

From: [REDACTED]
To: [FS-comments-intermtn-wasatch-cache-saltlake](#)
Cc: [Hotze, Rebecca - FS](#); [Whittekend, David -FS](#)
Subject: Friends of Alta Comment on Patsey Marley Hill Subdivision Road Adjustment Environmental Assessment
Date: Sunday, March 22, 2020 7:07:31 PM
Attachments: [FINAL FOA Comments.pdf](#)
[2020.3.22 FOA Comment on Proposed EA.docx](#)
[Final FOA Comment on Misinformation.docx](#)
[Comment Spreadsheed for Shrontz EA.xlsx](#)

Good Afternoon,

Please see the attached comment files submitted on behalf of Friends of Alta. The primary document with all files is a “.pdf”. If this format is not acceptable, I have attached the “.doc” files as well. Please let me know if there are any issues with viewing these documents.

I appreciate your time on this issue and I hope you are all well given the current covid-19 outbreak.

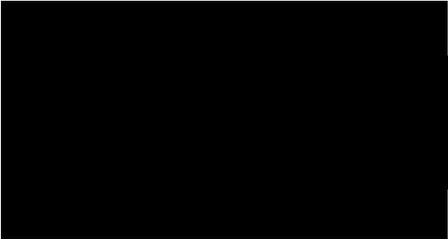
Sincerely,

[REDACTED]

FRIENDS OF ALTA COMMENT ON PATSEY MARLEY HILL SUBDIVISION ENVIRONMENTAL ASSESSMENT



The irony of this photo is not lost on the community of Alta. That a beautiful scenery may be forever marked by the unnecessary development



Salt Lake District Ranger
6944 South 3000 East
Cottonwood Heights, UT 84121

“Conservation is a foresighted utilization, preservation and/or renewal of forest, waters, lands and minerals, for the greatest good of the greatest number for the longest time.”

Gifford Pinchot

Re: Comment on Draft FONSI for Patsey Marley Hill Subdivision Environmental Assessment

Dear Dave Whittekiend, Bekee Hotze, and USFS NEPA Team,

Friends of Alta, a 501(c)(3) (FOA) land trust, has been working to protect Alta’s pristine natural resources from development since 1981. Our works have ranged from acquiring conservation easements to long and expensive litigation all in the name of environmental protection and conservation. FOA believes that through responsible stewardship of the public lands in Alta, future generations will be able to experience the beauty of Alta as we have.

The Patsey Marley Hill Subdivision (“PMHS” or “Project”) and Environmental Assessment (EA) raises the following questions from FOA and its many members for the U.S. Forest Service (USFS) to address:

1. How can the USFS allow PMHS to proceed given the legal ownership of the Right Way -Road is yet to be legally determined?
2. How can the USFS allow PMHS EA to proceed without definitely determining the long term impacts of the proposed road expansion on stormwater run-off and snowmelt on the vital Salt Lake County watershed?
3. Without fully understanding all of the significant impacts on current users and the possible increased safety risks resulting from the PMHS how can the Finding of No Significant Impact (FONSI) be considered adequate and/or complete?
4. Finally, because of the questionable necessity of PMHS where is the countervailing analysis examining the multiplicity of negative results to current users?

FOA has additional questions regarding the statements made in PMHS documents to the USFS, the EA, and the FONSI that are mischaracterizations of the development agreement and agreements with the Town of Alta (or lack thereof). For brevity, those concerns are addressed in a separate marked Attachment 1 and incorporated herein by this reference.



OWNERSHIP OF THE ALBION BASIN ROAD

FOA's initial concern with this proposed project is the lack of clarity surrounding the right-of-way (RoW). For example, in discussions with the Town of Alta and in a letter from Jeanne Evenden (Lands, Director of the US Dept. of Agriculture) to the attorney for the Shrontz Estate clearly states:

“There is not sufficient information for the USFS to make any definitive determinations of title to the right-of-way for the existing road to Albion Basin. More information is required to determine precisely when and where the existing road was established, the historical uses of the road, and the positions of the Town of Alta, Salt Lake County, and the State of Utah regarding the existence of any public right-of-way need to be ascertained.”

To further elaborate on this statement, while the USFS can speculate about the existence of a public RoW, there is not enough information to determine whether an actual real property right exists. There are simply too many unanswered questions.

1. Is the current road in the same location as the road prior to conveyance to the USFS?
2. Did Salt Lake County abandon any rights to the road, thus abandoning the public RoW?
3. If there is a public RoW what entity has jurisdiction over it?

The answers to these questions are not known to the USFS, as evidence by Ms. Evenden's letter to the Shrontz attorney. Given this lack of legal knowledge how can the USFS have the ability to opine to the Shrontz Estate, that the Estate has the *right* to clear the road via a RoW? How is this real property right any different from all the other cabin and property owners in the Albion Basin who *must* park in the town and access their homes by Over the Snow Vehicle (“OSV”) during the winter.

Approving and allowing the progress of PMHS without a complete legal determination of title to the RoW, or at least involving all parties (i.e. Salt Lake City, Salt Lake County, the State of Utah and the other property owners), will make for long and expensive litigation about the RoW and other related matters.

The existence of a RoW, by the USFS's own admission, is unknown and must be proven before allowing an impact to the public's access to the Albion Basin and impacting our shared, vital watershed. The EA submitted by PMHS neglects this important by falsely assuming there is a RoW for their unfettered use. Further, the Estate knowingly bought property recognizing the property lacked automobile or truck access to the property during the Winter. Furthermore, while cross-country skiers and snowshoers, and hikers may be “accommodated”¹ during the winter season, the risk of injury to downhill and backcountry users is significantly increased by the introduction of a semi-paved road with the resulting two snowbanks spanning the length of this project. And for the other three seasons of the year, hikers, picnickers and others will be at risk of speeding cars on the changed road.

¹ There are issues to the space created to accommodate current users of the Albion Basin Road and that will be discussed further below.

IMPACTS ON CURRENT USERS

At the very base concept of this PMHS and the Proposed Action, there is a significant impact to the current users. A large part of the allure of Alta is the wilderness one can surround oneself with. This project ruins the natural landscape of the summer road. A great example is the photo on the title page of the EA. If the PMHS is allowed to proceed the beautiful plant and tree foliage shown in the PMHS EA will be eliminated and replaced with asphalt.

An important aspect of the PMHS EA, which is not adequately covered, is the management of the road during wintertime. First, there is the problem of the snowplow or other motorized vehicle like a front loader, removing all or part of the gravel that will be put down. The result would be that all of that new gravel will be deposited elsewhere in the watershed, downstream. Second, there is no discussion or acknowledgement of the difficulty or equipment required to groom a path of snow at an angle. Normal grooming equipment cannot groom at an angle, thus requiring more expensive, specialized equipment. Third, the logistics of the groomed run are far more complicated than illustrated. We believe there are two possible scenarios of potential management problems, each with their own difficulties that we discuss as follows (*for added clarity, please view alongside of the cross-section illustration with OSV parking on page 11 of the EA*):

- This first scenario seems to be what the project intends. The groomed trail will be maintained at the snow accumulated height for that year. To avoid a 4ft to 6ft snowbank along and dropping off to the plowed road, the groomed trail will be sloped to gradually transition to the height of the snowpack. This raises two questions. (1) how steep can that slope safely be? (2) will users likely use, or feel safe using, the sloped portion of the groomed run regardless of how shallow the slope is? The likely answer is that the slope will take up 10ft of the 25ft groomed trail, leaving only 15ft of shared space. This 15ft space for all current users is less than what is accommodated now, especially when that space is squeezed by retaining walls and parked OSV vehicles. Users on skis, snowshoes, or in an OSV will not feel comfortable using that sloped portion of the groomed run, especially in low light conditions at night or during heavy snowfall. This reinforces the notion that there is only 15ft of usable space in for current users in this first scenario.
- The second scenario involves shaving down the depth of the groomed trail to merely a couple of feet to decrease the length needed to slope the groomed trail. This solves the problem of limiting the space for current users. However, this approach introduces two new problems. First is the constant maintenance this will require, especially during good snow years. That near constant maintenance will interfere with current users and OSV parking by introducing motorized equipment at any and all hours of the day/night. Second, when the snow depth is decreased, the groomed trail will be melted earlier than it is now. This decreased depth is exasperated by the snowmelt caused by the plowed road (*see Environmental Impact page 5*). The result being that current users will lose access and use of the road earlier in the year/winter than ever before. Skiers would need to walk further before donning their skis, or walking further after removing their skis. Current OSV users would have to walk further to their parked vehicles and parking their OSVs might become impossible on the shelf created should snow around that shelf diminish or be eliminated.

In the same vein of the above scenarios, there are a couple problems with the proposed OSV parking. First, based on the number of OSVs and the size of the OSVs, this 200ft parking area is not large enough to accommodate all of the OSVs. This space does, however, create at least 30 new parking spaces for summer parking which is against both the Town of Alta's parking plans and the USFS Management Plan, both of whom have the goal of not increasing parking in the Albion Basin. This increase in summer parking is never discussed in the EA. Second, in line with the scenarios above, the EA does not explain how the OSV parking would be cleared of snow. The likely outcome being the same as it is now – you would have an uncleared OSV parking area, a groomed section of snow on the groomed road adjacent, that is a couple of feet lower than the OSV parking, and then a cleared road, further to the east. This has the effect of creating a narrow corridor, limiting current users.

Lastly, this portion of the Albion Basin Road and the PMHS are regularly used by Alta Ski Area patrons and backcountry users. Alta Ski Area legally has a right to continue the use of the property for ski area operations. The introduction of retaining walls to this area creates a high risk of injury to those skiing downhill. Even in the best case, this project interferes with current ski runs. Anyone attempting to ski in Grizzly Gulch would have to go 710 ft out of their normal way to gain access. This too serves as an interference to current users.

NECESSITY & TIMELINESS OF PROJECT

The EA to the USFS has made a strict point of stating this project is only concerned with the road and not the parking structure it is associated with. However, in this EA to the USFS, the parking structure is included only so far as it is a connected impact for environmental impact and assessment purposes. This parking structure is a connected action socially and politically as well. For the USFS to approve a road modification with blueprints of a 4-story parking garage is providing tacit government approval for the parking structure. The problem is no public, governmental entity has approved or agreed to a parking structure as proposed in this EA and associated documents. The Development Agreement entered into by the Shrontz Estate and the Town of Alta does not agree to large parking structure, but rather “acknowledges and consents to the concept of” a 20-space communal parking area that may be covered. Despite the lack of local governmental approval for this parking structure, the PMHS EA presented to the USFS has eliminated other possibilities based on incorrect assumptions in those blueprints, ignoring a 20-space parking area.

While it is not the job of the USFS to determine which projects are allowed and which are not, it goes to the necessity and timeliness of this project. It is highly inappropriate for the USFS to limit alternatives review to only those that can accommodate a 4 story-parking structure, when the Town of Alta may not approve the creation of a parking structure. It is far more efficient for the USFS to delay the approval of a Proposed Action until the connection by and amongst the various thoughts on parking are more clearly defined. That is to say, the list of alternatives in this EA should be more extensive, for instance, could the proposed parking structure be 1 story for 20 spaces. The EA and the resulting Proposed Action does not represent the most environmentally sound solution that could have been reached.

Furthermore, as stated above, the lack of clear title to the right-of-way, and how this right-of-way is distinct from that of other residents leaves this project on inadequate legal grounds. Worse yet, it could create a precedent for other residents of the Albion Basin, who thought OSV access

was deemed “adequate access”, will want to extend the cleared and partially paved road all the way into the Basin. While the USFS claims the Shrontz Estate is different because it has a right-of-way, the legal ownership of said right-of-way is in serious question.

ENVIRONMENTAL IMPACTS

The EA does not adequately lay out the long-term impacts and cumulative impacts of snow melt and runoff with the proposed project.

How is the cleared portion of the road impacted by snow melt and runoff?

How will the Estate prevent and mitigate erosion as snowmelt from the rest of the road and from snow on the slope above all flow into the gravel road?

How will the Estate manage the impact of gravel from the road being carried downstream into riparian zones and the creek?

None of these questions are answered nor are long term impacts that will occur year in and year out addressed. The EA focuses on the construction impacts of widening the road and stating that impacts will be limited in the long-term due to mitigation measure and the ultimate returning of the road to normal function. However, no specific answer is given to those mitigation measures and it ignores the change in snow melt dynamics when there is a cleared road surface for at least a portion of the road.

First, the road is proposed to be covered with all-season gravel. How will this gravel not be shaved off as soon as the 10ft section of the road is clear of snow in the winter? When that gravel is removed along with the snow from the plow, will it be deposited in snowbanks and over the hillside in watershed areas? This EA fails to discuss this problem at all and the impact it would have on the watershed.

Second, the cleared portion of the road in the wintertime will become a channel for snowmelt in the spring. There is no way for the USFS or Shrontz Estate to control the flow and overflow of snowmelt.² The water will run from the hillside above and from the groomed trail adjacent to the cleared portion of the road. The EA fails to discuss or recognize the runoff/erosion damage this potentially could cause. Any gravel not removed by the plow would likely be removed by the runoff in the spring. This not only creates a significant impact on the watershed, it creates an ongoing maintenance, a cycle, of replacing the lost gravel that is being deposited in the surrounding watershed.

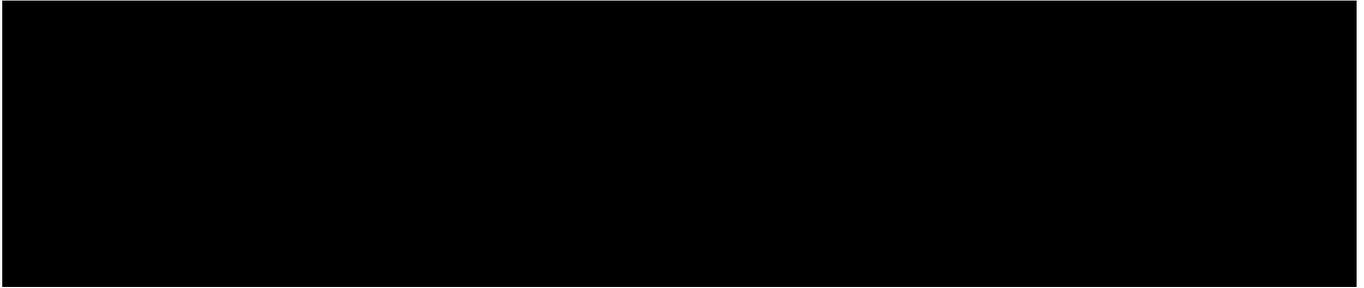
Last, the cleared portion of the road will change the timeline of snowmelt for the groomed run. The EA seems to view the groomed run as existing on the same timeline as it does now. However, with the exposure of the gravel road – the project is literally cutting through the insulated snow layer that slows snowmelt. As a result, you will see the groomed trail on the summer road melt quicker than it does now and quicker than surrounding areas. This will have an impact on erosion on the road, the watershed, and an impact on existing users (discussed above).

² This is exemplified through the overflow of water onto S.R. 210 every spring from snowmelt that no one can control.

At the end of the day, pandemic and all, the USFS has a legal and regulatory duty to not issue the proposed FONSI and require more detailed analysis than the PMHS EA provides. Not to take such action would be irresponsible. We recognize in these trying times, and without adequate budget or personnel the USFS is in a difficult position. But, delay for more accurate and complete information is required.

Thank you for your time.

Sincerely,



	Language	Page	Section	Paragraph	Comment
1	"This [EA] discloses the environmental impacts of a proposal to improve road access across National Forest System (NFS) lands to a planned subdivision and parking structure , located on private lands."	2	1.1	1	Neither the subdivision nor parking structure are officially planned. There is not official plat that has been signed, and no clearance on local zoning.
2	"The Albion Basin Road (NFS Route 028) is a Forest Service Road beginning where SR 210 ends and is a two-lane seasonal gravel road with an uphill roadside ditch and a posted speed limit of 25 miles per hour."	2	1.2	2	The speed limit is 15 mph
3	"The Forest Service needs to respond to a request from the Proponent to improve road access to a planned 10-lot subdivision and parking structure on Patsey Marley Hill."	3	1.3	1	This is a mischaracterization on more than one level. (1) There have been previous discussions with Alta Ski Lifts to allow parking in their existing impacted area for the Shrontz Estate. Has the Forest Service contacted the ski area recently to discuss this matter? (2) The Forest Service has told Friends of Alta that the Forest Service is the party refusing other alternatives to parking (off property). This is significant because both the Town and the Ski Area would prefer parking be located anywhere other than at the proposed location. (3) The Town has not forced any matter except that there needs to be parking (a state, county, and local requirement). Nothing from the town mandates on property parking be available year-round.
4	"First a 1999 Deed (Alta Ski Lifts 1999) between Alta Ski Lifts Company and JoAnne L. Shrontz stated that 'All parking for any development on or use of the Property shall be located on the Property, and any development of the Property shall include adequate parking facilities.'"	3	1.3	2	The Shrontz Estate bought into the property fully knowing that the property had no automobile access during the winter months. The Forest Service's role is NOT to aid those who made a bad deal, particularly where this requirement may be a nonconforming use in Town of Alta zoning. Additionally, this statement ignores that adequate "on lot" parking is available during the summer months.
5	"The General Plan (Town of Alta 2016a) states that the existing zoning of all areas should continue and specifically references 1990 zoning ordinances. Further while not specifically stated in the 1990 ordinances, the Town of Alta took the position that the parking requirements extent to year-round accessibility."	3	1.3	3	This is a gross exaggeration of the language and reality of access in the Town of Alta. For all residents in Alta and the Albion Basin who must use Over the Snow Vehicles (OSV) are deemed by the Forest Service and the Town to have adequate access year-round. Why is the Patsey Marley Property different?
6	"The purpose and need reflects these constraints. The local requirements, agreements, and decisions made by the Town of Alta and Alta Ski Lifts have essentially forced the actions requiring this Forest Service decision	3	1.3	4	This is a mischaracterization on more than one level. (1) There have been previous discussions with Alta Ski Lifts to allow parking in their existing impacted area for the Shrontz Estate. Has the Forest Service contacted the ski area recently to discuss this matter? (2) The Forest Service has told Friends of Alta that the Forest Service is the party refusing other alternatives to parking (off property). This is significant because both the Town and the Ski Area would prefer parking be located anywhere other than at the proposed location. (3) The Town has not forced any matter except that there needs to be parking (a state, county, and local requirement). Nothing from the town mandates on property parking be available year-round. This includes the Settlement Agreement and Development Agreement

7	"For the purposes of the EA, the Shrontz Estate has agreed to exercise its right to the full and free use of the 100-foot wide right-of-way so there is not unreasonable infringement on or interference with public usage or the Forest Service's operation of the road.	4	1.5	2	In a letter from the Director of Lands in the Dept. of Agriculture, dated 2015 (?), it was unclear who possessed title to the road, whether a public or private right-of-way existed at all. Has the Forest Service determined who in fact holds jurisdiction over the road? Has the Forest Service determined whether such right-of-ways exist and that said right-of-way was conveyed to the Shrontz Estate from Alta Ski Lists in the 1999 deed? Given the possibility that the State of Utah, Salt Lake County, or the Town of Alta may be the appropriate party with jurisdiction over the road, it is highly inappropriate for the Forest Service to make decisions regarding the Albion Basin Road until title of the road and its rights-of-way are clear.
8	"A Development Agreement between the Town of Alta and the Shrontz Estate in part acknowledges 1) the existing public road right of way would be used to access the subdivision but such use shall not block or interfere with current users; and 2) the two parties agree in concept to a minimum 20-space parking structure on the private property	7	2.2.2	2	If this portion of the Development Agreement is to be relied upon, a direct quote is necessary. The Town "acknowledged and consented to the concept of a parking structure that may be covered." The emphasis here is the Town in no way mandated parking on property, nor that parking be communal. Finally, the Town "acknowledged and consented to a 20-space structure", but what we see here is a 4-story, 60 space garage. This is a very different proposal than what was acknowledged in the Development Agreement. Last, while the Development Agreement acknowledged the existence of a right-of-way, it has yet to be proven whether the Forest Service is the holder of title to the Albion Basin Road as opposed to State of Utah, Salt Lake County, or Town of Alta. Further, it has not been demonstrated how that right-of-way was conveyed to the Estate without its inclusion in the 1999 Deed.
9	"In addition, the proposal includes the following: 1) installation of an approximately 40-foot long automobile intervisible turnout on the uphill side of the road to permit cars to pass each other on the one lane winter road; and 2) relocation of the existing OSV parking area to the south side of the road."	7	2.2.2	3	What is the necessity behind this. A common theme in this project is the Forest Service accommodating outlandish ideas at the expense of the environment and current users. To enter and exit the parking structure would take a matter of seconds, why is there a need for a 40-ft long intervisible turnout? Why do OSV vehicles need to be relocated and how would this not create a minimum of 35 new spaces for summer visitor parking in the Albion Basin, which is contrary to Forest Service management in the Albion Basin?
10	"To permit the installation and use of the intervisible turnout and to help widen the road, the roadside ditch on the uphill side of the road would be replaced by a culvert in the certain sections."	7	2.2.2.1	1	Reference to Comment #9 above. Without the turnout, is there a need to widen the road an additional 10 feet (at a minimum)? What are the impacts downstream of replacing the ditch with a culvert? An increase in speed and ease at which water travels downhill will cause erosion and impacts downstream in riparian zones. How will water on the road enter the culvert?
11	"the groomed snow lane would be maintained at a depth that would provide a gradual transition between the automobile land and the groomed snow lane."	9	2.2.2.2	1	This proposal needs more details to fully inform commenters and users? If there is a 6-foot difference between the top depth of the groomed lane and the cleared lane, the gradual transition could be up to 10 feet of transition to still be useable and safe, but then this functionally constricts the space for current users to 15-feet - a space that includes not just individual users but OSVs that pose a risk to recreational users.
12	"A 40-foot by 12-foot intervisible turnout and rock retaining wall would be constructed on the uphill side of the Albion Basin Road (NSF Route 028) at a midpoint between the end of S.R. 210 and the parking structure.	9	2.2.2.2	2	As stated above, the intervisible turnout seems superfluous, or at least not justified in this document. Here, the discussion of a retaining wall of unknown height poses a significant risk to down hill skiers and a change to the viewshed and watershed - as water flows downhill. Does this wall continue the length of the cleared road area or just in the turnout?
13	"Travel on the automobile lane would be controlled by a gate and traffic signals. The road would be gated during the winter closure as shown on the Motor Vehicle Use Map (MVUM). Two traffic signals would be placed before the care turnout and at the parking structure to control traffic on the one-lane road in the winter season to ensure safe passage without requiring vehicles to reverse course.	9	2.2.2.2	2	The use of a traffic light and a turnout for vehicles to use mid-way down this short distance seems superfluous. It appears to FOA that an adequate solution would be either the turnout OR the traffic lights.

14	"OSV parking would be relocated from the north side of the road to a new 18-foot by 200-foot OSV parking area on the south side of the road. Starting approximately 150 feet east of the end of State Road 210, this new south-side parking area would be constructed with either a rock retention wall or stamped concrete."	9	2.2.2.2	3	What is the justification for moving the OSV parking further up the road and creating a new parking area? The current parking area is seemingly adequate and the use during summer and winter are known. The concern with the proposed space for OSV parking of this size is 2 fold. First, based on our measurements, the space proposed here is not enough to accommodate the number of OSVs used. It is too small. Second, that during the summer time, OSVs are stored on private properties through out the Albion Basin, so this parking area would be ripe to be used by summer visitors. This would provide a minimum of 35 parking spaces for summer use on the Albion Basin Road. This is contrary to the Forest Service Plan and recent policy moves to decrease the number of roadside parking and parking in general in the Albion Basin .
15	"Construction site stormwater best management practices would be implemented during construction activities to minimize the impact of stormwater quality."	9	2.2.2.3	2	This section (Design Criteria) does not make mention of long term mitigation measure from the introduction of 710ft of impermeable surface exposed year-round. Will the 710ft cleared road be "paved" with new gravel? How will the snow runoff and stormwater drainage effect this new surface? How do we prevent that gravel from being carried downstream to a wetland and to decrease our water quality? These are questions not addressed in this section.
16	"As mentioned above, a rock wall or stamped concrete wall for the new south-side parking area would be constructed to minimize the impact to visual resources	9	2.2.2.3	3	It is unclear, between text and Cross Section illustrations, whether the retaining wall is restricted to the parking area or the length of the road. Clarification is needed. Ideally the retaining wall would not exist or would be limited to the parking area to mitigate the significant risk this poses to ski area patrons and road way users.
17	"The proponent must obtain all relevant permits and all relevant clearances from state and local governments and must adhere to all local ordinances, regulations, etc., including but not limited to the General Plan (Town of Alta 2016a) and building codes set forth by Town of Alta's Building Department (Town of Alta 2016b) which adopt and cite to other codes."	12	2.2.2.3	1	While this paragraph may pertain only to the road, this is unclear, but raises a concerning point. The Forest Service is proposing to approve a project that illustrates a 4 story parking structure. This proposal is not approved by the Town of Alta is likely not approved in the Town's zoning ordinances. This fact may change the Forest Service's consideration of other alternatives if the parking structure was only the 20 required spaces.
18	"The planned parking structure would be approximately 135 by 65 feet in size and would be located entirely on private land and requires two levels of parking to accommodate the minimum 20 parking spaces required by the Town of Alta."	13	2.2.2.4	1	This is misleading. While the Forest Service is not concerned with construction on private property, it is concerning that the characterization of this project could have limited unconsidered or excluded alternatives. Based on the 2016 and 2017 scoping, this parking structure is 61 parking stalls (3 times the required amount) and 4 stories (to allow for OSVs). For comparison, this structure is larger than the East Wing of the Goldminer's Daughter. All Alternatives to the EA were considered in light of the large parking structure, not in terms of the required 20 parking spaces needed. This project certainly put the cart before the horse by approving a road project and by connection an large parking structure without allowing the local authority the opportunity to determine if such a structure would be in compliance.
19	"The SUP application also presented an option to locate the parking structure on NFS lands between SR 210 and the spur road that leads to the Alta Ski Lifts Maintenance Shop. However, the Forest Service determined this option would not meet all the screening criteria at 36 CFR 251.54(e) . . ."	14	2.2.3	5	How is the parking structure creating any more of a permanent occupancy than the Alta Ski Lifts facilities? Further, the Forest Service does not appear have entertained the notion that Alta Ski Lifts could share facilities based on the season. Thus meeting both entities' needs. Lastly, as stated above, this project was considered in light of a 61 space proposed structure, not a parking structure with 20 spaces. There is most certainly an area of compromise for 20 spaces either on the spur road or in Grizzly lot that would be less impactful to the environment and current users than the proposed action.

20	"The second alternative proposed relocating the parking structure on to lot 101 of the Shrontz property (below the road). The parking structure on the lot 101 would be accessible via a new access road on NFS lands that would lead to the parking structure... . These alternatives were created based upon public comments. Although the new road alternatives would have separated existing and new uses, these alternatives would require new and duplicative impacts (two roads between the gate and the parking structures) to NFS land and thus were eliminated from consideration."	14	2.2.3	6&7	Ruling this alternative seems premature and contradictory to the Forest Services stated purpose of wanting to expand the road - safety to current users. First, there are different road alignments that could have been examined and compared to the impact of widening the road. Second, the goal of widening the road is purely to ensure no impact to current users and their safety (because the FS is assuming the Shrontz Estate owns a Right of Way). A separate road to a parking structure below would have an ideal impact on current users and the viewshed. Unfortunately, the Forest Service did not examine the comparative impacts between the proposed action and this alternative. The Forest Service should go back and require examination of this alternative further.
21	"April 2018 - Based on Alta Ski Lifts comments, the Proponent prepared a new alternative that would relocate the OSV parking area into the Grizzly Gulch Creek area on NFS lands. This alternative was rejected by the Forest Service because it is not in the best interest of the public."	15	2.2.3	9	While the relocation of the OSV to the Grizzly Creek area may not be in the best interest of the public, this is the first time the Grizzly lot is being mentioned. Why is there not an alternative to create 20 spaces in the Grizzly lot, which would probably impact NFS land, in order to prevent changes to the Summer Road and also prevent the creation of a massive structure. The Forest Service is working from a project proposal (the large parking structure) that is neither approved or mandated by any authority. The Forest Service is eliminating alternatives and perpetuating the creation of a structure that would have a significant impact on the natural resources and current users.
22	"The survey area does not provide habitat for any Threatened or Endangered Species. Potential habitat is present for several sensitive wildlife and plant species, but additional surveys and/or research is required to more definitively determine presence or absence of these species."	17	3.1.1.1	1	Friends of Alta has been helping Alta Ski Area survey ecosystems for at least six years. The Forest Service should, if it has not already, ask ASA if they can review those longitudinal surveys to fill in the gaps mentioned in this paragraph, i.e. the sensitive wildlife and plant species that need additional survey.
23	"Some additional acres would be impacted due to the proposed retaining wall on the downhill side of the road and a ditch on the uphill side... . Impacts from the Proposed Action would be short-term and negligible."	17	3.1.1.2	2	What are the long term impacts to vegetation immediately below the retaining wall. The introduction of the retaining wall will change the available of water to those plants below the wall, and the amount of sun and impact from snow will change as well. We cannot expect those areas to grow the same as they have done in the past if a several foot tall wall is introduced.
24	"Impacts to wildlife from the Proposed Action would be short term and negligible."	18	3.1.1.2	1	This paragraph does not address at all the impact increased vehicle traffic and likely increased speeds will have on wildlife.
25	"The reach of LCC in the vicinity of the project classified as an impaired water body by the Utah Division of Water Quality."	18	3.1.2.1	5	While this is true, it completely ignores how essential it is to maintain or improve our water quality. Instead, this reads as a justification to not levy stringent standards on this portion of LCC.
26	"The planned subdivision, parking structure, residential utilities, and associated fire suppression water lines/appurtenances could potentially impact water resources. These impacts are not under the jurisdiction of the Forest Service . . ."	20	3.1.2.2	1	Earlier the EA states that the subdivision and parking structure are mentioned/included here because they are listed, appropriately, here as connected impacts. However, this section is the place to discussion those connected impacts in regards to water runoff from the property. This draft fails to do so. The EA should discuss the impacts of runoff from the residential area and particularly the parking structure creating more erosion, damage to plant species, and pollution on FS land.

27	<p>"The Albion Basin Road (NFS Route 028) would be maintained to provided a groomed snow trail for OSVs and skiers during the winter. Parking for cabin owners' OSVs would continue to be available but on the south side of the road instead of the current location on the north side of the road."</p>	20-21	3.1.4.2	1	<p>(1) There are a lot of logistics involved in grooming this trail and the slope to the hardened road surface to prevent a snow bank. What is the grade of that slope. Does the FS understand the specialized equipment needed? How much of the proposed trail will be sloped gradually, thus diminishing useable shared groomed trail? How will snow removal be managed between the groomed trail and the OSV parking where it is likely to build up more due to less consistent removal? (2) The EA does not address the potential for increased snow melt and runoff due to the cleared road section and the potentially removed and groomed trail (in a scenario where you decrease the groomed trail snow base to decrease the space needed to grade down to the road). What is the impact of premature snow melt, and what is the interference to users?</p>
28	<p>"While there would be a loss of riparian vegetation associated with the ditch replacement, the immediate functions of flow conveyance would be restored upon construction completion and riparian vegetation would likely be replaced. Therefore impacts would be temporary and minimal."</p>	22	3.1.5.2	1	<p>(1) All places where riparian vegetation can be replaced MUST be replaced in order to maintain the quality of our watershed. (2) see comment 27 above. This section fails to address the change in runoff from the new year-round cleared road, and the premature snowmelt this would likely create. What impact does this have on the watershed and what impact does this have on existing users?</p>
29	<p>Summary: visual impact includes introduction of retaining wall which is mitigated by attempting to blend boulders into surrounding environment using landscape design. Two traffic signals would be added. "however, the impact would be negligible given the surrounding features (e.g. parking lots, ski lifts infrastructure) that are already highly visible.</p>	23	3.1.6.2	all	<p>A real issue here is the perspective at which the visual impact appears to have been taken. There are facilities and other structures in Alta, but for visitors, the vast majority of those impacts are below the sight line, thus seeming smaller than they are. Here, all impacts are directly in front of visitors, dominating the sight line. This heightens the impacts this has on the town. The addition of two traffic lights is superfluous if there is a turn out, and needs to be considered in the context of - the town has never had a traffic light and likes that fact about itself. Last, the connected impact of the Proposed Action is the introduction of a massive parking structure that would ruin the viewshed for everyone entering Alta and living there. The only reason this is worth mentioning is this project has no approval and the FS is, in a backhand way, supplying at least some level of approval for this structure.</p>
30	<p>"The title and ownership rights in various segments of Albion Basin Road (NFS Route 028) are complex. The Proponent has a right to "full and free use" of a portion of this road, to the text that said use does not conflict or interfere with the purposes of which the Forest Service obtained the right-of-way</p>	25	3.1.7	1	<p>As stated more particularly in my letter, the ownership of the road is far from known. In the Forest Service's own letter, there is a lack of sufficient evidence to determine whether definitive right of way for the Shrontz Estate exists. The importance here is that this "full and free use" through a right-of-way is the excuse to treat the Shrontz Estate differently from the other cabin owners in Alta. This project should not proceed until clear title of the road and its rights-of-way can be determined.</p>
31	<p>"The General Plan (Town of Alta2016a) was updated to include a Commercial Core Plan. The Proposed Action is not located within the defined Commercial Core but is proximate to it. The "Commercial core" is located between the Albion Basin Area, the Alta Peruvian Lodge, the Highway 210 Corridor, and the Alta Ski Area. The area extends from the north side of Highway 210 to the top of the ski slopes to the south, and from the Albion base area to the Peruvian Lodge. A Transportation Implementation Plan was developed to guide stress uses within the Commercial Core."</p>	25	3.1.7	2	<p>The context this clause is included here seems to say that the commercial core, being a proximate impact can serve as a "mitigating factor" to new impacts on the Albion Basin Road. However, this flies in the face of why the Commercial Core was created. The Commercial Core is the Town of Alta's zoning position that while it would be ill-advised to make existing commercial uses non-conforming, development in Alta, particularly commercial development must be contained to maintain the character and charm of Alta. Further, the zoning of the Patsey Marley Hill Subdivision is zoned as FR-20 with its own requirements, intentionally created and approved by citizens of Alta, and must be met by the Shrontz Estate. To use this Commercial Core's proximity to the proposed project as an excuse to perform the project completely ignores the impact this project will have on the already stressed land within the Commercial Core.</p>

32	<p>"The Proposed Action would not alter the current use of the roadway, including winter uses. Traffic during the winter would be controlled with traffic signals."</p>	25	3.1.7	3	<p>Simply stating that widening the road will account for current uses is completely false. The logistics of clearing the road is not mentioned here and will have a huge impact on current users. First, there is not adequate space for current OSVs. They should remain where they area. Second, the retaining walls pose a significant risk to down hill skiers from Alta Ski Area - which this area lies within ASA's Special Use Permit. Third, the logistics of grooming a portion of the road will need to be sloped and groomed regularly, thus impacting current users and compressing the space provided in this Proposed Action.</p>
33	<p>"Given that best management practices would be implemented to minimize erosion and sedimentation, the Proposed Action contributions to impacts to soils or water resources would e negligible when combined with past, present, or reasonably foreseeable future projects."</p>	25	3.1.7	6	<p>As stated above, this conclusion comes with no consideration of how changes to the road will contribute to erosion year in and year out. The cleared portion of the road will have to be plowed regularly - thus scraping away the all-season gravel and piling it into the shoulder and surrounding watershed. The clear portion of the road will also contribute to snowmelt runoff and earlier snowmelt for the groomed run.</p>
34	<p>"Cumulative impacts to recreation would be negligible and long term."</p>	26	3.1.7	1	<p>Again, this is a conclusion without explanation into the logistics of grooming the road and the reality that this 25ft groomed area may actually only be 15ft of flat groomed space.</p>

[Redacted]

alt Lake District Ranger

6944 South 3000 East

Cottonwood Heights, UT 84121

[Redacted]

[Redacted]

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Re: Patsey Marley Hill Subdivision Roadway Improvements Environmental Assessment & Mischaracterization of Information to the Forest Service

Dear Dave Whittekiend, Bekee Hotze, and Forest Service NEPA Team,

Friends of Alta is a public charity dedicated to conserving and protecting the environment and character of Alta. As Alta’s local land trust, we sincerely appreciate the opportunity to provide comments related to our concerns about potential impacts from the “*Patsey Marley Hill Subdivision Roadway Improvements Environmental Assessment.*” Our comments come on behalf of future generations and the public that either live here in Alta or recreate here on our public lands.

While Friends of Alta submitted other comments regarding the content of the Environmental Assessment, this comment is focused on one concern. We are concerned that this project is based on false information provided by the Applicant (the Shrontz Estate) to the Forest Service at the very start of this Environmental Assessment.

Upon review of the Environmental Assessment and early documents pertaining to the revision of the original project proposal, we came across a number of statements that are blatantly untrue. In a typed explanation of the refinement of the project, the Shrontz Estate states the following:

[Redacted]

Shrontz - Page 6, Section 4: “It should be noted that the PPA location for the parking Structure was previously approved for this use by the Town of Alta as part of the Development Agreement after the Applicant was told by the Town that a Parking Structure would be required and that it must be placed on the subdivision.”

FOA Comment

- Within the Development Agreement, Section 1.4 states: *“The Town acknowledges and consents to the parking concepts depicted on Exhibit C [an on property 20 space parking structure] within the Property boundaries, and will not object to the Estate applying for parking off the Property, unless that off-the Property parking materially and adversely impacts the existing shared uses described in paragraph 1.3. Specifically, the Town acknowledges and consents to the Estate’s twenty (20)-space parking area, located on the Property, and subject to documents of record.”*
 - o While the Town of Alta understood and consented to the concept that parking may be located on the subject property, the Town in no way has forced the Applicant to place a parking structure on the property.

- Within the Development Agreement, Section 1.1(c) states: *“The Estate hereby agrees that no building shall be erected, altered, placed or permitted to remain on any lot other than one (1) detached single-family dwelling and one (1) accessory building, except that a structure over parking facilities serving the entire Subdivision may [emphasis added] be erected”*
 - o While the Applicant has moved ahead with the concept of a covered parking structure, the Town, in the Development Agreement, left flexibility for the Applicant to have exposed parking with each home, have a single parking structure for 20 spaces, or acquire space elsewhere in the Town to have 20 spaces.

Shrontz - Page 7, Section 4 (cont.): “Because of the triangular shape and the limited buildable area, Lot 101 is not a viable location. In addition to these limitations, the Town of Alta approved the existing location for the Parking Structure and only approved Lot 101 for single family residential construction.”

FOA Comment

- As stated above, the Town has not approved the location, or construction, of any new buildings or structures. The Town “acknowledge[d] and consent[ed] to the concepts depicted,” this is very different than approving a project and giving it the green light. Further, the Town “acknowledge[ed] and consent[ed] to a project involving 20 parking spots that may be covered. This is drastically different from the PPA of a multi-story 61 space parking garage. This PPA, absent approval of the FS, still has to be approved by the Town of Alta, SLCPU. Further any alternatives that could be proposed by the Applicant would be welcomed.

Shrontz - Page 7, Section 5: “Grizzly Gulch and Albion Basin property owners park their cars in the Northside overnight parking area and park their OSV’s alongside the uphill side of the Albion Basin Road beyond the Forest Service Gate. When the Settlement Agreement and Development Agreements were executed, the Town required and approved the location for the parking structure to meet this requirement during the winter. Additionally, onsite parking is required pursuant to the deed between Alta Ski Lifts and the Applicant.”

FOA Comment

- As stated above, at no point has the Town of Alta approved a parking structure nor has the Town required parking be located on the parcel. The Town ordinances allow for 2 parking spaces per single family residence. Per the Development Agreement, the Town acknowledged and consented to the concept of a single 20 space parking structure. This is not an approval nor is it the only option the Town would accept.
- Within the Original Deed from Alta Ski Area, exhibit 2(a): *“All parking for any development on or use of the Property shall be located on the Property, and any development of the Property shall include adequate parking facilities.”*
 - o While the deed does state that parking shall be located on the property. Alta Ski Area has no authority to demand this clause of the Applicant. No residents who access their homes via the Albion Basin Road have year-round parking on their property. There is a plethora of ordinances and requirements one must meet in order to construct a parking project on their lot, and this is absent the changes that

would need to be proposed (and now are). The Town only requires that adequate parking be available for residents, be it on-site or off-site parking.

In summary, the Town of Alta, in the Settlement Agreement and Development Agreement, “acknowledged and consented” to the concepts depicted in Exhibit C, which was a 20-space common parking area which “may be covered.” It would be false for the Applicant to characterize this project as required by the Town.

Our purpose in bringing this to the Forest Service’s attention is to make sure that accurate information drives the creation and approval for this and future projects. We see this misinformation as having the potential to limit alternatives. Through examination of the EA, it appears that the Applicant is applying the 61 space, multi-story garage to the alternatives and saying that that project does not fit the property and what the town has already approved. The Town has only acknowledged and consented to the concept of a project 1/3 the size of the proposed action.

Friends of Alta respectfully request that the EA be rejected until and unless the false information cited in the preceding portions of this letter truthfully corrected so as to avoid senseless court action. We recognize this venue is time consuming and costly, but as a land trust, 501 c 3 organization we feel a deep obligation to protect public lands for present and future generations.

In order to avoid confusion, we respectfully request a written response to this protest letter from the U.S. Forest Service. Thank you in advance.

Sincerely

A black rectangular redaction box covering the signature of the sender.A black rectangular redaction box covering the signature of the recipient.