**Central Wasatch Commission Legislative Committee**

Requested Legislative Changes from Public Comment

Friday, February 12, 2021, 11:30 a.m.

Comment

I am writing in support the proposed Central Wasatch National Conservation and Recreation Area (CWNCRA) Act. I am glad to see that the CWNCRA encompasses a broad swath of lands across Little Cottonwood, Big Cottonwood, and Mill Creek canyons and that the bill includes establishment of the Grandeur Peak/Mount Aire Wilderness Area. I am also glad to see that the legislation preserves the White Pine drainage, but am concerned about the precedent set by allowing helicopters in this otherwise protected area. The White Pine drainage should be designated as an addition to the Lone Peak Wilderness with no helicopter use allowed. As a backcountry skier, I am pleased to see that the legislation addresses one of my foremost priorities - preventing development of the backcountry by placing the boundaries of the CWNCRA adjacent to ski resort boundaries. However, I am disappointed to see that the CWNCRA does not include Forest Service lands within the Alta Ski Area avalanche protection zone permit area. These public lands should also be included in the CWNCRA in order to ensure that they are not developed by Alta Ski Area in the future. The bill should also include language confirming the need to preserve the existing balance of resort and backcountry terrain in the Central Wasatch. I understand that most of the resorts are unwilling to engage in any meaningful land trade negotiations as part of the CWNCRA, and this is why the land trade language has been removed. While this is disappointing, at the very least, the legislation should include strongly-worded language and/or incentives to encourage preservation of undeveloped private lands suitable for land trades. Little Cottonwood and Big Cottonwood Canyons and the Wasatch Back are “transportation corridors” and I am concerned that development of these corridors could encroach upon lands available for future land trades, and the public’s ability to access public lands. To help address this concern, the bill should include language that identifies the need for any future transit options to address the needs of backcountry recreationists. Finally, I request that you add language to the bill that encourages development a more comprehensive hiking and mountain biking trail network in the upper Cottonwood canyons to accommodate increased population growth in the communities adjacent to the CWNCRA. Thank you for your work on this legislation, and for considering my input.

Requested Legislative Changes

1. Forest Service land within Alta Ski Area avalanche protection zone permit area should also be included in the CWNCRA
2. White Pine included in Lone Peak Wilderness
3. Provide language in the bill ensuring transit access at trailheads
4. Provide language in the bill that confirms the need to preserve those lands and the existing balance of resort and backcountry terrain in the Central Wasatch.

Comment

As a person who depends on the Wasatch Mountains I have followed the proposed National Conservation and Recreation Area's progress. I am dismayed at the current draft because it does not respect our communities desire for a balanced and natural Wasatch Mountain ecosystem. The NCRA as drafted currently doesn't protect our watersheds and backcountry recreation. It allows more development via ski lift by Alta Ski Area in Grizzly Gulch or onto Mt. Wolverine. It neglects to add White Pine as part of the Lone Peak Wilderness. White Pine is an area of high quality lands that should be set aside from mechanized development and use to be included in a comprehensive trails management plan. This draft wouldn't preserve the beloved Little Cottonwood Trail, which offers year round recreation and access to the south side of the canyon against a significant development like gondola. Finally, it does not support transit access to trailheads and dispersed recreation sites, or encourage the implementation of and adherence to a recreation management plan that would benefit the recreation experience and protection of our environment. Every year I see more threatened lands in the Wasatch get lost to development. This is a concerning trend that demonstrates compromise to development interests at the expense of shared Wasatch values, from wildlife to watershed protections. I ask you to work with all those involved to address these issues, justify your decisions, and remember that the outcomes of this great landscape conservation effort could degrade or protect the Wasatch for generations to come.

Requested Legislative Changes

1. Provide protection of Little Cottonwood Canyon Trail in the Bill
2. Provide permanent protection of Mt. Wolverine and Grizzly Gulch in the Bill

Comment

"Thank you for considering my comments concerning the October 2020 draft of Central Wasatch National Conservation and Recreation Area legislation. 1) I support creating the CWNCRA in that it can be a mechanism to establish an entry fee area.

Revenues generated can fund operations, maintenance, improvements to infrastructure, complete environmental restoration, transportation projects, and purchase of private in-holdings from willing sellers.

2) The map provided with the legislation continues to have inadequate detail. We need a GIS map that can be magnified in sufficient resolution to see details. This is important for issues such as the Bonneville Shoreline Trail wilderness adjustments and the alignment of the White Pine Watershed Protection Area.

3) The legislation should have a sentence specifying legislative intent of the BST wilderness boundary adjustments – “Sec. 4 (a) The boundaries of the Mount Olympus, Twin Peaks, and Lone Peak Wilderness Areas shall be adjusted for the purpose of making the existing and future Bonneville Shoreline Trail alignment located outside of the designated wilderness so that the trail can be legally used by mountain bikes.”

4) As this version of the legislation does not include the previously included ski resort land exchanges, this legislation should only move forward with the full support of the four ski resorts.

5) While I am willing to accept the loss of the White Pine Watershed Protection Area to mountain bikers to ensure that wilderness adjustments are made for the Bonneville Shoreline Trail, I am troubled by two issues. One problematic issue is that the name ‘Watershed Protection Area’, which was made solely for the exclusion of mountain bikers, implies that mountain bikes are detrimental and incompatible with watershed areas. That is false and sets a bad precedent; a different name should be given. The second problematic issue, as I am told, is that this sets a precedent for having a second Federal designation that prohibits mountain bikes, in addition to the Wilderness Area designation. This should be verified and discussed with the International Mountain Bike Association.

Requested Legislative Changes

1. Need for a GIS map that can be magnified in sufficient resolution to see details.
2. The name ‘Watershed Protection Area’, which was made solely for the exclusion of mountain bikers, implies that mountain bikes are detrimental and incompatible with watershed areas. That is false and sets a bad precedent; a different name should be given in the Bill.
3. Provide language in the Bill that illustrates full support of four ski resorts.
4. Provide language in the Bill specifying intent of the BST wilderness boundary adjustments – “Sec. 4 (a) The boundaries of the Mount Olympus, Twin Peaks, and Lone Peak Wilderness Areas shall be adjusted for the purpose of making the existing and future Bonneville Shoreline Trail alignment located outside of the designated wilderness so that the trail can be legally used by mountain bikes.”

Comment  
  
Protecting backcountry ski terrain from ski area encroachment  
Outdoor Alliance strongly supports measures to ensure that developed ski areas do not expand beyond their current footprints. While we are pleased to see that the Conservation and Recreation Area (CWNCRA) in many instances directly abuts ski resort boundaries, we are concerned by the omission of public land within Alta’s avalanche protection zone permit area from the CWNCRA. We are concerned that this omission sends mixed signals about the possibility of future development in this area, which should be foreclosed. Additionally, we are disappointed that most developed ski areas appear to no longer be interested in pursuing land exchanges to preserve backcountry ski terrain. We would support the addition of bill language to incentivize the protection of undeveloped private land that may be suitable for land exchanges in the future. The proposed CWNCRA includes significant and extensive areas of importance for rock and ice climbing, and we strongly support the addition of language to ensure that climbing is an appropriately protected and managed use. We support additions:  
  
· To line 157, to state: “(D) promote public safety, including through avalanche control and maintenance of fixed anchors for climbing.”  
  
· To line 278, adding a new subsection stating:  
  
(m) FIXED ANCHOR MAINTENANCE. —The Secretary shall allow the maintenance (including replacement) of fixed anchors for climbing within the Conservation and Recreation Area to protect public health and property in accordance with the management plan and applicable law (including regulations); and  
  
· Prefatory language specifically calling out climbing, alongside other sustainable recreational uses like mountain biking, backcountry skiing, and hiking, as recreational activities the bill aims to protect and enhance.  
  
Outdoor Alliance is concerned by the precedent of establishing a designation permitting “the landing of helicopters for recreational purposes,” while barring the use of mountain bikes. If the priority is protection of the watershed, it seems clear that helicopters should be barred from the area, and Wilderness designation (with a grandfathered exception for utility access to the reservoir) may be appropriate as a part of the adjacent Lone Peak Wilderness. Conversely, if helicopter use is permitted in the area, sustainable, human-powered use through bicycle access should be permitted, as well.Outdoor Alliance supports Wilderness boundary adjustments to facilitate bicycle access for the Bonneville Shoreline Trail. We ask the Commission to adjust bill language to mirror that found in the Bonneville Shoreline Trail Advancement Act (S. 4215/H.R. 7626). Additionally, we support the addition of bill language to make clear that the purpose of the adjustment is to facilitate construction of the trail and use by mountain bikers, among other user groups.  
  
Requested Legislative Changes

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   · Prefatory language specifically calling out climbing, alongside other sustainable recreational uses like mountain biking, backcountry skiing, and hiking, as recreational activities the bill aims to protect and enhance.
2. Removal of helicopters in White Pine, either/or allowance for both helicopters and mountain bikes in White Pine
3. Adjust bill language to mirror that found in the Bonneville Shoreline Trail Advancement Act (S. 4215/H.R. 7626). Additionally, we support the addition of bill language to make clear that the purpose of the adjustment is to facilitate construction of the trail and use by mountain bikers, among other user groups.

Comment

White Pine Watershed Protection Area: While IMBA, and to our knowledge local mountain bikers, do not have intentions to seek new bike trail opportunities in this landscape, banning bikes without justification is both arbitrary and capricious. The simple solution, to gain our support for this landscape is to remove the term “and mechanical” from line number 425 in the draft legislation. the use of motor vehicles and mechanical transport, except for— Alternatively, language can instead be added under the exceptions clause that states: except for— ( ) Bicycling on designated trails, BST Wilderness Adjustments The most current and up-to-date GIS map to achieve effective BST Wilderness Adjustments can be found in Appendix A. A full resolution link is available here. The CWNCRA Summary and Background Document should more thoroughly articulate the legislative intent of the BST Wilderness Adjustments. Recommend language could be: The boundaries of the Mount Olympus, Twin Peaks, and Lone Peak Wilderness Areas should be adjusted for the purpose of ensuring the existing and future Bonneville Shoreline Trail is aligned outside of the designated wilderness so that it can be constructed efficiently and legally utilized by mountain bikes in its entirety. The CWNCRA proposal uses as minimal adjustments necessary to achieve this intent. The current acreage reduction described and/or map depictions of the adjustments in the legislative maps and language is a carry over from earlier premature analysis and therefore is incomplete and/or inaccurate at this time. We recommend the CWNCRA mirror the most accurate and up-to-date language found in the H.R.7626 Bonneville Shoreline Trail Advancement Act. Mount Olympus Wilderness Boundary Adjustment.— ADJUSTMENT.—Section 102 of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1657; 16 U.S.C. 1132 note), as amended by subsection (a), is further amended by adding the at the end the following: “(d) Mount Olympus Wilderness Boundary Adjustment.—Certain lands in the Uinta-Wasatch-Cache National Forest which comprise approximately 197.4 acres as generally depicted on a map entitled the ‘Bonneville Shoreline Trail Legislative Map’, dated July 9, 2020, are hereby removed from the Mount Olympus Wilderness designated under subsection (a)(3).”. MANAGEMENT.—The Mount Olympus Wilderness, as designated under section 102(a)(3) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C. 1132 note) and adjusted under paragraph (1), effective beginning on the date of the enactment of this Act, shall be managed as part of the Uinta-Wasatch-Cache National Forest. Twin Peaks Wilderness Boundary Adjustment.— ADJUSTMENT.—Section 102 of the Utah Wilderness Act of 1984 (Public Law 98–428, 98 Stat. 1657, 16 U.S.C. 1132 note), as amended by subsections (a) and (b), is further amended by adding at the end the following: “(e) Twin Peaks Wilderness Boundary Adjustment.—Certain lands in the Uinta-Wasatch-Cache National Forest which comprise approximately 9.8 acres as generally depicted on a map entitled the ‘Bonneville Shoreline Trail Legislative Map’, dated July 9, 2020, are hereby removed from the Twin Peaks Wilderness designated under subsection (a)(4).”. MANAGEMENT.—The Twin Peaks Wilderness, as designated under section 102(a)(4) of the Utah Wilderness Act of 1984 (Public Law 98–428; 98 Stat. 1658; 1 6 U.S.C. 1132 note) and adjusted under paragraph (1), effective beginning on the date of the enactment of this Act, shall be managed as part of the Uinta-Wasatch-Cache National Forest. Lone Peak Wilderness Boundary Adjustment.— ADJUSTMENT.—Section 2 of the Endangered American Wilderness Act of 1978 (Public Law 95–237; 92 Stat. 42; 16 U.S.C. 1132 note) is amended— in subsection (j), by striking “and” at the end; in subsection (k), by striking the period at the end and inserting “; and”; and by adding at the end the following: “(l) certain lands in the Uinta-Wasatch-Cache National Forest, Utah, which comprise approximately 107.9 acres as generally depicted on a map entitled the ‘Bonneville Shoreline Trail Legislative Map’, dated July 9, 2020, are hereby removed from the Lone Peak Wilderness Area designated under subsection (i).”. MANAGEMENT.—The Lone Peak Wilderness Area, as designated under section 2(i) of the Endangered American Wilderness Act of 1978 (Public Law 95–237; 92 Stat. 42; 16 U.S.C. 1132 note) and adjusted under paragraph (1), effective beginning on the date of the enactment of this Act, shall be managed as part of the Uinta-Wasatch-Cache National Forest.

Requested Legislative Changes

1. Remove the term “and mechanical” from line number 425 in the draft legislation. the use of motor vehicles and mechanical transport, except for— Alternatively, language can instead be added under the exceptions clause that states: except for— ( ) Bicycling on designated trails.
2. The boundaries of the Mount Olympus, Twin Peaks, and Lone Peak Wilderness Areas should be adjusted for the purpose of ensuring the existing and future Bonneville Shoreline Trail is aligned outside of the designated wilderness so that it can be constructed efficiently and legally utilized by mountain bikes in its entirety. The CWNCRA proposal uses as minimal adjustments necessary to achieve this intent. The current acreage reduction described and/or map depictions of the adjustments in the legislative maps and language is a carry over from earlier premature analysis and therefore is incomplete and/or inaccurate at this time. We recommend the CWNCRA mirror the most accurate and up-to-date language found in the H.R.7626 Bonneville Shoreline Trail Advancement Act.

Comment

I would like to submit a comment in favor of limiting ski resorts to existing boundaries, formal language in the bill around more trail development in the Tri Canyons, and the inclusion of the White Pine drainage into the Lone Peak Wilderness.

Requested Legislative Changes

1. Provide formal language in the bill around more trail development in the Tri Canyons,
2. Include White Pine drainage in the Lone Peak Wilderness.

Comment

One particular geography that isn’t addressed are the public lands at the tops of Big and Little Cottonwood Canyons -- Grizzly Gulch, Patsey Marley, Wolverine Cirque, Lake Mary and the Twin Lake area -- where protections of these public lands have been removed from the NCRA. This is extremely concerning, primarily because the legislation punts on these issues rather than taking the comprehensive all lands approach laid out in Mountain Accord. we need legislation to block ski interconnect and further ski area expansion.

Requested Legislative Changes

1. Provide language in the Bill that protects Grizzly Gulch, Patsey Marley, Wolverine Cirque, Lake Mary and the Twin Lake area
2. Add language to the Bill that blocks ski interconnect

Comment

I find it frustrating that the public lands that are in the Patsey Marley area are not included in the CWNCRA boundary. There is no question that by leaving these lands out, the cwc is not simply “holding ASL harmless;” in fact, there is little question that by leaving these lands out, this strengthens ASL's position to have a major expansion in this area, something that ostensibly the NCRA bill is all about. Similarly, the NCRA boundary seems to be designed to enable a canyon-to-canyon connection between LCC and BCC, something that does not have much support at all, much less universal support, and seems to have little actual justification other than from a marketing perspective. There is very little acknowledgement of any non-ski resort activities or land associated with those activities. Backcountry skiing, hiking, rock climbing, ice climbing, etc are all VERY popular, yet there is little accounting of the needs for these dispersed users, or even use outside the ski season of Dec-Mar. I recognize that we have a challenging environment here, and while I welcome the addition of the Grandeur/Aire wilderness, addressing the upper Cottonwood canyons in a sustainable way without capitulation to the 4 ski resorts there (effectively, just one ski resort: ASL) seems like the highest priority.

Requested Legislative Changes

1. Add language to the Bill precluding a canyon-to-canyon connection between BCC and LCC