

Rebecca Hotze, District Ranger
6944 South 3000 East
Cottonwood Heights, UT 84121

RE: #49583 Patsey Marley Shrontz Utility Right-of-Way

Dear Mrs. Hotze,

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 scoping comments and concerns related to potential impacts from the Shrontz Estate's proposal to construct a utility right-of-way and "improve" access to the proposed Patsey Marley Hill Property and Subdivision. Our comments come on behalf of future generations and the public (more than 500 families) that provides annual financial support to our organization and entrust us to protect Alta and its irreplaceable environment.

Utility right-of-way for water system to serve Patsey Marley Hill Subdivision

In regard to the utility proposal and disturbance, we request that best practices (i.e. containment of disturbance/erosion and remediation post disturbance) be used and revegetation efforts are monitored for proper restoration. If the utility right-of-way is also being used for electrical power then the installation should be limited to 220 volt lines so as not to indirectly induce or promote further development outside the Town of Alta's service area.

Access to the Subdivision's proposed parking facility

We hope that the following concerns and questions help guide the USFS in making a well informed decision on this special use application. Our concerns are focused on the negative impacts to public access, existing users, and the character of Alta from the Shrontz Estate's preferred alternative.

1. What is reasonable access and how does the preferred alternative meet, go beyond or fall short of the requirements for reasonable access?

In Subpart D – Access to Non-Federal Lands, 36 Code of Federal Regulations (CFR) 251.111 Definitions it stated that "adequate access means a route and method of access to non-Federal land that provides for reasonable use and enjoyment of the non-Federal land consistent with similarly situated non-Federal land and that minimizes damage or disturbance to National Forest System lands and resources." Additionally, in the most recent Recreation Winter Travel Management Plan, adopted about 10 years ago, reasonable access for Grizzly Gulch and Albion Basin homeowners was determined to be achieved by merely allowing resident cabin and homeowners to use their Over Snow Vehicles (OSV) to travel to and from their homes over the snow, while simultaneously maintaining the snow road for all other users, be they back country or resort skiers. The existing winter travel plan establishes reasonable access for other private property owners in the area and should be used as a no action alternative to provide what has already been determined as reasonable access. This alternative would minimize safety and experience impacts to existing users, recreationists, and other in-holding property owners.

Board of Directors

Mimi Levitt; UT, President
Skip Silloway; UT, Treasurer & VP
Richard Thomas; UT, Secretary
Nicholas C Besobrasov; CA, UT
Peter Corroon; UT
Sheridan Davis; UT
Cassie Dippo; UT
Patrick de Freitas; UT
John Holland; NY
Becky Johnson; UT
Lucy Jenkins; UT
Peg Kramer; PA, UT
Jennifer Life; UT
Chris Mikell; UT

Counsel

Patrick A Shea

Advisory Committee

Albert Andrews, Jr.; MN
David Arnold III; MA
Brad Barber; SLC, UT
Jayne Belnap, PhD; UT
Gene Bliss, MD; UT
Skip Branch; UT
Laura McIndoe Briefer; UT
Margot & Fred Churchill; MA
Michael Goldstein, MD; MA
Shannon Gordon; WA
Jack Hoag; MA
Timothy Hogen; CT
Barbara Hoffman; NY
Austin Hoyt; MA
Felicity Forbes Hoyt; MA
Loren Kroenke; UT
Fay Michener; NY
Jeff Niermeyer; UT
Felix G Rohatyn; NY
Dick Schatten; CT
Elfriede Shane; UT

Friends of Alta

PO Box 8126
Alta, UT 84092

Jen Clancy, Executive Director
(801) 742-9719

www.friendsofalta.org



2. Taking that concept a bit further, if the existing 13 Grizzly Gulch and 21 Albion Basin homeowners have had reasonable access for years, then what is so unique about the Shrontz Estate's 10 lots that requires exclusive winter access and paving of a road, that has historically not been maintained for vehicles, to access their private inholding? Does the Applicant clearly provide reasoning why the current road is not reasonable access? As stated in the 36 Code of Federal Regulations, section 251.112, part (b) "The application... shall provide reasons why these means of access do not provide adequate access to the landowner's property." The USFS's obligation to provide reasonable access to the applicant can be accomplished by giving the applicant the same privileges afforded other in-holders: winter OSV access to their property and the ability to drive vehicles to their home when the road is not snow-covered. It is not necessary, nor is it just, to give this new set of future homeowners more access than existing users.

3. **The watershed should be the primary concern** of the USFS in making a decision on this special use permit application. A 1985 MOU between the Wasatch-Cache Nation Forest, US Department of Agriculture and Salt Lake City establishes SLC's extraterritorial jurisdiction and a critical partnership between USFS and SLC when it comes to the protection of the Little Cottonwood Canyon watershed. Additionally, the USFS's participation in Mountain Accord further establishes dedication to coordinate and plan for the future of the Central Wasatch to manage watershed health, high quality recreation opportunities, and enhanced transportation (to reduce single occupancy vehicles in the canyons). Adding impermeable surfaces (such as pavement) to a culinary watershed area increases runoff, negatively impacting groundwater recharge and the natural infrastructure/ecosystems that are in place. The ground water and in-stream flow will be forever altered with unforeseen consequences to the environment and public relying on this drinking water source. The proposed widening of the road and ensuing deep cuts into the hillside are dramatic landscape alterations that should be avoided to protect the watershed, wildlife, and scenic rustic appeal of Alta. At the end of the day, if privilege and wealth prevail, the USFS should require any pavement be permeable, as opposed to impermeable, so as to minimize the impact on the watershed, in particular the instream flow.

4. Would the proposal negatively impact the 1985 Wasatch-Cache National Forest Land and Resource Management Plan activities that are oriented primarily to watershed management, developed and dispersed recreation?

5. Would approving this application be seen as premature? Is the preferred alternative at a scale that is justified or above and beyond what would be reasonable for the 20 space parking area contemplated in the Development Agreement between the Town of Alta and Shrontz Estate?

We recognize that the USFS is not approving the proposed parking garage; however the garage and the proposal to access the garage via the USFS Albion Basin Summer Road are interdependent proposals. The current layout implies a dependency on both the Town of Alta and USFS for approvals of the respective proposals submitted to each. The garage, as presented has not been approved by the Town of Alta. Additionally; the settlement agreement only contemplates 20 parking spaces (two parking spaces per house) and does not include water for the garage, only for the 10 homes. The proposed 61 car spaces, 20 snowmobile spaces, 10 small snow cat spaces and 8 large snow cat spaces seem rather excessive for the 10 homes in the Patsey Marley Subdivision and have changed the proposal from one that serves the needs of the subdivision into a large commercial enterprise in an ecologically sensitive area. There are alternatives, such as parking cars at the base (no action) or creating a homeowner association shuttle system into the canyon that also shares a couple snow cats. If the home owners association were to share snow cat(s) then they would no longer have to deal with the costs of snow cats/snowmobiles or the ongoing maintenance and learning to drive these pieces of heavy machinery. Furthermore, the garage is a rather expensive and detrimental project for only being used from October/November – June (6-8 months) dependent on snow melt. Any USFS permitting action should be conditioned upon the Town of Alta approving a parking area/garage. The main reason being that this proposal is based on a significant increase to the parking area contemplated in the Development

Agreement between the Shrontz Estate and Town of Alta. The scale of this proposal and its impacts could vary depending on if a parking area/garage is approved by the Town and what its capacity is.

6. Does paving the first 710 feet of the Albion Basin Summer Road set a precedent for paving the summer road that will encourage additional proposals to extend the paved section of road to each of the subdivision's lots driveways and/or further up into Albion Basin, which now is already overused and stressed? Should the Forest Service grant these new owners greater privileges, would the USFS not then be obligated to grant similar access rights to all other property owners in the vicinity of the Summer Road, i.e., the right to plow the road to the boundary of their properties?

Why must the requested parking area/garage access need to be paved; is it not reasonable to request they plow an unpaved road? We do not support paving any portion of the Albion Basin Summer Road. Paving any portion of the road will set a devastating precedent, leading to additional paving requests and indirectly encourage development pressure in a sensitive watershed area.

As stated in 36 Code of Federal Regulations, section 251.114, part (g)(2): "The combination of routes and modes of travel, including non-motorized modes, which will cause the least lasting impact on the wilderness but, at the same time, will permit the reasonable use of the non-federally owned land." Paving a portion of the Albion Basin Summer Road is not leading to the "least lasting impact on the wilderness" but rather the opposite with the potential to set the precedent for the entire road to be paved, leading to a multitude of unforeseen and devastating impacts to the environment.

7. Will paving a portion of the Albion Basin Summer Road increase user conflicts during the summer months between cars, bikers, walkers, joggers due to enhanced vehicle speeds?

People and their automobiles are more likely to speed on a paved road than unpaved and it will be harder to enforce a 15 mile per hour speed limit on this section of road once paved, thus increasing user conflicts between people on foot and bikes with automobiles, and degrading the recreation experience. When the gate is closed, the summer road is busy with walkers, joggers, hikers, bikers, families and more. That use decreases dramatically when the summer road is open to cars; on Sunday, July 19, 2009, there were 1,400¹ cars that used the Albion Basin Summer Road and a maximum of 130 cars at one time. It's seen as a special treat in the shoulder seasons (spring and fall) when the gate is closed and traffic is very limited.

8. Does paving the west entrance of the Albion Basin Summer Road detract from the recreational values of the existing unpaved and more rustic user experience in the summer? In the winter months, will the paving and plowing of a portion of the entrance to the Albion Basin enhance or detract from the recreation qualities managed by the USFS?

Paving the summer road and adding traffic lights would compromise the natural character of area and summer recreation, and lead to additional development pressures in Albion Basin. There is a difference between paved and unpaved roads and how we experience the natural world; a paved road puts one more barrier between us and nature, while unpaved roads provide a sense of adventure and being off the beaten path. The construction of a paved road (and garage) not only negatively impacts the watershed, but the surrounding flora and fauna. The widening of the road would cause significant destruction and bring negative visual and ecological impacts to the area. The cuts to already steep slopes on the north and south side of the summer road would degrade the area and sadly remove mature aspen trees.

9. How will skier safety be accomplished uphill and next to the paved road to avoid dropping onto the proposed paved surface, especially in the dark and/or bad weather?

The 2010, Albion Basin Winter Travel Plan Amendment states "Skier safety was the most important factor in making my decision, while allowing residents sufficient access for reasonable use of their property." This proposal all takes place within the existing special use permit the Alta Ski Area has with the USFS. This area is a part of the ski area operations. It seems unrealistic that the proposed

maintenance of heavy duty removable safety fences would be adequately able to address safety during large snow years, wind drifts, and storm situations?

10. Would the proposed transition zone allow the existing winter users enough space to operate?

Currently, at the transition from the plowed to unplowed/snow road, there is a wide area that allows current users to put on and remove skis, pack up sleds, and circle OSV's to load and transfer material from land vehicles. The natural widening from snow fill allows users to spread out so those putting on and taking off equipment can coexist with other users. Without that widening, it is questionable that existing users and operations would work. The proposal will remove that widening effect by interposing a plowed vehicle lane, thus severely interfering with current OSV users and recreationists. Grizzly Gulch homeowners have 24/7 OSV access while Albion Basin OSV operation is limited when the ski area is not operating. The Albion Basin time of day limitation was imposed because it was judged that the mix of over-snow vehicles and skiers was too much of a risk during resort hours. This proposal would add 10 new families to the mix with no daily restrictions and further increases the potential for conflict between resort users, hikers, bikers, snowshoers, backcountry users, and OSV operators. At the March 9, 2017 Alta Town Council meeting Onno Wieringa, General Manager of the Alta Ski Area, referred to the winter Grizzly Gulch trailhead as the most densely used of any place in the resort. From December 2014 through April 2015 there were a total of 13,546² users counted at the base of the Albion Road (Grizzly Gulch trailhead) which is more than any other trailhead in the study.

11. Would widening and paving the beginning of the Albion Basin Summer Road foster additional illegal parking on the shoulder during the summer months?

With population growth and recreation demands increasing, there has also been an increase in the amount of illegal roadside parking along the Albion Basin Summer Road which creates hazards with other vehicles and reduces space for recreational use. Is it possible that visitors may perceive the widened and paved section of the road as additional parking?

12. Will the proposed OSV parking area inhibit snow removal maintenance?

As of early March 2017, there was between 6 to 10 feet of snow on the roadway. The applicant proposed to remove snow down to the surface for the 10 foot wide paved lane, and reduce the snow on the rest of the access roadway to a depth of 2 to 4 feet of compacted snow. Historically, the extra snow has been pushed over the downhill slope, but how will that happen in the 200 foot zone proposed for the existing OSV users to park? It doesn't seem that either the downhill or the uphill slopes are accessible to deposit extra snow. During and after a storm, snow would have to be removed from the trench, up onto the adjacent snow road, then pushed either uphill and past the OSV parking to the downhill edge, or down the road to SR201; neither is feasible. This further impacts and complicates the area for existing users, while preferentially clearing the paved path first.

13. Whether proposed OSV parking is sufficient?

Currently there are approximately 30 OSVs and a handful of trailers parked along roughly the first 450 feet on the uphill side of the summer road; this number appears to vary slightly over the winter. The proposal is to move that parking to a 200 foot shelf on the downhill side of the summer road. Using today's count, there would be about 7 feet per OSV available, which doesn't appear to be adequate for the existing homeowners. Due to varying snow accumulation it is quite difficult to maintain regularly spaced parking, which would be the case along the proposed OSV parking strip. The Shrontz Estate states that excess parking capacity in the proposed garage will be offered to other OSV owners in the vicinity for a fee. But no fee is quoted so it is impossible to know how many, if any, OSVs will move from on-snow parking to the garage if it's approved at the proposed capacity. The preferred alternative also fixes the space for OSV users, which could be a significant problem if the space is not adequate.

14. Would re-locating the Shrontz Estate's parking area to USFS public land southeast of the Albion Basin Summer Road gate/entrance provide reasonable access while minimizing impacts to the

surrounding environment and historic recreation uses (summer and winter) at the entrance to the summer road?

While there are advantages to the Shrontz parking garage being located on their private property, there are also alternative locations for the garage that could avoid such great interference with public uses at the entrance to the summer road. A parking garage to the southeast of the Albion Basin Summer Road gate could be an alternative that allows the Patsey Marley Subdivision full access to a parking garage and the ability to use over snow vehicles for accessing their property via the summer road while having very little impact on existing users.

Another alternative may be for Alta Ski Area and the Shrontz Estate to coordinate a partnership where the garage could be added to the existing cat shop. This idea certainly needs much more vetting and discussion with the Alta Ski Area but is worth considering if minimal interference with the existing users is desired.

15. How is the USFS going to weigh the impacts of the proposal to service 10 homeowners with the impacts upon the thousands of thousands of people choosing to access and recreate in this area annually because of the recreation qualities and opportunity to connect with nature in a more rustic manner.

From our standpoint, this proposal (pavement and traffic lights) is inconsistent with Alta's natural character and ambiance and would detract from the more natural experience of the area that has attracted residents, businesses, and visitors alike. The USFS holds a national responsibility to operate and maintain National Forest. Thus before construction, there must be some type of detailed analysis as to the impact on the watershed. In-holdings are an accident of time and place. Accidents should not define a communities future planning. As it applies to the Shrontz Estate, the USFS should set standards so whatever construction takes place, meets the highest standards as to not impact the ecology of Alta. The shared access is just that, shared. As a result, the purchasers of the parcels in Patsey Marley should conform to what is best for the whole, not the fraction. The USFS serves all of the citizens, not a few privileged individuals.

As the local land trust, our mission is to maintain the open spaces in Alta we all love and cherish. The undeveloped nature is the main reason many of us fell in love with Alta in the first place. We hope that is not forgotten. Many of the negative impacts from this proposal that are listed in this letter cannot be mitigated. Yet, if there is a willingness to listen to the concerns raised by the community we believe there is room for further refinement of this proposal and a solution that would not cause such significant impacts to existing users and the environment.

Thank you for considering our concerns and ideas regarding the proposed "improvements" to the entrance to the Albion Basin Summer Road in your analysis. We look forward to staying engaged in this proposal and receiving more information from the USFS as the process proceeds. Thank you for the opportunity to comment.

Jen Clancy
Executive Director (on behalf of the Friends of Alta Board)

¹ See Albion Basin Transportation Feasibility Study, which aims to develop an understanding of baseline conditions and a range of summer season recreation and transportation alternatives for Albion Basin.

² During the winter of 2014/2015, Wasatch Backcountry Alliance installed four trail counting devices at trailhead in Little Cottonwood Canyon; three at trailheads in Big Cottonwood Canyon; and two at trailheads in Millcreek Canyon. The device installed at the base of the Albion Basin Road counted the greatest number of users: 13,546 from December 2014 through April 2015. The next most-used trailhead was the winter closure gate on the Millcreek Road, which experienced 8,108 users in the same period.