

Possible Legislative Changes – Based on Staff Review of 10-27-2020 Draft and Issues Relating to Draft CWCNRA  
*08/18/2021 Legislative Committee Meeting*

Public Comment -- Suggested Legislative Change	Change to CWCNRA?	Provision Change?
<b>Forest Service land within Alta Ski Area avalanche protection zone permit area should also be included in the CWCNRA</b>	This is an area that has been in dispute since MA and the development of Congressional legislation. The CWC has made numerous attempts to facilitate a solution without resolution. It is recommended that this issue be left in limbo (in its status quo as an area permitted for only avalanche control, not use as an area open for ASL skiing) to be addressed in the future.	None recommended at this time.
<b>Provide language in the bill ensuring transit access at trailheads</b>	This issue is not specifically addressed at this time in the CWCNRA Draft Bill. There are implicit provisions that suggest that outcome.	None recommended at this time.
<b>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.</b>	This issue is addressed specifically in the provisions of the existing CWCNRA Draft bill (10-27-2020) and the accompanying map. By identifying the ski area boundaries, the creation of wilderness and the White Pine area, and explicitly stating that those areas are not available for ski area expansion, ski area may not expand beyond existing permit-area boundaries. The exception is the area in contention adjacent to the Alta Ski Lifts permit area. No resolution has been accomplished for the Grizzly Gulch and Patsy Marley areas. Consistent with the post Mountain Accord and Chaffetz legislative proposals, this area is left in a status quo condition as reflected in the Forest Plan: the Forest Plan does not allow skiing expansion on Forest lands outside/beyond the existing areas permitted for skiing.	None recommended at this time.
<b>Provide protection of Little Cottonwood Canyon Trail in the Bill</b>	This trail corridor is currently protected in the existing CWCNRA Draft bill. A corridor along the bottom of the Canyon exists that would accommodate the continuation of the Little Cottonwood Trail up-canyon. The map has been reviewed and a determination has been made that the trail would not be inhibited.	None recommended at this time.
<b>Provide permanent protection of Mt. Wolverine and Grizzly Gulch in the Bill.</b>	This issue is part of the Alta Ski Lifts expansion proposal/desire. It is answered in Rows 2 and 5.	None recommended at this time.

Possible Legislative Changes – Based on Staff Review of 10-27-2020 Draft and Issues Relating to Draft CWNCR  
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Public Comment -- Suggested Legislative Change	Change to CWNCR?	Provision Change?
<p><b>White Pine included in Lone Peak Wilderness</b></p>	<p>For decades, White Pine Canyon has been a disputed ground. From the inception of Snowbird ski resort, the area was desired by Snowbird for ski area expansion. In the 1989 Salt Lake County Wasatch Canyons Master Plan and subsequently in the FS Plans, White Pine has been an area off limits to further development for ski area purposes. The conservation community, led by Save Our Canyons, has sought expanding the Lone Peak Wilderness to include White Pine Canyon. Including White Pine in Wilderness is complicated by two primary factors: 1) The White Pine Dam and access to it and ongoing operations and maintenance; and 2) An existing (long-term) permit from the Forest Service for helicopter operations to Wasatch Powderbird Guides. Mountain Accord and all drafts of the CWNCR have reached the conclusion reflected in current Draft bills: A Special Protection Designation (currently titled the White Pine Watershed Protection Area). In this designation, the area would be protected from additional development, but existing White Pine Dam operations and access would be maintained, and the heli-skiing permit would be acknowledged and respected. (The heli skiing permit is protected in other provisions of the CWNCR bill.) A second issue has involved the use of the White Pine Dam access road for mountain biking. While the access road is used mostly for access to the Dam and hiking, some mountain biking occurs. (The access road is very steep in places and most mountain bikers aren't capable of using the road without a lot of pushing the bike up the road. Conservation organizations have advocated for White Pine to come as close to a wilderness designation as possible; mountain biking as a mechanized use is not allowed in wilderness areas. The CWNCR Draft bills has Some mountain bikers and mountain biking advocacy organizations continue to seek making the White Pine road open for mountain biking. The White Pine Dam owners (South Despain Ditch Company) do not want to have mountain bikers on the road for safety reasons. The CWNCR Bill reached the following conclusion: have a Special Designation Area (White Pine Special Management Area) would not allow mountain biking on the White Pine Dam access road. At one time, a compromise was reached by the trails organizations (led by Utah Trails and IMBA) and the conservation organizations to prohibit mountain biking in White Pine in exchange for removing wilderness on the west edge of existing wilderness to allow for mountain biking on the Bonneville Shoreline Trail.</p>	<p>None recommended at this time.</p>

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<b>Need for a GIS map that can be magnified in sufficient resolution to see details.</b>	More detailed maps have been made available upon request.	No legislative changes requested. Maps are regularly under review and any specific change recommendations are considered.
<b>Provide language in the Bill that illustrates full support of four ski resorts.</b>	This suggestion is not the type of provision included in legislation. The four ski areas have been included at every step of CWNCR development. They, like others, may indicate their position on the Bill.	None recommended at this time.
<b>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.”</b>	This intent is consistent with the purposes of the BST boundary adjustment provisions as displayed on the map. Normally intent language is not included in the provisions of the Bill, but are part of a Committee report to add some clarifying legislative intent.	A provision like this could be added to the Draft CWNCR Bill; it would likely be removed when the Bill goes through Congressional legislative drafting services.
<b>Include White Pine drainage in the Lone Peak Wilderness.</b>	Please see prior notes re: White Pine.	None recommended at this time.

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<p><b>Provide the addition of language to ensure that climbing is an appropriately protected and managed use. We support additions:</b></p> <ul style="list-style-type: none"> <li>· <b>To line 157, to state: “(D) promote public safety, including through avalanche control and maintenance of fixed anchors for climbing.”</b></li> <li>· <b>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</b></li> <li>· <b>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.</b></li> </ul>	<p>The current version of the Draft CWNCR does not specify every use in the Central Wasatch. As a permitted use and recognized areas are identified in the Forest Service plan, it wasn't believed wise to single out that use unless it needed some special provision for an area or for a type of use.</p> <p>The current version of the Draft CWNCR does not specify every use in the Central Wasatch. As a permitted use and recognized areas are identified in the Forest Service plan, it wasn't believed wise to single out that use unless it needed some special provision for an area or for a type of use.</p> <p>The current version of the Draft CWNCR does not specify every use in the Central Wasatch. As a permitted use and recognized areas are identified in the Forest Service plan, it wasn't believed wise to single out that use unless it needed some special provision for an area or for a type of use.</p> <p>The current version of the Draft CWNCR does not specify every use in the Central Wasatch. As a permitted use and recognized areas are identified in the Forest Service plan, it wasn't believed wise to single out that use unless it needed some special provision for an area or for a type of use.</p> <p>The current version of the Draft CWNCR does not specify every use in the Central Wasatch. As a permitted use and recognized areas are identified in the Forest Service plan, it wasn't believed wise to single out that use unless it needed some special provision for an area or for a type of use.</p>	<p>No changes are recommended at this time.</p> <p>No changes are recommended at this time.</p> <p>No changes are recommended at this time.</p> <p>No changes are recommended at this time.</p> <p>No changes are recommended at this time.</p>

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<b>Removal of helicopters in White Pine, either/or allowance for both helicopters and mountain bikes in White Pine</b>	Helicopter skiing has a Special Use Permit for White Pine Canyon. Mountain Biking occurs because it is allowed a part of the Forest Service uses -- it is not part of a specific Use Permit. As noted in prior discussion of White Pine, the history of the CWNCRA included an agreed-upon tradeoff among the Trails Association and the Conservation organizations that included the Bonneville Shoreline Trail. Because there is an existing legally recognized permit for helicopter skiing, the use has been grandfathered into the White Pine Watershed Protection Area.	No changes are recommended at this time.
<b>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.</b>	The Bonneville Shoreline Trail Advancement Act has been developed outside the context of the overall agreement of Mountain Accord and the CWNCRA. Thus far, the CWC has remained neutral on the Bill, noting the differing positions within the recreation and conservation communities.	No changes are recommended at this time.
<b>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.</b>	The term "mechanical" is a term of art relating to wilderness designations. The Line 425 reference (White Pine provision) uses mechanical to make it clear that with the exception of permitted helicopter skiing and access and maintenance rights associated with the White Pine Dam, the White Pine Watershed Protection Area will be managed like wilderness.	Because the existing White Pine provision has been carefully crafted to represent a prior compromise, it is not recommended that changes be made at this time.

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<p><b>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 CWNCR 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 carryover from earlier premature analysis and therefore is incomplete and/or inaccurate at this time. We recommend the CWNCR mirror the most accurate and up-to-date language found in the H.R.7626 Bonneville Shoreline Trail Advancement Act.</b></p>	<p>As noted, the language and map in the current Draft CWNCR (10-27-2020) reflect a detailed assessment and mapping by the parties involved. If a new agreed upon map has been developed, the map for the CWNCR should be adopted. CWC will want a confirmation of map changes from the parties to the agreement.</p>	<p>Changes to the map to reflect any agreed upon changes for the BST will be made upon confirmation that a subsequent agreement was reached.</p>
<p><b>Provide language in the Bill that protects Grizzly Gulch, Patsey Marley, Wolverine Cirque, Lake Mary and the Twin Lake area</b></p>	<p>Please see prior notes re: ski resort boundaries and Alta Ski Lifts.</p>	<p>No changes are recommended at this time.</p>

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<b>Add language to the Bill that blocks ski interconnect</b>	The current and past versions of the Draft CWNCR limit ski area expansion, but do not rule out the possibility of transportation connections in the Central Wasatch Mountains. The CWC Board may want to consider more specific language if their views have changed on this subject.	The topic of more specific direction in the Draft CWNCR legislation should be discussed. There is some guidance in the existing Draft Bill.
<b>Add language to the Bill precluding a canyon-to-canyon connection between BCC and LCC</b>	The current and past versions of the Draft CWNCR limit ski area expansion, but do not rule out the possibility of transportation connections in the Central Wasatch Mountains. The CWC Board may want to consider more specific language if their views have changed on this subject.	The topic of more specific direction in the Draft CWNCR legislation should be discussed. There is some guidance in the existing Draft Bill.
<b>Staff Ideas for Change for Central Wasatch Commission Consideration</b>		
<b>Visitor Use Management</b>	Add provision with specific direction on development of visitor use management program as part of the Plan development for the new CWNRA. Section 3 of the CWNRA establishes the Area, describes it and its purposes, provides for its Administration and Uses, and directs the creation of a new Management Plan (Sec. 3(d)), Consultation and other Plans, Adjacent Lands, etc. The Management Plan is required to address certain elements, including “facilitate year-round outdoor recreation” (Sec 3(d)(2)(E)). A provision could be added that specifies that the Management Plan include a “Visitor Use Management” element. This would provide clear Congressional direction that the plan addresses this issue, which has been a priority for the Commission and many stakeholders.	Staff recommends adding this provision

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Staff Ideas for Change for Central Wasatch Commission Consideration		
<b>Distinguishing Mountain Transportation System and Ski Lifts</b>	<p>The 10-27-2021 Draft Central Wasatch National Conservation and Recreation Area Bill, following the intent of Mountain Accord and earlier versions of legislation, distinguishes ski lifts from transportation improvements. In the Definitions Section (Sec 2), they are both defined. A “Ski Lift” is a “motorized system” to transport skiers and other recreational users in a “permitted ski area.” A “Mountain Transportation System” is a public transportation system to transport people between destinations. It is believed that distinguishing aerial (or other transport systems) for ski area use.</p> <p>Those terms and their definitions and use raise questions among some reviewers of the draft legislation about what they mean and how they apply. Staff has reviewed the definitions and Bill and doesn’t know a different way to address this issue. It is worthy of further review for possible legislative refinement.</p>	No changes recommended at this time, but further review requested.
<b>Transportation Provisions</b>	<p>The Transportation provisions in the Central Wasatch National Conservation and Recreation Area draft Bill could be changed to reflect more specific direction for allowable or supported transportation improvements. The 10-27-2020 Draft includes several provisions relating to transportation improvements: 1) Includes definitions that distinguish transportation improvements from ski lifts (Sec 2); 2) Eliminates creation of <u>new</u> roads unless needed for an emergency or following applicable laws (Sec 3(c)(2)(B)&amp;(C) ; 3) provides for transportation improvements including roadways, public transportation, a mountain transportation, transit stops, bicycling, etc (Sec 3(l)); 4) recognizes UDOT roads and improvements within road corridor with adjustments as determined; 5) provides for 4(f) exemption for transportation improvements along road corridor (Sec(3)(l)(2)(B)).</p> <p>If an agreed-upon approach for transportation improvements are made, the Central Wasatch National Conservation and Recreation Area Bill could explicitly recognize and authorize those improvements.</p>	No suggested changes at this time. Continue monitoring decision making for transportation improvements and address in legislation more specifically if agreement reached on the nature of improvements. May want to reach out to Utah Transit Authority and UDOT for their further review and discussion.