



Objection Reviewing Officer
USDA- Forest Service Intermountain Region
324 25th Street, Ogden, Ut 84401

Project Name: Alta Ski Lifts Master Development Plan Improvement Projects
Responsible Official: David C. Whittekiend, Forest Supervisor
Project District: Uinta-Wasatch-Cache National Forest

RE: Friends of Alta objection letter to the Draft Decision Notice, Finding of No Significant Impact for Alta Ski Lifts Master Development Plan Improvement Projects

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The mission of Friends of Alta is to protect the environment of Alta, including watershed and wildlife habitat areas; to preserve Alta's unique character and heritage; and to encourage stewardship and sustainability of Alta's environment and community.

Dear Objection Reviewing Officer,

As Alta's local land trust and a public charity, Friends of Alta's (FOA) mission is to work on behalf of a diverse public to protect the environment of Alta, including watershed and wildlife habitat areas, and to preserve Alta's unique character and heritage. Over the years, FOA has worked collaboratively with the Uinta-Wasatch-Cache National Forest (UWCNF) and the Alta Ski Lifts (ASL) to accomplish common recreation and conservation goals. It is important to FOA and Alta's far reaching community that ASL remains a sustainable business and is able to provide a reliable and quality ski experience that so many hold near and dear to their hearts. We appreciate the opportunities we have had to submit comments during this NEPA process.

Standing

On both May 25, 2016 and October 20, 2017, Friends of Alta via Jennifer Clancy submitted public scoping comments electronically on ASL's Master Development Plan (MDP). These comments enable us to object to the Draft Decision Notice and Finding of No Significant Impact (FONSI) in which the Forest Supervisor unilaterally authorized all 10 of the projects proposed by Alta Ski Lifts. The Forest Supervisor's decision was based on the April 2018 Environmental Assessment (EA) prepared by ASL's consultant. **We are taking this opportunity to object to the draft decision notice issued by the Forest Supervisor.** Our overarching goal with this letter is to provide helpful information and specific areas where we feel the EA and the FONSI could be improved upon or edited in order for the UWCNF to make informed decisions that will have a fundamental impact on Alta's future.

Overview

UWCNF's Salt Lake Ranger District has some of the highest recreation visits in the nation. We understand this puts a huge burden on staff and would like to urge the Forest Supervisor and District Ranger to only approve projects that can be properly reviewed and monitored for compliance, especially in environmentally sensitive areas. It may be possible for the UWCNF to work closer with partnering agencies that have staff with the applicable expertise to help monitor projects and reduce the burden on UWCNF staff while gaining better regulatory compliance. The timeline and approval process during the 2017 Categorical Exclusion granted to ASL for the Supreme Lift re-route is a fresh and painful reminder why proper planning and oversight is necessary to avoid unintended impacts such as wetland destruction.

The EA's purpose and need statement (pg 3) states *"The Forest Service follows laws, regulations, and guidance specific to ski areas, while preventing unnecessary or undue degradation of public land."* We are concerned the FONSI decision was based on a biased EA that didn't properly analyze reasonable alternatives and was falsely characterized on page 2 of the FONSI as *"a thorough review of relevant information, consideration of divergent views, and acknowledgement of any incomplete or unavailable information."*

In drafting the EA ASL's consultant took liberty in using subjective comments to underplay the environmental impacts instead of using neutral reporting statements. Examples of this can be found on page 10 "*Mt Baldy tram would have very low capacity*" instead of stating what the capacity is; on page 24 in the first paragraph "*Some vegetation would be cleared*" and "*Minor vegetation clearing*" as opposed to a more neutral statement about the approximate area that would be cleared; on page 23 "*Rapidly building avalanche hazard due to wind often cause Alta to close the East Baldy Traverse*" instead of simply providing a number; and on page 33 "The proposed action would have a very slight detrimental impact" as opposed to stating what the impact is.

While ASL has a good reputation for following Best Management Practices (BMP) and has taken the added step of creating and staffing an environmental center to manage stewardship of ASL's Special Use Permit area it appears that their track record has recently been taken for granted instead of trusted but verified. For example, the photo to the right was taken on 7/21/2017 by Jen Clancy during the Supreme Lift re-route project on the flat at the base of the old Supreme Lift. The straw log in this photo was placed for purposes of being compliant with Storm Water Pollution Protection Plan, yet the small rocks placed on top of the straw logs are unlikely to keep sediment from the dirt pile (top left) from washing into nearby streams. In addition to the rocks not properly securing the straw logs they are also placed infrequently and in the event of a storm, debris would easily be swept under the straw logs. This example is intended to show the value and need for project monitoring to ensure compliance with applicable permits and regulations and protect Alta's environment.



Objection to decision and analysis for removal of wetlands by proposed action, most pointedly regarding the Flora Lift

The FONSI and EA propose and approve the Flora Lift's base and terminal to be sited in a wetland and destroy at least 0.23 acres of wetland. We object to the Forest Supervisor's decision in the FONSI to approve any wetland removal including the Flora Lift and in its proposed location because 1) it would violate Salt Lake Valley Health Department (SLVHD) Regulation 14 (SLVHD and Salt Lake City have joint authority) which prohibits the filling of a wetland/riparian area and 2) the analysis of the proposed projects is incomprehensive. Regulation 14, section 4.2 Prohibited Acts states:

4.2.14 To move dirt into a water source or disturb vegetation in a manner which causes or promotes erosion and contamination of a water source.

Section 1.7.2 Other Planning Guidance (pg 5) of the EA states: "*CEQ guidance stipulates that the Forest Service should inquire of other agencies whether there are any potential conflict that could arise from the proposed action. If so, this EA must acknowledge and describe the extent of those conflicts. It is Forest Service policy to work with local governments and make every effort to comply with local land use plans and regulations, even though the agency may not be legally required to do so.*" This statement is in the spirit of long standing partnerships between the USFS, Salt Lake City (SLC), and the SLVHD to protect and manage the Central Wasatch Mountains to ensure clean, reliable water for the residents of the Salt Lake Valley. The Scoping Report: Alta Ski Lifts Improvements NEPA review dated May 11, 2017 (pg 10) includes the following statement about complying with SLC, Sandy, and Salt Lake County Health Department regulations regarding watershed health: "*Compliance with applicable local laws and regulations is Forest Service policy, and these regulations will be considered in this analysis.*" Again, the EA includes recognition of Regulation 14 in the section 1.7.2 OTHER PLANNING GUIDANCE (pg 6) and 1.9 REQUIRED PERMITS AND AUTHORIZATIONS Table 1-1 Other permits, approvals, and consultations that may be required for implementation of the proposed action or an action alternative (pg 12) under Salt Lake County but then omits including Regulation 14 under the listing for SLC Public Utilities. The FONSI and EA don't address compliance with Regulation 14 for the proposed action and there is zero discussion regarding compliance with Regulation 14. The closest the EA comes to addressing this issue is in section 3.4.1.5 Mitigations (pg 58) where it states:

"WAT-2: Obtain appropriate COE, Utah Division of Water Rights, Salt Lake County Health Department, and Salt Lake City Department of Public Utilities permits and authorizations prior to disturbing wetlands or altering stream channels."

While we recognize the USFS has a policy is no net loss of wetlands, wetland destruction is also referred to multiple times as we have pointed out above and there should be an effort to comply with other land use plans and regulations. Furthermore, in regards to mitigation, it's valuable to point out "once disturbed, wetlands either recover very slowly or move towards alternative states that differ from reference conditions. Thus, current restoration practice and wetland mitigation policies will maintain and likely accelerate the global loss of wetland ecosystem functions" according to David Moreno-Mateos, a University of California, Berkeley, postdoctoral fellow's advice based on his study that stated restored wetlands rarely equal condition of original wetlands (Moreno-Mateos 2012). It is concerning how the EA jumps to recommending mitigation measures at a 5:1 ratio (pg 56) in section 3.4.1.3 Direct and Indirect Effects of the draft EA prior to all regulatory approvals. This mitigation directive likely stems from an email Rebecca Hotze (District Ranger) sent to Charlie Condrat (Soil and Water Program Manager) on 10/17/2017 that said "*I told them they need to avoid the wetlands or do a 5-1 mitigation ratio since that is what they just did...*" It appears premature to provide mitigation instructions to the applicant prior to final site wetland delineation and approval of Alta's MDP.

Part of our reasoning to say the EA is incomprehensive is due to the wetland delineation for this project being done on 10/17/17 while is clearly outside the growing season at 10,000 feet, with snow on the ground, and against the best practices of the Army Core of Engineers. In the event this project moves forward in a manner that will impact any wetlands in the local area, the USFS should require a certified wetland delineation during the growing season to document the full extent of actual wetland destruction. As we witnessed with the Supreme lift reroute, at this phase of review and planning the information used to determine the location and area to be impacted is likely to be modified as the project is developed further, calling for an updated wetland delineation and assessment of wetland impacts at the proper time of year. Due to the date of delineation and planning stage at this point, we are also concerned that this analysis doesn't adequately address the full impact area or footprint of the base terminal. All other lifts at Alta have staging areas around their bases that are mostly comprised of flat dirt areas for lift maintenance and it is unclear if this area and type of use was planned for and/or included in this analysis which could possibly be a notable omission.

The Project Rationale in section 2.4.4.1 Flora Lift construction from the Bottom of Sugarbowl to the Top of Collins Lift (pg 23) states the rationale as in part "*Maintaining the East Baldy Traverse between the top of Sugarloaf lift and the tops of Collins lift is a drain on snowcat and avalanche control resources*" without any explanation or data to support the statement. Additionally, the statement "*Even when the East Baldy Traverse is open, the experience for skiers is, more often than not, unpleasant because of wind and blowing snow.*" Yet there are no numbers to base this statement on, it appears to be more of a general observation that has been stretched to support the desired outcome. There are times when due to certain wind directions, that the East Badly Traverse is difficult to use but wouldn't those same winds make the lift ride on a fixed-grip lift equally an unpleasant experience?

Section 2.6.2 of the EA (pg 30) refers to the Flora lift siting as: "*complex and, in some cases, conflicting design considerations.*" There is one alternative location described about 200 feet west of the proposed site with a verbal rationale that the site was "*seriously*" considered yet there are no graphics presented to further document the statements made in the alternatives analysis. While there is a verbal summary of the alternatives, it seems reasonable to assume that planning such a lift would include a combination of site visits and mapping exercises to develop the preferred site location, point to alternatives for consideration, and exclude locations that don't meet the stated objectives. Thorough disclosure includes providing a map or other graphic to demonstrate statements made. It is unclear if there was ever any meaningful consideration of other sites. To be transparent, thorough, and address this concern, we recommend that the EA be edited to include map or other documentation displaying the review process. Without further documentation we feel this alternatives analysis falls short in meeting NEPA requirement to consider less-disruptive alternatives.

In addition to the timing of the delineations, there seem to be conflicting statements in section 3.4.1.2 Affected Environment (pg 56) as to how results of the delineations on 10/17/17 are applied to different areas. While "wetland hydrology" wasn't present at the Flora Lift it appears to be sufficient to say it's been observed but not by who. Couldn't this same rationale for lack of wetland hydrology on the date of the delineation be applied to the Albion Parking lot and Sunnyside lift?

"The extent of NWI-identified wetlands within the project footprints differs from the extent identified during the site investigation. Although the NWI shows wetlands in the footprint of the Sunnyside lift replacement, Supreme summer trail work, Alf's Restaurant addition, and the equipment storage facility projects, no wetlands were observed in those locations during the site investigation. Potential wetland areas were identified from aerial and color infrared imagery in the footprints of the Albion parking lot expansion, a different area of the Sunnyside lift

replacement, and Flora lift projects. However, *the potential wetlands in the Albion parking lot and Sunnyside lift alignment lacked hydric soil conditions or wetland hydrology, and therefore are not wetlands.*

The potential wetlands visible in the aerial and color infrared imagery at the lower Flora lift terminal are dominated by hydrophytic vegetation and have hydric soils. Although wetland hydrology was not present during the site investigation, it has been observed during the growing season. Construction of the Flora lift would impact 0.23 acres of palustrine emergent and shrub/scrub wetlands. The lower terminal accounts for 0.18 acres of those impacts. The remaining 0.05 acres are located in the lift alignment and may or may not be impacted by lift towers, depending on tower placement."

It is our intent these observations help the UWCNF in making a well informed decisions in projects that have potential impacts to wetlands in Alta.

Objection to decision and analysis of proposed Baldy Tram

We value the work and lives of Alta's snow safety department and understand the desire to phase out military artillery, but we feel the decision on the Baldy Tram is premature. We can appreciate Alta's desire for a backup plan if the artillery program ends, but there is no imminent threat stated in the EA forcing this decision to happen today. There are low impact feasible options such as using the Snowbird Tram that we don't feel were given adequate consideration. If artillery is suddenly lost without warning the use of the Snowbird Tram to access the top of Baldy places patrol in the same situation as the Badly Tram in that they work their way down with hand charges over an area that hasn't already been controlled. Currently, Alta's snow safety personnel use the Snowbird Tram to first access Alta's portion of Baldy after artillery has been shot from the Peruvian Ridge. Later the boot-pack (hike) up from the Sugarloaf Pass is put in for the public's access. Section 2.6.1 Badly Tram Alternatives (pg 30) states: *"Completing avalanche work on Mt. Baldy from the Snowbird side of the mountain, but this option would not eliminate the need for an extended hike through avalanche-prone terrain for ski patrollers to access the starting zones."* According to snow safety personnel the hike from the Snowbird Tram to the top of Baldy is safe and no control work occurs on that route prior to access, we feel this is a mischaracterization of safety of the route and encourage the UWCNF to fact check the rationale behind omitting this alternative for that reason.


The EA states in Section 1.8.2 ISSUES CONSIDERED BUT NOT ANALYZED IN DEPTH (pg 10) that the *"Mt. Baldy tram would have a very low capacity and primarily serve to transport ski patrol personnel."* We are later informed that it will be a 150-pph tram. What constitutes "a very low" capacity lift in this situation? Is this statement based on the average skier density of the area or industry standard ratings for lift capacity? The lack of information documenting why the lift capacity is considered very low isn't thorough or transparent in the EA. In Section 3.4.2.2. Affected Environment (pg 65) the EA states that, *"an estimated 200 people hike from Alta and Snowbird to the summit on days when Mt. Baldy is open."* With the proposed lift having the ability to transport 150 pph, Mt. Baldy has the potential to reach its current average amount of daily skiers in under just a few hours. We feel that this is will greatly add to the number of skiers that frequent this area and should be reflected more accurately in the EA.

In our comment letter on October 20, 2017, FOA stated concerns about the proposed Baldy Tram being using in the summer months and being a stepping stone for further development on the peak. In a meeting Skip Silloway (at the time Board Member of FOA) and I attended with ASL General Manager Mike Maughan, District Ranger Bekee Hotze, and Carl Fisher of Save Our Canyons at ASL on October 31, 2017 Mike expressed a desire to keep the door open to future use of the Badly Tram in the summer. This statement alongside, public comments raising the issue of summer use, and most importantly the recent changes to ASL's special use permit to manage the summer program should have triggered the evaluation of summer use in this EA and is a significant omission in the analysis. In the document RESPONSE TO COMMENTS ON PROPOSED ACTION: ALTA SKI LIFTS MASTER DEVELOPMENT PLAN IMPROVEMENT PROJECTS dated March 2, 2018 (pg 26) it states *"Summer use of the lift has not been proposed or addresses in this EA and would require separate proposal and analysis if ASL wished to pursue it"* without any explanation why summer use of the Baldy Tram was not being considered. Additionally, that same response goes on to say *"See preceding response regarding additional future development."* The previous response states *"The Responsible Official will consider the potential for future development supported by the tram in formulating a decision"* yet we don't see that that consideration documented anywhere in the EA. In an email acquired from a Save Our Canyons FOIA request, District Ranger Bekee Hotze provides comment via email on 1/12/18 at 5:54pm to the UWCNF ID Team on the draft of the Responses To Comments on Proposed Actions document. She responds *"Something to consider, we have to consider reasonable foreseeable actions"* in response to the statement *"The Responsible Official will consider the potential for future development supported by the tram in formulating a decision"* (pg 26). Her comment furthers our point that there should have been documented consideration of such use documented in the EA. Without documented reasoning we are left questioning if this omission

was a strategy in acquiring approval via smaller incremental requests? While the FONSI (pg 6) states “summer use of the tram is not approved in my decision” this statement is only included in the OTHER ALTERNATIVES CONSIDERED section (pg 6) and not highlighted as part of the project approval criteria which may weaken the intent and means for future enforcement. We object to the decision in the FONSI to approve the proposed Baldy Tram based on inadequate consideration of future uses.

We hope these objections and observations help guide the USFS in producing a well vetted and accurate EA that adequately considers all reasonable alternatives and regulations.

Thank you,



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References/ Attached Documents

Referenced text has been highlighted for convenience.

Environmental Assessment: Alta Ski Lifts Master Development Plan Improvement Projects. US Department of Agriculture – Forest Service, Uinta-Wasatch-Cache National Forest, Salt Lake Ranger District, Salt Lake City, Utah. Prepared with the assistance of Cirrus Ecological Solutions, LC, Logan Utah. April 2018.

Draft Decision Notice and Finding of No Significant Impact, Alta Ski Lifts Master Development Plan Improvement Projects. USDA – Forest Service, Salt Lake Ranger District, Uinta-Wasatch-Cache National Forest, Salt Lake City, Utah

RESPONSE TO COMMENTS ON PROPOSED ACTION: ALTA SKI LIFTS MASTER DEVELOPMENT PLAN IMPROVEMENT PROJECTS dated March 2, 2018

Moreno-Mateos D, Power ME, Comín FA, Yockteng R (2012) Structural and Functional Loss in Restored Wetland Ecosystems. PLoS Biol10(1): e1001247. <https://doi.org/10.1371/journal.pbio.1001247>

Copy of the Email from District Ranger Hotze to Charlie Condrat dated 10/17/2017 at 5:42pm