



United States
Department of
Agriculture

Forest
Service

Uinta-Wasatch-Cache National Forest
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Federal Building, Room 8236
Salt Lake City, UT 84138
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File Code: 2720-1

Date: October 20, 2010

Bob Bonar
COO/President
Snowbird Ski and Summer Resort
PO BOX 929000
Snowbird, UT 84092-9000

Dear Mr. Bonar:

I am writing in response to your August 24, 2010 unsolicited proposal to amend Snowbird Ski and Summer Resort's Master Development Plan (MDP) and expand the ski area permit and/or enter into a land exchange to include portions of Mineral Fork and Mary Ellen Gulch in American Fork Canyon (Utah County). You propose to expand your current permit that encompasses 1,748 acres of land by 780 acres, of which 387 acres would be located on National Forest System (NFS) lands. I understand that your expansion proposal also includes the potential realignment of an existing lift and the construction of two, or possibly three new lifts. You also propose to amend your MDP within the existing permit boundary including; lift upgrades, new conveyor lifts, building, facility, and infrastructure upgrades, new night skiing opportunities, and additional summer recreation opportunities, primarily in Little Cottonwood Canyon (Salt Lake County).

I have reviewed your proposal and have utilized the special uses screening required under Forest Service regulations and policy, 36 CFR 251.54 and FSH 2709.11, Chapter 10, respectively. The screening process involves consideration of nine initial and three second level screening criteria. Proposals that do not meet all of the requirements of the screening criteria should not receive further evaluation and processing. Based on our review of your revised proposal, I have concluded that the elements of your MDP that are within your existing permitted area are generally consistent with the screening criteria, which includes a review of the 2003 Wasatch-Cache Forest Plan. Thus, we accept those elements of your MDP and are prepared to initiate NEPA analysis for that portion of your proposal. I note that a number of these elements are in close proximity to the Little Cottonwood Creek and we will need additional design information to carry into the environmental review before a final conclusion is made. Our acceptance of these elements is not a decision to proceed. These projects will need additional environmental review, consistent with the National Environmental Policy Act.

Your proposal to expand the permit area by either a permit expansion or a land exchange is more complex, in part because we will need to review it from both a special uses and real estate management perspective. As we have discussed with you, we will need additional information and time to conduct a thorough review.

In regards to a permit expansion, we will need to better understand the option of using only private lands, which is one of the screening criteria (FSM 2703.1 & .2). In particular, we need to understand what that might look like conceptually and be able to have sense of its impacts and feasibility. Additionally, the screening criteria (initial screening, #iii) also require that the proposed use will not pose serious or substantial risk to public health and safety. Your proposal to expand would require operations into more remote areas. To address this criterion, we need additional information regarding emergency response plans regarding access and egress for medical issues and emergencies and avalanche control. Your



response should be narrative and address the general operation procedures for managing the area (weather, timing, evacuations, etc.), including any specialized facilities that would be needed such as ski patrol stations and avalanche control facilities (gaz-ex, military weapons, etc.).

Land exchanges are complex and time consuming and involve somewhat different considerations than special use proposals, particularly with regard to the lands that come into Federal ownership. To help us with that, you will need to provide a map with the specific parcels identified that you have available in exchange for specific Forest Service properties. We understand that parcels have been identified through the unrelated Wilderness proposal, but we will need a map and listing of parcels you have available for this process. We encourage you to review potential parcels to ensure they provide public benefit and otherwise satisfy Forest Service objectives (FSM 5403.1), including:

- Give priority to consolidation of NFS lands within existing National Forest units.
- Exchange or otherwise dispose of lands out of the NFS that have lost their National Forest character or are no longer suitable for National Forest purposes.
- Complete land-for-land exchanges to consolidate NFS lands and private, State, or local government land patterns; to permit needed urban or industrial expansion; or to make other adjustments in landownership that the Forest Service deems to be in the public interest.
- Acquire land or interest in land with the rights necessary to protect the public's interest.
- Do not acquire lands that are subject to:
 - Provisions for reversion of title to the grantor,
 - Outstanding rights or covenants in prior conveyances providing for reversion of title, or
 - Conditions or covenants that would limit or impair the rights of the United States to manage the land for National Forest purposes.

The Forest Service authorized officer must first find that the land exchange is consistent with Forest Plan direction or can be made consistent, and will serve the public interest. An exchange of land shall be based on market value as determined by the Secretary through appraisal(s). Any land exchange proposal that you plan to submit must include, at a minimum, the following: (1) The identity of the parties involved in the proposed exchange and the status of their ownership or ability to provide title to the land; (2) A description of the lands or interest in lands being considered for exchange (both Federal and non-federal); (3) A statement that such party is a citizen of the United States or a corporation or other legal entity in good standing subject to the laws of the United States or a State thereof; (4) A description of the appurtenant rights proposed to be exchanged or reserved; any authorized uses, including grants, permits, easements, or leases; and any known unauthorized uses, outstanding interests, exceptions, covenants, restrictions, title defects or encumbrances; (5) A statement that you are willing to share in the cost of processing the exchange, including but not limited to the out of pocket expenses necessary to complete the exchange; (6) a statement acknowledging that sharing of costs does not guarantee that the exchange will be completed and that these costs are not reimbursable to you if the exchange is terminated for any reason; (7) Notice of any known release, storage, or disposal of hazardous substances on the non-Federal lands and any commitments regarding responsibility for removal or other remedial actions.

Once your proposal is received, if the Forest determines that the proposal warrants further consideration, the land exchange must then be prioritized against other proposed land adjustment activities within the Intermountain Region. Land exchanges once accepted take many years.

We appreciate the work you have performed in preparing your MDP amendment, especially the frontloading with local groups and government agencies, and with Forest Service staff. I believe that process has helped you develop a well thought-out proposal that has been delivered in a highly transparent manner. At the same time, I feel compelled to advise you that the Uinta Forest Plan, revised in 2003, allocates the area included in your expansion proposal to emphasize non-downhill skiing uses. You will need to carefully address this and provide rationale to support a need to amend the Uinta Forest Plan.

We look forward to moving ahead with accepted elements of your MDP and hearing back from you on the expansion related elements. Please coordinate with the staff at the Salt Lake Ranger District on these elements and feel free to contact them or me if you have questions.

Sincerely,

/s/Tom Montoya (for):
BRIAN FEREBEE
Forest Supervisor

cc: Catherine Kahlow
Naomi C Johnson
Sylvia G Clark