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Snowbird submitted a master development plan amendment proposal to the Uinta-Wasatch-Cache National Forest (UWCNF) in late August. Several discussions with you and your staff followed, culminating in your letter dated October 20, 2010. That letter stated that some elements of the proposal would be accepted, while additional information on the Mineral Basin and Mary Ellen Gulch expansion proposal was needed. This letter provides the information you requested as well other pertinent observations on the proposal and associated permitting process.

The following topics are addressed under the headings below: expansion acreage and land ownership, benefits of expansion and why it would be in the public interest, why an expansion cannot be reasonably accommodated on private land alone, why the expansion would not pose a serious or substantial risk to public health and safety, reasonable access under ANILCA, and administrative options.

The attached figures illustrate the expansion area and proposed lifts and traverses (narrow trails for skiers and over-the-snow vehicles), an analysis of slopes in the expansion area, and an analysis of avalanche starting zones in the expansion area.

Expansion Acreage and Land Ownership

Snowbird has trimmed some acreage from the expansion area since the August proposal, primarily in response to agency and public concerns regarding the Red Baldy area. The following table shows current acreage estimates by ownership. See the first attached figure for locations.

Proposed Expansion Acreage by Ownership			
	Mineral Basin (acres)	Mary Ellen Gulch (acres)	Total (acres and %)
Private Land	7	393	400 52%
National Forest System Land	141	229	370 48%
Total	148	622	770 100%

The Mineral Basin component of the expansion, which is intended to make more effective use of existing ski lifts and trails within the current ski area boundary, involves mostly National Forest System land. However, the more significant Mary Ellen Gulch component involves nearly two-thirds private land. Collectively, the expansion would involve more private than National Forest System land. Overall, the expansion would add 371 acres of National Forest System land to the 1,748 acres already used under Snowbird's current ski area special use permit (SUP), only a 21 percent increase.

BENEFITS OF EXPANSION - IN THE PUBLIC INTEREST

One of the UWCNF's Second Level Screening Criteria is whether the proposed use is in the public interest. Uncrowded powder snow skiing in dramatic, high elevations settings is the cornerstone of Utah's vital ski industry, and Snowbird epitomizes this experience. In terms of specific, tangible benefits in the public interest, the proposed expansion would:

- Coordinate the combined and intertwined use of Snowbird's private lands and National Forest System lands, thus creating synergies and maximizing the beneficial uses of both.
- Improve access and allow more efficient use and management of Mineral Basin terrain within the current ski area boundary.
- Involve primarily Snowbird's private land, reducing the commitment of National Forest System resources.
- Consolidate the current patchwork pattern of private and Federal land ownership to facilitate more efficient and effective land and resource management.
- Lie outside the key Salt Lake City watershed, eliminating any potential impact on the municipal water supply.
- A void areas included in the wilderness proposal currently being prepared for submittal to Congress by Representative Matheson.
- Provide new skiing opportunities at high elevation as a hedge against potential effects of climate change.
- Be broadly supported by Federal, State, and local government entities, as well as environmental groups (see listing of support below).

Upward trends in Utah skier visits, even through the "Great Recession," show that demand for the Utah ski experience will likely continue as long as we can maintain the unique, high quality experience that underlies this demand. The resulting benefits to the local and national economies and, most importantly, to the recreating public are clear. This proposal provides an outstanding opportunity for the historic and productive partnership **between Snowbird and the UWCNF to maintain the quality of this recreational experience and to ensure the continuity of the benefits it generates.**

Consistent with UWCNF direction, Snowbird has mounted an extensive effort to make pertinent government entities, environmental interests, and the public at large aware of the expansion proposal and to solicit their input on the project. The results have been uniformly positive. The following individuals and agencies have provided letters of support (attached) to the UWCNF:

- Utah Governor Gary Herbert.
- U.s. Congressional Representatives Rob Bishop and Jason Chaffetz.
- State Representative Karen Morgan.
- Salt Lake County Mayor Peter Corroon.
- Salt Lake County Council Members Max Burdick and Michael Jensen.
- Utah County Commissioners Gary Anderson and Steve White.
- Sandy City Mayor Tom Dolan.
- Sandy City Councilman Chris McCandless.
- State Senator Wayne Niederhauser.

Snowbird has also discussed the proposed expansion with the Citizens Committee to Save Our Canyons, the environmental group most closely associated with protection of Central Wasatch resource values, and that

group has expressed support for the expansion proposal.

Overall, these firm statements of support reflect a broad consensus that the proposed expansion is indeed in the public interest.

THE EXPANSION CANNOT BE REASONABLY ACCOMMODATED ON PRIVATE LAND ALONE

One of the UWCNF's Initial Screening Criteria is whether the proposal can be reasonably accommodated on private lands alone. Snowbird owns the majority of the land in the proposed expansion area, as discussed above. However, an expansion involving only this private land would not be feasible for a number of reasons, including the following:

- Skier Access to Lower Mineral Basin: Access to much of the southeastern portion of Mineral Basin currently in Snowbird's ski area boundary, such as the Sunday Cliffs area, is limited. Skiers must traverse a considerable distance from the Path to Paradise traverse, which eliminates use of the upper portion of the slope. Getting back to a ski lift requires skiers to cross the drainage and climb to the lower terminal of the Mineral Basin Express lift. This climb becomes longer and more difficult the further east the skier traverses before dropping into the bottom of the basin. Without the proposed down-canyon extension of the Mineral Basin Express lift, as well as the extended Path to Paradise traverse, the Mary Ellen lift, and the Sinners Pass traverse, use of this prime, northwest facing ski terrain within the current ski area boundary is not feasible.
- Avalanche Control in Upper Mary Ellen Cirque (Public Safety): The cirque area in upper Mary Ellen Gulch, which is National Forest System land, includes many avalanche starting zones (see attached avalanche starting zone figure). Safe development and use of Snowbird's private land lower in the canyon requires regular avalanche control efforts in the cirque area, which would necessitate Forest Service permitting. Furthermore, safe and reliable access to conduct such avalanche control activities would not be feasible without the proposed lift access to the West Twin Peak area.
- Avalanche Control in Lower Mary Ellen Gulch (Public Safety): The northeastern portion of the Mary Ellen expansion area, across Sinners Pass from Mineral Basin, also poses an avalanche threat to use of the private land below. Access for control activities would be difficult without the proposed Path to Paradise traverse extension, Sinners Pass traverse, and Mary Ellen lift on National Forest System land, requiring additional Forest Service permitting.
- Limited Vertical Drop and Skiable Acreage: National Forest System lands in the proposed expansion area also comprise prime ski terrain. Without these areas, the potential vertical drop in Mary Ellen is shortened from 2,650 to 1,380 feet, a decrease of nearly 50 percent. In terms of skiable acreage, the net loss would be greater than just the acreage of National Forest System parcels because of the location of those parcels; they block skier access to portions of Snowbird's private land. Under the proposed expansion, the skiable acreage in Mary Ellen Gulch would be 622 acres, including 393 acres of private land. Without access to the National Forest System land, only about 185 of the 393 acres of private land could practicably be skied, a 70 percent reduction.
- Limited Public Recreational Use of Public Lands: The proposed expansion would facilitate the coordinated use of both private and public lands. The particular National Forest System lands that would be involved in the proposed expansion area would provide prime ski terrain that is otherwise inaccessible to the public at large. Without the proposed expansion, these National Forest System lands would continue to receive very limited recreational use.
- Utility Access: Providing utility and vehicle access from the existing ski area to Snowbird's private land in Mary Ellen Gulch would require at least one easement across National Forest System land, necessitating additional Forest Service permitting.
- Skier Use Would Not Incrementally Burden Public Land: Collectively, the permits for avalanche control,

utilities, and vehicle access would involve nearly all the National Forest System land in the proposed Mary Ellen Gulch expansion area even if only private lands were available for skiing.

The bulk of the new ski terrain will be on Snowbird's private land in Mary Ellen Gulch. The utility of that land as ski terrain will be significantly compromised if it is not supplemented by the adjacent National Forest System lands both immediately above and below it. In short, an expansion cannot be reasonably accommodated on Snowbird's private land alone.

EXPANSION WOULD NOT POSE A SERIOUS OR SUBSTANTIAL RISK TO PUBLIC HEALTH AND SAFETY

One of the UWCNF's Initial Screening Criteria is whether the proposal poses serious or substantial risk to the public health and safety. Downhill skiing entails a certain level of inherent risk, and the SUP area's topography and abundant snowfall create unique avalanche control challenges. Nevertheless, Snowbird has maintained an exemplary safety record through its nearly 40 years of operation. Snowbird's safety plan sets an industry standard, constantly evolving to reflect appropriate, emerging technology in the areas of avalanche control, search and rescue, medical services, emergency evacuation from the mountain and base area, and all other health and safety aspects.

Although the safety plan has not yet been augmented to reflect procedures specific to the proposed Mary Ellen Gulch expansion area, key characteristics of the area have been reviewed from a health and safety perspective. No serious or substantial problems have been identified. The ski area currently comprises three major drainages descending from the American Fork Twin Peaks (i.e., Gad Valley, Peruvian Gulch, and Mineral Basin), and Mary Ellen Gulch would add a fourth. The proposed expansion terrain poses no unusual constraints, and snowfall patterns are typical to the area. As a result, avalanche hazard will be manageable using equipment and procedures similar to those employed elsewhere at the ski area.

In regard to remoteness, with the proposed lifts and traverses, Mary Ellen Gulch would be as accessible to ski patrol and other emergency services as Mineral Basin. We anticipate similar management in terms of weather and timing of use (i.e.: weather related closures of lifts and/or terrain as conditions warrant; staged opening as the front-side and Mineral Basin terrain are cleared and controlled following storms; and early closing to allow adequate time for skier egress and ski patrol sweeps during daylight hours).

Emergency medical services and evacuations would also be handled in a similar manner to Mineral Basin. Snowbirds ski patrol headquarters is centrally located at the top of Hidden Peak. The Mary Ellen Gulch expansion area would be accessible via the proposed Twin Peaks tram or the extended Path to Paradise traverse. While additional ski patrol facilities in Mary Ellen Gulch itself are not anticipated, they could be included in final plans for the expansion if deemed necessary. Small patrol facilities would likely be installed near the top of the proposed tram and the Mary Ellen lift, consistent with industry safety standards. Ski trails and the proposed traverses would provide emergency snowmobile/snowcat egress routes for evacuations. Helicopter evacuations would be an option if necessary in the expansion area as at the rest of the ski area.

Like Mineral Basin, the Mary Ellen Gulch expansion area, lies in Utah County. When the Mineral Basin development was permitted, an interagency agreement was established under which Salt Lake County would provide initial emergency services as required in Utah County portions of the ski area. This reflects the access and availability of such services from the Salt Lake County side relative to the Utah County side. As already established for the Mineral Basin expansion, this agreement would also apply to Mary Ellen Gulch. It would

effectively link Snowbird's " health and safety resources with those of the greater Wasatch Front.

Safety plan details, as appropriate, will be spelled out in a more detailed proposal as the expansion is fleshed out and becomes ripe for NEP A analysis and approval. At this point, Snowbird has observed and monitored conditions in the proposed expansion area sufficiently to be assured that the anticipated use would pose no serious or substantial risk to public health and safety.

REASONABLE ACCESS UNDER ANILCA

Under the Alaska Native Interest Land Conservation Act (ANILCA), the Forest Service should provide Snowbird with reasonable access across National Forest System lands in order to facilitate Snowbird's reasonable use and enjoyment of Snowbird's adjacent private land. Under ANILCA, the Forest Service should provide such access and use because Snowbird's proposed use of its private lands for developed ski terrain is a "reasonable use," and the proposed expansion would provide appropriate "reasonable access" to facilitate this use.

Reasonable Use

ANILCA grants a right of access to inholders of land within the National Forest System, subject to reasonable terms and conditions. It requires the Secretary of Agriculture to provide such access as is deemed adequate to accommodate the reasonable use and enjoyment of the non-Federal land. It is not the intent of ANILCA to regulate the uses made on non-Federal land. That is a function of State and local governments. However, the law directs the Forest Service to make a decision as to the reasonable use of the non-Federal land for the purposes of determining the corresponding reasonable access across Federal land.

In determining what constitutes a reasonable use of the private lands, the provision of the local zoning ordinance covering Snowbird's private lands provides guidance. Uses of nearby land are also a factor in determining what reasonable use is. As to zoning, Snowbird's contemplated use of its private property in Mary Ellen Gulch would be consistent with the current Utah County zoning. Mary Ellen Gulch is located in the CE-I Critical Environmental Zone, and one of the permitted conditional uses within this zone is "Accessory ski lifts and associated facilities for which the Planning Commission has issued a conditional use permit according to the provisions of zoning sections 3-56 and 7-24-D." The Standards under section 3-56 expressly contemplate such ski operations. Given that these are conditional uses specifically contemplated in the Utah County Ordinance, the proposed use in Mary Ellen should be considered reasonable.

As to the nearby uses, Snowbird has operated the ski resort since 1971. In 2000, Snowbird undertook a significant expansion of its operations into Mineral Basin. Those expanded operations are located almost entirely on private land. The Forest Service accommodated Snowbird's reasonable use of that private land by completing land exchanges and adjusting/expanding the ski area SUP boundary to allow Snowbird to conduct appropriate avalanche control activities.

The same conditions hold for Snowbird's currently proposed Mary Ellen Gulch expansion: most of the land is private, and safe and efficient lift-served skiing on that private land requires access to adjoining National Forest System land. The Forest Service should deem the Mary Ellen Gulch proposal to be a "reasonable use" and should facilitate that use as it did in Mineral Basin.

Reasonable Access

Once it is determined that Snowbird's proposed use of its private land in Mineral Basin and Mary Ellen Gulch for lift-served skiing is "reasonable," the next issue is what mode and manner constitutes "reasonable access" to Mary Ellen Gulch. The relevant part of ANILCA provides that "[n]otwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to non-Federally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment." The proposed expansion would provide reasonable access to Snowbird's substantial private lands in Mineral Basin and Mary Ellen Gulch.

Two options have been identified to address the constraints to access and management efficiency discussed above in connection with the proposed expansion. These are (1) revising Snowbird's SUP boundary to include the National Forest System land in the expansion area or (2) completing a land exchange transferring ownership of private land in Little Cottonwood Canyon to the UWCNF and ownership of National Forest System land in the expansion area to Snowbird. Some combination of the two may also be feasible. While either would address the referenced constraints, these options would involve different administrative processes and generate different costs and benefits in other realms, as summarized below.

- Would generate no collateral costs (e.g., loss of Federal land) or benefits (e.g., increase III National Forest System land in Tri-Canyon Area) to the public.
- May require a Forest Plan amendment to revise Standard Rec-14, which restricts expansion outside the current SUP boundary, for the designated Management Activity.
- Specifically included in the pending wilderness legislation, and would be triggered by the passage of the legislation.
- Would convey land in Salt Lake City's municipal watershed to the Forest Service, limiting risks of development and associated potential water quality impacts.
- Would achieve Forest-Wide Goal of pursuing opportunities for consolidation of land ownership (FW - Goal- 7).

Comparing and contrasting these points helps illuminate these two administrative options. As the expansion area lies outside the area specified in the wilderness legislation introduced by Rep. Matheson and currently pending in the U.S. House of Representatives, an SUP boundary expansion would have no bearing on the wilderness proposal. However, the exchange option has been included in the pending legislation as a prerequisite to the proposed wilderness designation, as some of the private parcels Snowbird may offer in an exchange lie within the proposed wilderness boundary (e.g., 120 acres on the White Pine/Red Pine ridge). From that perspective, an exchange may facilitate this proposed legislation.

In terms of public benefits and costs, SUP boundary expansion would have no notable effect beyond provision of a new recreational opportunity. The expansion area is remote and rarely used, no new portals or base area facilities would be needed, and the environmental impacts of ski lift and trail development are well known and manageable. On the other hand, a land exchange would place sensitive habitats and resources in Little Cottonwood Canyon under UWCNF jurisdiction, to be managed as a public resource. Perhaps most importantly, nearly all of the private holdings Snowbird would offer in an exchange are in Salt Lake City's municipal watershed. The city is understandably concerned over potential development in the watershed, and shifting these inholdings to UWCNF management would provide the Forest Service unfettered discretion to manage the watershed as it deems best.

The 2003 Uinta Forest Plan restricts the expansion of existing recreation developments outside of their existing permitted areas (Standard for Recreational Management, p. 3-31). Likewise, the 2003 Wasatch-Cache Forest Plan, under which the agency manages most of the existing ski area, restricts new resort developments on

National Forest System lands to the permit boundaries in effect at the time of revision (Management Area Descriptions and Desired Future Conditions for the Central Wasatch Management Area, the Recreational Management, p. 4-160).

In regard to the restriction in the Uinta plan, because an exchange in itself would not constitute an expansion on National Forest System lands an expansion following an exchange would not be inconsistent with the Uinta plan. As a result, the exchange option may avoid the whole issue of Forest Plan amendment.

Even if such an exchange were deemed tantamount to an expansion outside the permit area, a plan amendment could accommodate the expansion. The UWCNF has emphasized, in its Record of Decision approving the Wasatch-Cache plan, that "[r]ecognizing that conditions on the National Forests do not remain static, that public desires change, and that new information is constantly being developed, the ... plan embraces an adaptive management approach. This means that as conditions change, so will the management plan" (p. ROD6). In short, if the UWCNF were reluctant to effect either the SUP expansion or the exchange because of the language in the existing Forest Plans, it could simply undertake an amendment to expressly allow for the expansion under these changed conditions.

Rationale Supporting a Forest Plan Amendment

One of the UWCNF's Initial Screening Criteria is whether the proposed use is consistent, or can be consistent, with the applicable Forest plan. Under the exchange option, the proposal is not in itself inconsistent with the Uinta plan. Under the SUP expansion option, however, the proposal would likely require an amendment. As noted above, current Forest planning embraces an adaptive management approach, allowing for amendment as conditions change. Snowbird believes that conditions have changed in the seven years since the 2003 Uinta plan was implemented and, given the following specific changes, an amendment to revise the specified Standard (Rec-14, which restricts expansion outside the current SUP boundary) would be appropriate:

- Increased Skier Demand: Last season the U.S. ski industry recorded 59.8 million visits, the second best season on record. In spite of continued pressures from a weak economy and without an exceptional snow year, skier visits increased by 4.2 percent to 59.8 million visits, only 1.2 percent below the all-time record achieved in 2007/08. This upward trend in total skier visits has been accompanied by improved ticket revenues and yield, increased shares of overnight and international visitation, and an increased volume of lessons taught. All of these metrics bode well not only for increased demand, but also for the local economies in which ski areas are located.
- Mineral Basin Development: The Mineral Basin expansion has been completed and is fully operational. It demonstrates that Snowbird can provide a high quality recreational opportunity through expansion onto the "back side" of the mountain, in the American Fork watershed. Mineral Basin's popularity also shows that the public is taking full advantage of this recreational opportunity, and that there is a significant demand to further expand this recreational opportunity.
- Safety Record for Mineral Basin: The Mineral Basin experience demonstrates that Snowbird can operate safely in the American Fork watershed, employing constantly evolving safety planning and implementation in conjunction with Salt Lake County emergency services.
- Demonstrated Need for Adequate National Forest System Land: The Mineral Basin expansion highlighted the need to include adequate National Forest System land in the predominantly private expansion area. Public lands were not included for avalanche control in the initial opening of Mineral Basin (e.g., the 13 Turns area on East Twin Peak). As a result, Snowbird and the UWCNF had to implement stop-gap measures until a more permanent solution could be implemented.
- Increased Need for Reasonable Access and Use: Snowbird has acquired additional private land in Mary Ellen Gulch, amplifying the need for reasonable access and use of private inholdings.

- Forest Plan Goals v. Lower Level Direction: The Uinta plan includes a Forest-wide goal of consolidating land ownership and establishing identifiable boundaries to facilitate effective management (FW-Goal-7) and the sub-goal of accommodating more users by maintaining and improving existing developed recreational sites (Sub-goal G-6-1). Given the hierarchical structure of Forest Plans, this higher level direction should take precedence over the lower level direction cited above that may need to be amended for the proposed expansion (i.e., the Standard (Rec-14) that restricts expansion outside the current SUP boundary).
- Collaborative Mine Reclamation Efforts: Snowbird has cooperated with the UWCNF to complete mine reclamation projects in Mineral Basin and Mary Ellen Gulch; Forest Plan amendment facilitating the proposed expansion would create the opportunity to continue this collaboration in Mary Ellen Gulch.

Land Exchange Details

Your October 20, 2010, letter lists seven information requirements of a formal land exchange proposal. Addressing these requirements is beyond the scope of this letter, but Snowbird would fully comply if the land exchange option were selected. The requirements are clear and reasonable, and Snowbird will have no difficulty providing suitable responses.

At this point, as instructed by Rep. Matheson's staff as they drafted the pending wilderness legislation, Snowbird has identified a number of private parcels in the Flagstaff, Superior, and White Pine/Red Pine areas as possible exchange parcels and completed a Phase III Environmental Site Assessment of these parcels. Copies of the Phase III report were forwarded to your office. The report notes elevated levels of metals in some mine waste rock piles on these parcels. The implications of these findings for a potential land exchange have not been discussed with the UWCNF, but Snowbird owns other parcels that could be added to the pool of potential offerings in an exchange if they better matched the agency's needs and priorities.

CONCLUSION

Snowbird has all the pieces of the land puzzle in place to conduct ski operations on its private property in Mineral Basin and Mary Ellen Gulch, except for some additional acreage of National Forest System land needed to use that property safely and efficiently. Because there are numerous apparent and overriding benefits - e.g.: maintaining the high quality, public, recreational opportunity afforded by the UWCNF's partnership with Snowbird; fulfilling its legal obligation to provide Snowbird with reasonable access for reasonable use of its private property in Mary Ellen Gulch and Mineral Basin; enhancing public safety through appropriate avalanche control; and improving management efficiency of interspersed Federal and non-Federal parcels - the Forest Service should facilitate Snowbird's proposed expansion. Whether achieved through an SUP expansion or an exchange, the practical effect would be the same. The stage would be set for the proposed expansion, and Snowbird's partnership with the UWCNF would generate a unique, new opportunity for the public to enjoy the "steep and deep" skiing that has made the Wasatch famous with minimal expenditure of public resources.

Bob Bonar, President and General Manager
Snowbird Ski and Summer Resort