is established; and

99 (B) in accordance with—

100 (i) the laws generally applicable to the
101 National Forest System, including the Forest

102 and Rangeland Renewable Resources Planning
103 Act of 1974 (16 U.S.C. 1600 et seq.);

104 (ii) this section; and

105 (iii) any other applicable law.

106 (2) USES.—

107 (A) IN GENERAL.— The Secretary shall allow
108 only uses of the Conservation and Recreation Area
109 that are consistent with the purposes of the
110 Conservation and Recreation Area, as described in
111 subsection (b).

112 (B) MOTORIZED VEHICLES AND MECHANIZED
113 TRANSPORT.—Except as necessary for the
114 administration of the Conservation and Recreation
115 Area or in responding to an emergency, the use of
116 motor vehicles and mechanical transport in the
117 Conservation and Recreation Area shall be
118 permitted only on roads, trails, and areas
119 designated for such use by the management plan.

120 (C) NEW ROADS.—

121 (i) IN GENERAL.—Except as necessary for
122 the administration of the Conservation and
123 Recreation Area or in responding to an
124 emergency, and in accordance with applicable
125 law (including regulations), no new roads shall
126 be constructed within the Conservation and
127 Recreation Area after the date of enactment of
128 this Act.

129 (ii) SAVINGS CLAUSE.—Nothing in clause

130 (i) prohibits the Secretary from authorizing

131 maintenance or reconstruction of a road in
132 existence on the date of enactment of this Act.

133 (D) EXISTING WATER INFRASTRUCTURE.—

134 The designation of the Conservation and
135 Recreation Area shall not affect the ability of
136 authorized users to access, operate, and maintain
137 water infrastructure facilities within the
138 Conservation and Recreation Area in accordance
139 with applicable authorizations and permits.

140 (d) MANAGEMENT PLAN.—

141 (1) IN GENERAL.—Not later than 3 years after the
142 date of enactment of this Act, the Secretary shall
143 develop as an amendment to the forest plan a
144 comprehensive plan for the long-term protection and
145 management of the Conservation and Recreation
146 Area, the Wilderness Areas in Section 4, and the
147 White Pine Watershed Protection Area in Section 5.

148 (2) REQUIREMENTS.—The management plan shall
149 include standards and guidelines to—

150 (A) protect water quality and watershed
151 resources;

152 (B) protect environmentally sensitive areas and
153 evaluate such areas for special administrative
154 designations;

155 (C) provide for restoration and adaptive
156 management of natural resources;

157 (D) promote public safety, including through
158 avalanche control; and

159 (E) facilitate year-round outdoor recreation.

160 (3) CONSULTATION.—In developing the
161 management plan, the Secretary shall consult with—

162 (A) appropriate State, tribal, and local
163 governmental entities;

164 (B) owners of lands or interests in lands
165 within or adjacent to the Conservation and
166 Recreation Area; and

167 (C) the public.

168 (4) INCORPORATION OF PLANS.—In developing
169 the management plan, the Secretary may, to the extent
170 consistent with this Act, incorporate any provision
171 of—

172 (A) the forest plan;

173 (B) Uinta-Wasatch-Cache Forest Service
174 Travel Management Plan;

175 (C) the Mountain Accord; or

176 (D) local plans.

177 (e) ADJACENT MANAGEMENT.—

178 (1) IN GENERAL.—Nothing in this subsection
179 creates any protective perimeter or buffer zone around
180 the Conservation and Recreation Area.

181 (2) ACTIVITIES OUTSIDE THE CONSERVATION AND
182 RECREATION AREA.—The fact that activity or use on
183 land outside the Conservation and Recreation Area
184 can be seen or heard within the Conservation and
185 Recreation Area shall not preclude the activity or use
186 outside the Conservation and Recreation Area.

187 (f) WITHDRAWAL.—Subject to valid existing rights,
188 all Federal land within the Conservation and Recreation

189 Area, including any land or interest in land that is
190 acquired by the United States within the Conservation
191 and Recreation Area after the enactment of this act, is
192 withdrawn from —

193 (1) entry, appropriation, or disposal under the
194 public land laws;

195 (2) location, entry, and patent under the mining
196 laws; and

197 (3) operation of the mineral leasing, mineral
198 materials, and geothermal leasing laws.

199 (g) ACQUISITION OF LAND.—

200 (1) IN GENERAL.—The Secretary may acquire
201 any land or interest in land within the Conservation
202 and Recreation Area only through exchange,
203 donation, or purchase from a willing seller. The
204 Secretary may not acquire any land by
205 condemnation.

206 (2) INCORPORATION OF ACQUIRED LAND AND
207 INTERESTS.— Any land or interest in land that is an
208 inholding within or adjacent to the Conservation and
209 Recreation Area that is acquired by the United States
210 after the date of enactment of this Act shall—

211 (A) become part of the Conservation and
212 Recreation Area; and

213 (B) be managed in accordance with applicable
214 laws, including as provided in this section.

215 (h) AVALANCHE CONTROL.—The Secretary may
216 allow installation of, access to, and maintenance of
217 avalanche control devices, excluding ski lifts, within the

218 Conservation and Recreation Area to protect public
219 health and property in accordance with the management
220 plan and applicable law (including regulations).

221 (i) SKI AREAS.—

222 (1) IN GENERAL.—Ski area permit boundary
223 expansion in the Conservation and Recreation Area
224 shall be prohibited.

225 (2) EFFECT.—The establishment of the
226 Conservation and Recreation Area shall not affect
227 the management of National Forest System lands
228 within the permitted boundary of a ski area or
229 permitted avalanche protection zone.

230 (3) SKI LIFTS.—The construction of ski lifts shall
231 only be allowed within permitted ski areas.

232 (j) WILDLAND FIRE.—Nothing in this section
233 prohibits the Secretary, in cooperation with other Federal,
234 State, and local agencies, as appropriate, from conducting
235 wildland fire operations in the Conservation and
236 Recreation Area, including operations using aircraft or
237 mechanized equipment.

238 (k) VEGETATION MANAGEMENT.— Nothing in this
239 section prevents the Secretary from conducting
240 vegetation management projects, including fuels
241 reduction activities, within the Recreation Area for the
242 purposes of improving water quality and reducing risks
243 from wildfire.

244 (l) TRANSPORTATION.—

245 (1) GENERAL.—Except as provided in subsection
246 (c)(2)(C), nothing in this section prohibits

247 transportation improvements and associated public
248 amenities, including roadway improvements, public
249 transportation, mountain transportation systems,
250 transit stops, stations, trails, trailheads, bike lanes,
251 restrooms, and pedestrian infrastructure within the
252 Conservation and Recreation Area in accordance
253 with—

- 254 (A) the management plan;
- 255 (B) applicable law (including regulations);
- 256 and
- 257 (C) the purposes described in subsection (b).

258 (2) CORRIDORS.—Transportation corridors shall
259 be preserved in accordance with 23 C.F.R. §
260 774(11)(i) and 49 U.S.C. § 5323(q) within the
261 easements, rights-of-way, and areas of established use
262 (including cut and fill slopes) on Little Cottonwood
263 Canyon Road (State Road 210) and Big Cottonwood
264 Canyon Road (State Road 190).

265 (A) ADJUSTMENTS.—Adjustments to the
266 corridors may be made through a public
267 engagement process in accordance with the
268 National Environmental Policy Act of 1969 (42
269 U.S.C. §4321 et seq.) if applicable and consistent
270 with the purposes described in subsection (b).

271 (B) APPLICATION OF LAW.—Nothing in this
272 section shall affect the designation of Federal
273 land within the Conservation and Recreation Area
274 for purposes of section 303 of title 49, United

275 States Code, and section 138 of title 23, United
276 States Code.

277 (3) FEDERAL ACTION.—To the extent future
278 transportation infrastructure requires federal action,
279 the Secretary of Agriculture and the Secretary of
280 Transportation shall coordinate actions in the
281 Conservation and Recreation Area when fulfilling
282 their obligations under the National Environmental
283 Policy Act of 1969 (42 U.S.C. § 4321 et seq.).

284 (4) UTAH DEPARTMENT OF TRANSPORTATION.—
285 Nothing in this section is intended to—

286 (A) limit the Utah Department of
287 Transportation from providing avalanche control,
288 maintenance, and safety improvement activities
289 on current and future transportation facilities;

290 (B) diminish or otherwise affect any
291 easement, right-of-way (including those
292 established by historic use or construction), or
293 other property rights held by or for the benefit of
294 the Utah Department of Transportation;

295 (C) add to the Utah Department of
296 Transportation's permitting process for
297 maintenance or improvement of any existing
298 transportation facilities; or

299 (D) affect existing or future appropriations
300 authorized by 23 U.S.C. § 107(d), 204(f), or 317.

301 (m) FACILITIES.—

302 (1) EXISTING FACILITIES.—Nothing in this
303 section affects the operation or maintenance of a

304 facility located within the Conservation and
305 Recreation Area in existence as of the date of
306 enactment of this Act.

307 (2) NEW FACILITIES.—The Secretary may
308 authorize the expansion of an existing facility or the
309 construction of a new facility within the
310 Conservation and Recreation Area in accordance
311 with—

312 (A) this section;

313 (B) the management plan;

314 (C) applicable law (including regulations);

315 and

316 (D) the purposes described in subsection (b).

317 (n) EFFECT ON PRIVATE PROPERTY RIGHTS.—

318 Nothing in this section—

319 (1) Requires any private property owner to allow
320 public access (including Federal, State, or local
321 government access) to private property; or

322 (2) Modifies any provision of Federal, State, or
323 local law with respect to public access to or use of
324 private land.

325 (o) AUTHORIZED ACTIVITIES.—

326 (1) IN GENERAL.—The Secretary may allow any
327 activities that have been authorized by permit as of
328 the date of enactment of this Act to continue within
329 the Conservation and Recreation Area, in accordance
330 with applicable law (including regulations) and
331 subject to such terms and conditions as the Secretary
332 may require.

333 (2) PERMITTING.—The designation of the
334 Conservation and Recreation Area by subsection (a)
335 shall not affect the renewal or reissuance of permits
336 for the activities covered under subparagraph (1) after
337 the date of enactment of this Act.

338 **SEC. 4. WILDERNESS.**

339 (a) BOUNDARY MODIFICATIONS.—

340 (1) MOUNT OLYMPUS AND TWIN PEAKS
341 WILDERNESS AREAS.—Section 102(a) of the Utah
342 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
343 1658; 16 U.S.C. 1132 note) is amended—

344 (A) in paragraph (3) by—

345 (i) striking “sixteen thousand acres” and
346 inserting “_____”; and

347 (ii) striking “, dated August 1984” and
348 inserting “and dated _____, 202__”;

349 (B) in paragraph (4) by—

350 (i) striking “thirteen thousand one
351 hundred acres” and inserting “_____”; and

352 (ii) striking “, dated June 1984” and
353 inserting “and dated _____, 202__”.

354 (2) LONE PEAK WILDERNESS.— Section 2(i) of
355 the Endangered American Wilderness Act of 1978
356 (P.L. 95-237; 92 Stat. 42; 16 U.S.C. 1132 note) is
357 amended by—

358 (A) striking “twenty-nine thousand five
359 hundred and sixty-seven acres” and inserting
360 “_____”; and

361 (B) inserting “and dated ____, 202__” after
362 “on a map entitled ‘Lone Peak Wilderness—
363 Proposed’”.

364 (b) ESTABLISHMENT OF GRANDEUR PEAK - MOUNT
365 AIRE WILDERNESS.— Section 102(a) of the Utah
366 Wilderness Act of 1984 (Public Law 98-428; 98 Stat.
367 1657; 16 U.S.C. 1132 note) is amended—

368 (1) in paragraph 11, by striking “and” at the end;

369 (2) in paragraph 12, by striking the period at the
370 end and inserting “; and”; and

371 (3) by adding at the end the following:

372 “(13) certain land in the Uinta-Wasatch-Cache
373 National Forest comprising approximately ____
374 acres, as generally depicted on the map entitled
375 ‘Proposed Central Wasatch National Conservation
376 and Recreation Area Map’ and dated ____, 202__,
377 which shall be known as the Grandeur Peak – Mount
378 Aire Wilderness.”

379 (c) ADMINISTRATION OF LAND.—Until the date on
380 which the management plan takes effect, the Federal land
381 excluded from the boundaries of the Mount Olympus,
382 Twin Peaks, and Lone Peak Wilderness Areas by this
383 section shall be administered in accordance with the
384 provisions of the forest plan applicable to the adjacent
385 non-wilderness land.

386 **SEC. 5. WHITE PINE WATERSHED PROTECTION AREA.**

387 (a) ESTABLISHMENT.—

388 (1) IN GENERAL.— Subject to valid existing
389 rights, there is established the White Pine Watershed
390 Protection Area in the State.

391 (2) AREA INCLUDED.—The Watershed Protection
392 Area shall be comprised of approximately 1,800
393 acres of National Forest System land in the Wasatch-
394 Cache National Forest, as generally depicted on the
395 Conservation and Recreation Area map as
396 "Watershed Protection Area".

397 (b) PURPOSES.—The purposes of the Watershed
398 Protection Area are to—

399 (1) ensure the protection and preservation of the
400 natural values and characteristics of the Watershed
401 Protection Area, including outstanding water quality,
402 scenery, and fish and wildlife habitat; and

403 (2) consistent with paragraph (1), to provide for
404 the conservation of the recreation, historic, scientific,
405 and cultural resources within the Watershed
406 Protection Area.

407 (c) ADMINISTRATION.—

408 (1) IN GENERAL.—The Secretary shall administer
409 the Watershed Protection Area in accordance with—

410 (A) the laws generally applicable to the
411 National Forest System, including the Forest and
412 Rangeland Renewable Resources Planning Act
413 of 1974 (16 U.S.C. 1600 et seq.);

414 (B) this section; and

415 (C) any other applicable law.

416 (2) AUTHORIZED USES.—The Secretary shall only
417 allow uses of the Watershed Protection Area that the
418 Secretary determines will further the purposes of the
419 Watershed Protection Area, as described in
420 subsection (b).

421 (3) PROHIBITED ACTIVITIES.— Subject to valid
422 existing rights, the following activities shall be
423 prohibited on National Forest System land in the
424 Watershed Protection Area—

425 (A) the use of motor vehicles and mechanical
426 transport, except for—

- 427 (i) administrative purposes;
428 (ii) responding to an emergency; or
429 (iii) the landing of helicopters for
430 recreational purposes.

431 (B) the construction or installation, after the
432 date of enactment of this Act, of permanent
433 structures; provided that the Secretary may
434 authorize the modification or reconstruction of
435 permanent structures and facilities located within
436 the Watershed Protection Area on the date of
437 enactment of this Act;

438 (C) the construction of new roads; and

439 (D) commercial timber harvesting.

440 (4) EXISTING WATER INFRASTRUCTURE.—
441 Nothing in this section shall be construed to limit
442 motorized access or road maintenance by local
443 municipalities, water districts, water systems, or
444 public or private utilities for those activities

445 necessary to the continued viability of water resource
446 facilities or to prevent the degradation of the water
447 supply in the Watershed Protection Area.

448 (d) NO EFFECT ON NON-FEDERAL LAND.—Nothing in
449 this section affects the ownership, management, use, or
450 improvement of non-federal land or interests in land,
451 including water rights.

452 (e) ACCESS.—Nothing in this section modifies any
453 laws or regulations that require or allow the Secretary to
454 provide the owners of private property within the
455 Watershed Protection Area access to their property.

456 (f) ADMINISTRATION AND ENFORCEMENT -
457 Within 30 days of enactment of this Act, the Secretary
458 shall issue such closure orders as necessary to enforce the
459 purposes, limitations, and requirements of this Act for
460 administration of the White Pine Watershed Protection
461 Area in accordance with 16 U.S.C. 551 and 36 CFR 261
462 Subpart B.”

463 **SEC. 6. GENERAL PROVISIONS.**

464 (a) CONFLICT OF LAWS.—If there is a conflict
465 between a provision of section 3 and a provision of
466 section 4 or 5, the more restrictive provision shall control.

467 (b) WATER RIGHTS.—

468 (1) EFFECT.—Nothing in this Act—

469 (A) shall constitute either an express or
470 implied reservation by the United States of any
471 water or water rights with respect to the
472 Conservation and Recreation Area; or

473 (B) affect any water rights in the State
474 existing on the date of enactment of this Act,
475 including any water rights held by the United
476 States.

477 (2) UTAH WATER LAW.— The Secretary shall
478 follow the procedural and substantive requirements
479 of the State in order to obtain and hold any water
480 rights not in existence on the date of enactment of
481 this Act.

482 (c) FISH AND WILDLIFE.— Nothing in this section
483 affects the jurisdiction of the State with respect to the
484 management of fish and wildlife on Federal land in the
485 State.

486 (d) FEES.—Notwithstanding any other provision of
487 law, the Forest Service is authorized to assess reasonable
488 fees for admission to and the use and occupancy of the
489 National Forest System lands within the Conservation
490 and Recreation Area, White Pine Watershed Management
491 Area, and adjacent Wilderness Areas. Any admission fees
492 and fees assessed for recreational activities shall be
493 applied to operations, maintenance and improvements of
494 recreation and transportation infrastructure within the
495 Conservation and Recreation Area and implemented only
496 after public notice and a period of not less than 60 days
497 for public comment.

498 (e) MAPS AND LEGAL DESCRIPTIONS.

499 (1) IN GENERAL.— As soon as practicable after
500 the date of enactment of this act, the Secretary shall

501 file a map and legal description of the Recreation
502 Area with—

503 (A) The Committee on Energy and Natural
504 Resources of the Senate; and

505 (B) the Committee on Natural Resources of
506 the House of Representatives.

507 (2) FORCE OF LAW.— The map and legal
508 descriptions filed under subsection (A) shall have the
509 same force and effect as if included in this section,
510 except that the Secretary may correct errors in the
511 legal description and map.

512 (3) PUBLIC AVAILABILITY.— The map and legal
513 descriptions filed under subsection (A) shall be on
514 file and available for public inspection in the
515 appropriate offices of the Forest Service.

516 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

517 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
518 authorized to be appropriated to the Secretary to carry out
519 this Act ____ for each of fiscal years 2021 through ____.

520