



# CENTRAL WASATCH COMMISSION

**Date:** March 28th, 2019

**To:** Councilman Chris McCandless, Chair (Sandy City)  
Mayor Jackie Biskupski, Vice Chair (Salt Lake City)  
Councilman Jim Bradley (Salt Lake County)  
Mayor Jenny Wilson (Salt Lake County)  
Mayor Mike Peterson (Cottonwood Heights)  
Mayor Andy Beerman (Park City)  
Mayor Jeff Silvestrini (Millcreek City)  
Mayor Harris Sondak (Town of Alta)  
Director Carlos Braceras (Utah Department of Transportation)

**From:** Ralph Becker, CWC Executive Director  
Jesse Dean, CWC Deputy Director

**CC:** Laura Briefer, Salt Lake City Public Utilities  
Carly Castle, Salt Lake City Public Utilities  
Mike Maughan, Alta Ski Area  
Dave Fields, Snowbird Resort  
Kim Mayhew, Solitude Mountain Resort  
Randy Doyle, Brighton Resort  
Nathan Rafferty, Ski Utah  
Chris Adams, Wasatch Backcountry Alliance  
Carl Fisher, Save Our Canyons  
Kyle Maynard, Friends of Alta

**Subject:** Alta Options Update

---

## **Background**

Mountain Accord and HR 5718 (Congressman Chaffetz, 2016) included a compromise agreement to address Grizzly Gulch and Alta Ski Area. In 2018, Alta Ski area withdrew from the prior agreement and the land exchange.

Since June 2018, the CWC has continuously worked to find solutions that would include Alta Ski Area in the updated Central Wasatch National Conservation and Recreation Area Act (CWNCRA) and the legislatively authorized land exchanges. Many proposals put forth by stakeholders from

Alta Ski Area, Save Our Canyons, Wasatch Backcountry Alliance, Friends of Alta, Town of Alta, Salt Lake City Public Utilities, the CWC and others were aimed at finding a new solution. To date, an agreement has not been achieved that is tenable for all stakeholders involved.

Throughout these efforts, the parties, including Alta Ski Area, agreed in discussion and in writing, that a fall-back, acceptable alternative would be to remove Alta Ski Area from the CWNCRA and allow the resort to pursue its expansion proposals through existing administrative processes, thereby leaving the resort “held harmless” in the draft legislation. Action by the CWC on November 19<sup>th</sup>, 2018 requested the Utah Congressional Delegation and Congress pursue legislation consistent with Alta Ski Area’s exclusion from the CWNCRA, and to continue to seek a solution to the Alta Ski Area’s expansion options in the Grizzly Gulch and Patsey Marley areas currently outside its ski area boundary.

Since November 19<sup>th</sup>, the CWC has convened several additional meetings between Alta Ski Area and other key stakeholders. At Alta Ski Area President and General Manager Mike Maughan’s request, the CWC board listened to Alta Ski Area’s options for moving forward at the March 4<sup>th</sup> CWC public meeting. A copy of those options is included as an attachment to this memo (see “Alta Approaches March 4, 2019”). The two approaches that Alta Ski Area offered at the meeting and said it could support include:

1. **Delaying the creation of a new federal designation until after transportation solutions are developed and agreed upon.** In this approach, Alta Ski Area requests that the legislation be modified to create the additional wilderness, White Pine Special Management area, and facilitate the exchange of privately held upper watershed lands with environmental and recreational values by all Cottonwood Canyons ski areas in public ownership. It would delay the creation of a new federal land designation until after the transportation solutions are developed and agreed upon.
2. **Removing the Cottonwood Canyons ski areas and Town of Alta from the new federal designation and preserve transportation options within the federal designation.** In this approach, the proposed legislation would create a new federal designation and not include the ski areas and the Town of Alta. It would facilitate the exchange of privately held upper watershed lands with environmental and recreational values by all the Cottonwood Canyons ski areas into public ownership and preserve transportation and connection options between the ski areas, Summit County and Salt Lake County.

The CWC provided a response to Mike Maughan’s options on March 8<sup>th</sup>, 2019 and requested a meeting including the following stakeholders: Alta Ski Area, Snowbird Resort, Solitude Mountain Resort, Brighton Resort, Ski Utah, Town of Alta, Salt Lake City Public Utilities, U.S. Forest Service, Save Our Canyons, Wasatch Backcountry Alliance, and Friends of Alta. A copy of that response is included as an attachment to this memo (see “CWC Response to 3-4-19 Alta Ski

Area Options”). A meeting was held including all the aforementioned parties at Salt Lake City Public Utilities’ offices on March 19<sup>th</sup>, 2019.

Following the meeting, Mike Maughan sent an email to the entire group highlighting a refined version of removing the Cottonwood Canyons ski areas and Town of Alta that includes the following:

- The Town of Alta including Alta Ski Area are excluded from the CWNCRA.
- Snowbird, Solitude & Brighton may elect to be excluded from the CWNCRA.
- National Forest lands between Alta, Brighton & Solitude would be included in the CWNCRA.
- The legislation would allow transportation solutions in the CWNCRA (including base to base gondolas) between the Canyons, Salt Lake Valley and Summit County/Park City.
- The legislation would authorize the Forest Service to exchange land with Alta, Snowbird, Solitude and Brighton. Agreement on the proposed Alta land exchange needs to be obtained.

### **Next Steps**

Several questions came up during the March 19<sup>th</sup>, 2019 meeting and in subsequent conversations. Those questions and answers are below:

1. *“Does Alta Ski Area’s most recent option leave open the possibility that ASL will expand into Grizzly Gulch in the future?”*
  - a. Yes. In both the most recent draft of the legislation (10/26/18) and in subsequent proposals from Alta Ski Area, the resort maintains its options to propose expansion of its current resort-skiiable terrain to include lift served skiing in the Grizzly Gulch area (including Patsey Marley Ridge) in the future.
2. *“Does Alta Ski Area’s most recent option leave open the possibility that ASL will expand into the avalanche protection zone portion of its special use permit (Patsey Marley) in the future?”*
  - a. Yes. In both the most recent draft of the legislation (10/26/18) and in subsequent proposals from Alta Ski Area, Alta Ski Area’s current ski area boundary, private lands, and the Town of Alta are excluded from the CWNCRA. This includes public lands along Patsey Marley, an area in which Alta Ski Area currently has a permit to conduct avalanche mitigation that could impact the resort’s lift served skiing. Alta Ski Area would have the ability to petition the USDA Forest Service to amend the avalanche protection zone portion of its special use permit and apply for a ski area expansion to include Patsey Marley.

3. *“In Mountain Accord, Salt Lake City’s provision of additional snowmaking and culinary water to Alta Ski Area and the Town of Alta was dependent on preserving Grizzly Gulch and on widespread land protections within the watersheds. A portion of the additional culinary water was to support a transit center in the Town of Alta as part of overall transportation solutions in LCC. This was requested by the former Town of Alta Mayor Pollard. In order to understand how additional water would be evaluated, Salt Lake City needs to understand better the lands Alta Ski Area is willing to include in the land exchange, both the giving and receiving areas, including whether Grizzly Gulch and Patsey Marley are part of the exchange.”*
  - a. Alta Ski Area has previously mentioned that it is interested in trading its private lands along the Northern ridge of Little Cottonwood Canyon. The CWC will request that Alta Ski Area provide additional specifics regarding the lands Alta Ski Area is willing to include in the land exchange.
4. *“Salt Lake City was very supportive of the principle that private lands converted to public lands in the ski area exchanges would be included within the CWNCRA. Does Alta Ski Area’s most recent proposal and other ongoing exchange efforts maintain that principle?”*
  - a. Alta Ski Area’s most recent proposal requests that other Cottonwood Canyons ski areas (Snowbird, Solitude, Brighton) have the option to be excluded from the CWNCRA. To date, those resorts have not requested that they be removed from the designation or the legislatively authorized land exchanges. Alta Ski Area’s interest in preserving the ability to obtain authorization for a ski area expansion along Patsey Marley ridge does not maintain that principle. The land exchanges were anticipated to be within the CWNCRA, and also for lands that would be exchanged at the base area instead of ridge lines.
5. *“The Ski Areas expressed the concern yesterday that the NCRA would add an additional layer of uncertainty for ski area operations. Is there any work in the legislation that can be done to address this concern besides removing the current ski area special use permit areas entirely from the CWNCRA. It would be helpful to have a concrete understanding of the risks and benefits that could be faced by the ski areas if they are within the CWNCRA. The ski areas occupy the critical headwaters of watersheds that provide drinking water to 500,000 people (and growing). Excluding all four ski areas from the NCRA would be a shift from the core Mountain Accord principle of widespread watershed protections.”*
  - a. The 10/26/18 draft of the CWNCRA, and earlier drafts, is a new designation that directs the United States Forest Service to manage the public lands contained within the designation after public engagement and the enactment of a management plan. Following are some areas of concern mentioned by Alta Ski

Lifts and a summary of how the Draft CWNCR legislative language addresses those concerns:

**Private Land:** The Draft legislation explicitly states that private lands within the designation boundaries or adjacent to designation boundary area will not be affected. And the Draft explicitly states that nothing in the legislation affects permitting, contracting, easements, leases, or other written authorizations that exist on the date of enactment of the act.

**Existing Permits, Special Use:** The legislation supports the process by which a permit, contract, easement, lease is reissued, modified or that was not in existence on the date of the enactment of the act. Further, section (3)(e)(2) states: “Ski Areas. – The establishment of the Conservation and Recreation Area shall not affect the management of National Forest System lands within the boundary of a ski area and avalanche protection zone permits.”

**Transportation:** Another concern expressed by the Cottonwood Canyons ski areas is whether the designation could negatively impact needed transportation improvements in the Big Cottonwood Canyon and Little Cottonwood Canyon. The most recent draft of the legislation anticipates future transportation improvements. It provides explicit language regarding the existing transportation corridors in Big Cottonwood Canyon (State Road 190) and Little Cottonwood Canyon (State Road 210), and allows for adjustments to the corridors to be made through a public engagement process and in accordance with the National Environmental Policy. It also stipulates that the existing Section 4(f) shall only apply to existing properties within the corridors that would have been determined to be Section 4(f) properties before the enactment of legislation. Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 prohibits the FTA and other USDOT agencies from using land from publicly owned parks, recreation areas (including recreational trails), wildlife and waterfowl refuges, or public and private historic properties, unless there is no feasible and prudent alternative to that use and the action includes all possible planning to minimize harm to the property resulting from such a use.

6. *“Please forward the most recent working draft of the legislation so we are all on the same page when other parties recommend text changes.”*

- a. The most recent draft of the legislation is attached (10/26/18). The CWC staff is currently working on an updated draft that will be ready for public review and comment by May 1st, 2019. It is anticipated that in some of the cleanup of provisions for introduction of legislation in Congress that some provisions of interest will be modified, but the intent will be to maintain the intent and purposed outlined above.

We look forward to continuing to work with all stakeholders to reach consensus around public lands and resources protections in the Central Wasatch. If you have any additional questions please do not hesitate to contact our team.