

# **CENTRAL WASATCH COMMISSION 10/27/2020 DRAFT**

## **SUMMARY AND BACKGROUND**

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### **Updated Legislation Reflecting 2020 Revisions**

A primary conclusion of the 2015 Mountain Accord consensus agreement was pursuit of Congressional legislation to further protect the Central Wasatch Mountains through new designations of wilderness, a recreation and conservation area, and a watershed protection area for White Pine. A second element of the Congressional legislation would have adjusted land ownership through land exchanges between the ski resorts and public-use areas to better align ownership with public and private use areas.

In November, 2019, the Central Wasatch Commission decided to postpone pursuit of Congressional legislation, and focus on other matters needing immediate attention in the Central Wasatch Mountains. The Commission decided to also work on remaining issues arising in the draft Congressional legislation, particularly the land exchange provisions. The 2020 year has been devoted to making necessary legislative changes targeting a review of the unworkable land-exchange provisions of the prior drafts of legislation. This review was prompted by late-2019 ski resorts' notification to the Central Wasatch Commission and the Forest Service that it did not deem land exchanges feasible and did not want to pursue them further.

A Central Wasatch Commission Legislative and Land Tenure Committee has met three times in public meetings. Between meetings, land exchange possibilities and alternatives to land exchanges have been reviewed by the Committee and in individual meetings with stakeholders.

The 10/27/2020 Draft Bill (Central Wasatch National Conservation and Recreation Area) reflects changes to the Bill as a result of the Central Wasatch Commission work in 2020. Publiccomment will be received with the objective to have a Central Wasatch Commission consensus Bill ready for introduction in the new Congress in 2021.

The primary change in the 10/27/2020 Bill is the removal of land exchange proposals of previous versions of the Bill. There are also some technical changes in the bill to reflect comments that were received on the 11/1/2019 Draft Bill and issues that have been brought to the attention of the Central Wasatch Commission in 2020.

The primary elements of the Central Wasatch National Conservation and Recreation Area legislation remain intact:

- Creation of a Central Wasatch National Conservation and Recreation Area that specifies where and how future development would be limited while protecting existing public and private rights on the public lands and recognized uses in the Central Wasatch Mountains.
- Creation of a new wilderness area and additions to existing wilderness areas that have been agreed upon by major parties with Central Wasatch Mountains interest.
- Creation of a new White Pine Watershed Protection Area that specifies specific uses allowed and not allowed.
- Upon enactment by Congress, creation of a new Management Plan for the new areas.
- Acknowledgement and provision for development of a Mountain Transportation System in the Central Wasatch Mountains.
- Removal of the permit areas of the four ski areas (plus the Town of Alta) from the Central Wasatch National Conservation and Recreation Area.
- Leave private lands unaffected by the new federal protection designations.

The Central Wasatch Commission continues to actively explore means to achieve some of the goals of Mountain Accord for land tenure adjustments in the Central Wasatch Mountains. These options include

- Possible conservation easements on ski area land outside the ski resort permit boundaries
- Possible acquisition of private lands for conservation on a willing-seller basis by conservation organizations or local governments
- Possible donation of lands by ski areas or other private property owners for lands protection
- Consideration of individual proposals by Alta Ski Lifts for a combination of measures that would place some lands on the north side of Little Cottonwood Canyon in non-development protection, address some dispersed recreation and trailhead issues at the top of Little Cottonwood Canyon, and provide for Alta Ski Lifts land acquisition of public lands in its permit area, primarily through use of the Small Tracts Act.

The Central Wasatch Commission provides this updated version of a Central Wasatch National Conservation and Recreation Area Draft Bill for public comment as it prepares for a new Congress in 2021

## APPENDIX

### BACKGROUND ON CENTRAL WASATCH NATIONAL CONSERVATION AND RECREATION AREA

#### Background for Mountain Accord Legislation

##### Mountain Accord

The Mountain Accord agreement culminated a two-year intensive collaborative effort in 2015. It was signed by the Governor, State Legislative Leadership, all local governments in and around the Central Wasatch Mountains, and major stakeholders including all the ski areas and conservation groups. A cornerstone of Mountain Accord was pursuit and adoption of Congressional legislation to implement the agreement. A parallel, complementary objective was to accomplish transportation solutions to unacceptable traffic congestion outlined in the Accord. Both objectives were to be pursued immediately.

Mountain Accord identified objectives and intended outcomes for federal lands legislation:

“2.2 To designate certain U.S. Forest Service lands ... for additional federal protections. To bind ski resorts on public land within the federal designation.

2.3 To reduce the patchwork nature of public and private land ownership so that U.S. Forest Service is managing undeveloped rather than developed lands. To consolidate U.S. Forest Service lands, to obtain inholdings, and to transfer privately held upper watershed lands with environmental and recreation values into public ownership.”

For the federal land designation, specific actions were agreed upon:

3.2.1 Support and pursue a new federal land designation (in Bills as Central Wasatch National Conservation and Recreation Area).

3.2.2 Prohibit ski are expansion onto public lands beyond resort boundaries.

3.2.3 Pursue a legislative land exchange. Introduce legislation as soon as possible.

3.2.4 Establish new wilderness areas.

3.3., 3.4 (Alta), 3.5 (Snowbird), 3.6 (Solitude), 3.7 (Brighton). Specific areas were identified for land exchanges for each of the four ski resorts in the Cottonwood Canyons. Salt Lake City agreed to provide additional water upon completion of the lands protections.

##### H.R. 5718

Congressman Chaffetz introduced legislation in 2016, late in the 115<sup>th</sup> Congress. H.R. 5718 closely followed the Mountain Accord agreement. The Bill received a hearing but no further movement. After he left office, the Bill languished without a sponsor.

### **Central Wasatch Commission Pursuit of Federal Legislation**

After the establishment of the Central Wasatch Commission, the pursuit of Congressional legislation was taken up again in June, 2018 starting with consideration of HR 5718.

By June, 2018, Alta Ski Lifts decided to withdraw its approval of pursuing its land exchange. The Central Wasatch Commission embarked over the next year-and-a-half in a process of considering development of federal legislation. Four bills were put forward for public comment, review and consideration. Each draft addressed issues raised that were not settled in HR 5718, and included intensive consideration of options for issues. In November, 2018, the Central Wasatch Commission proposed a draft Bill to move forward for Congressional consideration. As other issues and interests emerged, federal legislation was not pursued, but a final draft of a Bill was prepared in the fall of 2019.

Perhaps the biggest issue for the federal legislation revolved around attempting to find an alternative solution for the Alta Ski Lifts land exchange. Despite dozens of meetings and proposals, no agreement was reached. (A Chronology of Efforts on the Alta Ski Lifts Issues is available.)

Other issues considered and addressed included:

- Definition of the area to be removed from wilderness for the Bonneville Shoreline Trail offset by additions to other Central Wasatch Mountains wilderness areas.
- Removal of Alta Ski Lifts permit areas and the Town of Alta from the lands designation, holding Alta Ski Lifts harmless by allowing them to pursue administratively future proposals.
- Clarifying that the White Pine Watershed Protection Area would not allow mountain biking.
- Providing for flexibility to attempt to address land exchange issues.
- Attempt to define support for a Mountain Transportation System and address potential obstacles to transportation improvements in the Central Wasatch Mountains.
- Many other issues were addressed along the way, including
  - direction for preparation of a new Land Plan for the new federal designation,
  - changes in boundaries for the Central Wasatch National Conservation and Recreation Area,
  - protection of private land interests,
  - better definition of facilities that would be protected in any legislation, and
  - authorization for additional federal funding to accompany federal designations.

The 11/1/2019 Draft Legislation contained provisions have been the subject of intensive consideration, public comment, and multiple iterations.

### **Moving Forward for Federal Lands Legislation**

At the end of the 2018-2019 Central Wasatch Commission process, the ski resorts concluded that pursuit of federal land exchanges was not feasible. In November, 2019, the Central Wasatch

Commission decided to postpone pursuit of federal legislation while seeking transportation solutions through participation in a UDOT Little Cottonwood Canyon Environmental Impact Statement and a Central Wasatch Commission Mountain Transportation System proposal.

The Central Wasatch Commission also concluded that it should continue to work towards addressing elements of the Federal legislation that needed further resolution, specifically the land tenure issues. With the withdrawal by the ski areas from proposed land exchanges in Mountain Accord, other options are being explored by a Central Wasatch Commission Legislative Committee to determine if there are other approaches to achieve the goals of land ownership and jurisdiction realignment that would accomplish mutually beneficial outcomes for the Central Wasatch Mountains.

In the context of Mountain Accord, which reflected a consensus for addressing decades-long issues in the Central Wasatch Mountains, the two central tenets of the agreement – legislation and transportation solutions – were occurring in non-parallel timeframes. By pursuing a focus on Mountain Transportation System in 2020, the Central Wasatch Commission seeks a consensus proposal for a regional mountain transportation system. It is the hope that federal lands legislation and transportation solutions can be pursued in a parallel fashion.