



**United States
Department of Agriculture
Forest Service
April 2007**



Environmental Assessment

Albion Basin Winter Travel Management Plan Amendment

**Salt Lake Ranger District,
Wasatch-Cache National Forest
Salt Lake County, UT**

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TABLE OF CONTENTS

CHAPTER 1 - PURPOSE AND NEED 3

1.1 Introduction..... 3

1.2 Background and History 3

 1.2.1 Roads and Public Land Status..... 4

 1.2.2 Private Property Development and Access..... 5

 1.2.3 Ski Area Development..... 7

 1.2.4 OSV/Skier Collisions..... 8

1.3 Proposed Action..... 9

1.4 Purpose and Need 9

1.5 Management Direction..... 10

 1.5.1 Forest Plan Direction 10

 1.5.2 Forest Service Travel Management Plans..... 11

 1.5.3 Town of Alta Plan and Ordinances..... 12

 1.5.4 Salt Lake City Watershed Management Plan and Watershed Ordinances 12

1.6 Decision To Be Made 12

1.7 Scoping and Public Involvement 12

 1.7.1 Issues..... 13

 1.7.2 Issues Eliminated From Further Study 14

 1.7.3 Issues Considered In Detail 14

CHAPTER 2 - DESCRIPTION OF ALTERNATIVES..... 15

2.1 Introduction/Alternative Formulation Process..... 15

2.2 Alternatives Considered and Eliminated from Detailed Study..... 15

2.3 Description of Alternatives Analyzed in Detail..... 15

 2.3.1 Alternative A (No Action) 16

 2.3.2 Alternative B (Proposed Action) 16

 2.3.3 Alternative C..... 16

 2.3.4 Alternative D..... 17

Table 1 - Homeowner/Resident OSV Access By Alternative 17

2.4 Mitigation Measures 18

2.5 Alternative Summary and Impact Comparison..... 18

Table 2 - Summary Of Alternatives And Effects..... 19

Figure 1 – Existing Resident OSV Routes..... 20

Figure 2 – Alternatives B and D Map..... 21

Figure 3 – Alternative C - Option 1 Map..... 22

Figure 4 – Alternative C - Option 2 Map..... 23

Chapter 3 - Affected Environment and Environmental Consequences 25

3.1 Introduction..... 25

3.2 Resident Access 25

 3.2.1 Affected Environment..... 25

 3.2.2 Environmental Consequences..... 26

3.3 Skier Safety..... 28

 3.3.1 Affected Environment..... 28

TABLE 3 - SKIER/OSV INTERFACE AREAS AND CROSSINGS 29

 3.3.2 Environmental Consequences..... 30

3.4 Resident Safety 31

 3.4.1 Affected Environment..... 31

 3.4.2 Environmental Consequences..... 32

3.5 Physical and Biological Resources 33

 3.5.1 Affected Environment..... 33

 3.5.2 Environmental Consequences..... 34

3.6 Compliance with Other Laws and Regulations 34

CHAPTER 4 - CONSULTATION AND COORDINATION..... 36

4.1 List of Preparers..... 36

References..... 36

Glossary 38

APPENDIX A: SCOPING AND PRELIMINARY EA 39

COMMENTS AND RESPONSES..... 39

Chapter 1 - Purpose and Need

1.1 Introduction

This Environmental Assessment (EA) documents the analysis of a proposal by the U.S. Forest Service to amend the 2005 Winter Recreation Travel Management Plan (Travel Management Plan) for the Salt Lake Ranger District of the Wasatch-Cache National Forest (WCNF) for an area in upper Little Cottonwood Canyon. Currently, private homeowners and family members, tenants, and guests (hereafter collectively referred to as residents^{*}) use over-snow vehicles (OSVs), primarily snowcats and snowmobiles, to access 36 homes in Grizzly Gulch and upper Albion Basin. This use is inconsistent with Forest Service regulations and the Travel Management Plan that closes the area to winter motorized use (Forest Service 2005). This private property is located within the boundaries of Alta Ski Area's special use permit with the Forest Service and is within the Town of Alta's (Town) incorporated boundaries. In using OSVs to reach their homes, residents cross a number of busy downhill ski trails. The routes of travel used by residents are generally depicted in Figure 1. Unrestricted motorized travel creates a safety issue for the skiing public, primarily the hazard of collisions with OSVs and skier falls and injuries because of unexpected encounters with OSV ruts or rough snow. At the same time, homeowners are entitled to conditional access across National Forest System (NFS) lands to reach their property. The proposal examined in this EA would amend the Travel Management Plan to allow private homeowners and residents motorized access across NFS lands under certain terms and conditions, in order to address skier safety issues.

The analysis has been prepared under agency policies and direction for implementing the National Environmental Policy Act (NEPA) of 1969, as amended and contained in Forest Service Handbook 1909.15 and Council on Environmental Quality Regulations (36 CFR 1500). After distribution of the Decision Notice and publication of a formal notice in the Salt Lake Tribune, a 45-day administrative appeal period will commence. During this time individuals and other parties who have previously submitted comments during the process may file an administrative appeal of the decision with the Intermountain Regional Office of the Forest Service in Ogden, Utah.

1.2 Background and History

In Albion Basin, the history of public land ownership, mining activities, private land development, and establishment of Alta Ski Area are all important factors in understanding today's issues related to resident's access. Much of the southwestern United States (including Utah) and California came to be part of the public land holdings of the United States in 1848 when 335 million acres were acquired through a treaty with the Mexican government. This, together with lands already acquired in the Louisiana Purchase in 1803 and other acquisitions became the *public domain* of the United States and under the management of the General Land Office of the Department of Interior.

The Creative Act of 1891 provided for the establishment of Forest Reserves from this vast acreage of public domain in the Western United States. In 1905, Congress created the U.S. Forest Service in the Department of Agriculture and transferred management responsibilities for Forest Reserves from the General Land Office to the new agency. Of particular importance for this review is the establishment of

^{*} For discussion purposes in this EA, the terms "homeowners, family members, guests, tenants, and land owners have specific meanings and are used independently of each other for those specific meanings. These terms are defined in the Glossary (p.38).

Wasatch Forest Reserve, which was created by a Presidential proclamation on August 16, 1906 (33 Stat. 3225), because it encompassed federal public lands in the Albion Basin area. By an Act of Congress in 1907, the name of "Forest Reserves" was changed to "National Forests." The Salt Lake Forest Reserve was created by proclamation (33 Stat. 2364) on May 26, 1904, but did not include lands in Little Cottonwood Canyon. Through an Executive Order issued in 1908, the Salt Lake and Wasatch Forest Reserves were formally consolidated as the Salt Lake National Forest.

1.2.1 Roads and Public Land Status

Some of the questions surrounding access in Albion Basin relate to Utah State Highway 210, which extends up Little Cottonwood Canyon. The only recorded right-of-way for Highway 210 is the transfer of a right-of-way from the Denver and Rio Grande Railroad to Salt Lake County. Later, Salt Lake County transferred the right-of-way to the Utah Highway Commission. In upper Little Cottonwood Canyon, the railroad right-of-way extended only as far as Alta's historic town site (today's Albion Base Area). Regardless, the Denver and Rio Grande right-of-way was likely extinguished when it ceased to be used for railroad purposes in 1937 (UDOT 1986).

Various older maps exist which depict the Summer Road (Forest Road 028) as Highway 210 extending into Albion Basin. Current maps indicate that the State right-of-way terminates just north of the Albion Base Area, where the pavement ends (UDOT 2005). Some documents suggest the Utah Highway Commission may have considered this section a State road in the past (Forest Service 1968). A letter from the Utah State Assistant Attorney General states that Forest Road 028 is "no longer a State route and is not properly described as SR210," confirming that the State does not consider Forest Road 028 under its jurisdiction (Utah 2006). When a State or local government submits the necessary information asserting a road right-of-way and it is resolved by mutual agreement or in a legal proceeding, use of the right-of-way across NFS land would still be subject to applicable rules and regulations of the Forest Service. These could include requiring a special use authorization for motorized travel during the period when the road is closed to highway vehicles, or alternatively, including an exemption in travel management plans to allow motorized use in a specific situation. Upper Albion Basin residents do not generally use major sections of Forest Road 028 for winter access and instead typically travel on the designated over-snow route through the ski area, up to Alf's Restaurant and then beyond to homes in upper Albion Basin.

In comments received during public scoping for the Preliminary EA, a number of people suggested that Forest Road 028 is a County Road. In 1937, Alta United Mines granted an easement through land in the Grizzly Gulch area to Salt Lake County. Shortly afterward, the County granted an easement to the United States for the same section of road. While some may feel these transactions indicate a County right-of-way extends to Albion Basin Campground, there is no recorded County right-of-way across the intervening NFS lands. Without an express grant of a right-of-way across these Federal lands, there are limited ways in which a right-of-way could have been legally established, and none are known to exist.

Some commenting on the Preliminary EA stated that they felt a public road right-of-way exists into upper Albion Basin under the terms of Revised Statute (R.S.) 2477 [Section 8 of the Act of July 26, 1866, 43 U.S.C. 932 (repealed)]. R.S. 2477 provided "[t]hat the right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted." This law was repealed in 1976, after which no new rights-of-way could have been established. Under the provisions of R.S. 2477, highway rights-of-way could not be established on Federal lands that were reserved for public uses.

The Wasatch Forest Reserve was established in 1907, at which time the land was thereby "reserved for public uses." In order to establish a right-of-way for a public highway across these lands, the highway

would have had to been constructed prior to 1907. Since the grant of a right-of-way under R.S. 2477 was for public highways, any claim that such a right-of-way exists on Federal land must be presented by a government entity. There are no current claims by County or local government that a public highway right-of-way exists for Forest Road 028. As noted earlier, the State of Utah has recently indicated a State highway exists in upper Little Cottonwood Canyon only to where the paved highway terminates at Grizzly Gulch. A recent decision in Federal District Court involving a case in Big Cottonwood Canyon (U.S. District Court 2006) has affirmed the conclusion that there is no legal authority for individuals to perfect an R.S. 2477 right-of-way; they can only be successfully asserted by State or local government.

In cases where actions are proposed which might affect access to privately owned property, it is Forest Service policy to make a determination whether any preexisting or common law rights of access exist. In making its conclusion, the agency relies on its land status records that document property ownership and recorded reservations and encumbrances. An important consideration related to access across NFS land is whether the property has ever left Federal ownership, because it is only during the period when land is not Federally-owned that the conditions for common law rights of access may be created. Figure 2 shows that nearly all of the NFS land residents use for motorized access has never left Federal ownership, and falls within a class of land called *reserved public domain*.

Though Forest Service land status records show that most lands in Albion Basin have reserved public domain status, a 1937 donation has created confusion for some. In that year, Alta United Mines donated the “surface rights” of more than 746 acres to the United States. This property was comprised of 44 mining claims generally located in Albion Basin (Alta United Mines 1941). Unfortunately, the deed transferring ownership did not distinguish between *patented* claims, where fee title had already passed to the miner, versus *unpatented* mining claims, where the claimant had only the right to explore for and extract minerals. The Bureau of Land Management (BLM) maintains the authoritative records for mining claims and their records indicate patents were issued for only seven of the 44 claims involved in the donation. Forest Service land status maps and Figure 2 identifies these formerly patented mining claims as acquired NFS land. The remaining 37 mining claims never became private property and as such, no preexisting or common law rights of access may exist across these NFS lands.

Because of the legal complexities associated with historic road rights-of-way, private property rights, and the mining laws of the U.S., some may not agree with the conclusions above. It is not the purpose of this EA, or of any decision issued based on this EA, to evaluate or resolve title claims that may be asserted for easements or rights-of-way across NFS land. The Forest Service has an administrative process for evaluating title claims on NFS land, and there are various other judicial and administrative processes that may be used to assert and resolve such title claims. It is the purpose of this EA to evaluate environmental and public safety issues related to motorized winter travel in the Albion Basin and Grizzly Gulch areas and to consider alternatives for winter travel management that addresses these issues. The alternative selected by the Forest Service for management of motorized winter travel will not foreclose any opportunities for the appropriate parties to assert title claims through these other administrative or legal processes.

1.2.2 Private Property Development and Access

A total of 36 homes are located on four tracts of private land within or immediately adjacent to the ski area’s boundaries. These include 15 homes in the Grizzly Gulch area (including Emma Heights and the Cahill cabin); 4 and 8 homes in the Albion Basin and Albion Alps subdivisions, respectively; and 9 homes in the Cecret Lake area. These areas are depicted in Figures 2 through 4.

Private land in Albion Basin and in many of the canyons of the Wasatch Mountains was created under the General Mining Laws, starting in 1866. Under these laws, individuals could locate a mining claim on Federal land. If the miner met certain standards for proving that a valuable mineral deposit was located on the claim, the laws provided a process to obtain title to the land, its timber, and the mineral estate. When this was done, the General Land Office, and later the BLM, issued a mineral patent and documented the change in ownership. These properties are commonly known as “patented mining claims”, distinguishing them from mining claims where no patents were issued and land remains in Federal ownership. Both the historic and more modern records of mineral patents are maintained in BLM offices.

Homes located on mining claims in the Grizzly Gulch and Albion Basin areas were patented in the period between 1904 and 1922. Most of the early residences in this part of upper Little Cottonwood Canyon were homes built in Grizzly Gulch in the mid-1950s, though it’s believed the first residence that still exists today was a cabin built in the late 1950s in the Cecret Lake area. Home construction in Albion Basin and Albion Alps subdivisions began somewhat later, in the 1960s (Salt Lake County 1962).

Initially, homes in Albion Basin were utilized primarily as summer homes, though there is a report of a resident using the Germania Lift and then skiing to their cabin long before there were downhill ski facilities there. Comment letters from a few Albion Basin residents indicate that some residents used OSVs to access their homes in the winter as early as the late 1950’s. The 1981 EA for the Point Supreme expansion and associated Decision Notice (DN) that authorized construction of the Cecret and Supreme lifts indicated that this winter resident access was limited, stating “land owners reside in the area year-round even though access is limited during winter months” (Forest Service 1981).

Approval for the Albion Alps and Albion Basin subdivisions came the same year as the Albion Lift was installed. Through the 1960s and 1970s, homes in these subdivisions were used mostly in the summer with limited winter access, as groomed and packed snow access routes were lacking and equipment of the day would have made OSV travel to reach cabins difficult. By 1981, when the Cecret and Supreme Lifts were installed, most of the homes in these subdivisions had been constructed. These lifts and the extensive ski trail grooming program in Albion Basin that followed made regular resident OSV travel to all the subdivisions and resident areas much more feasible. In 1981, there was little skier-OSV conflict. The 1981 EA for the Point Supreme expansion stated, “presently, ingress and egress activities by private land owners during winter months do not conflict with alpine skiing activities” (Forest Service 1981a). The DN for the 1981 EA noted that the construction of lifts in upper Albion Basin had been addressed previously. Referring to the Record of Decision and Environmental Statement for the Salt Lake Planning Unit Land Management Plan (Forest Service 1979), the 1981 Decision Notice stated, “the decision has already been made to dedicate the area in question to downhill skiing. The question now is not will lifts be built, but where and when should they be built to serve the skiing public.” (Forest Service 1981b)

Though it was not thought to be a serious problem at the time, discussions about the potential conflict between ski area operations and residents date back to at least 1981. Though this initial dialogue seems to have focused on resident’s trespass and security issues, there was an agreement by the Forest Service and Alta Ski Lifts that “if new facilities and ski runs interfere with present established access and egress of private property owners”...“new mutually agreeable routes for such travel be established and not breached by either party” (Forest Service 1981c). Through 1996 and 1997, the Forest Service, Alta Town Marshall, and Alta Ski Lifts attempted to address skier safety issues associated with growing use of OSVs by residents. A 1996 Forest Service letter stated, “we are writing to inform you of a possible safety hazard in the operation of snow machines in Albion Basin.” This and other information sent to residents during that period reminded them to: **1)** have certain warning equipment on their OSVs; **2)** register their machines with the Town of Alta; **3)** limit their travel to the designated route between their homes and the Grizzly parking lot; **4)** not speed; and **5)** avoid travel on newly groomed ski trails (Forest Service 1996).

Late in 1997, the Forest Service wrote a letter to OSV users in the Tri-Canyon area, notifying them that all NFS lands were closed to OSV use, except for ski area operations and for those who were issued a special use permit (Forest Service 1997). However, the letter appeared to allow for private property owners to travel within ski area boundaries without obtaining a special use permit. While this was most likely an attempt to deal with a difficult situation in a practical way, it was not consistent with the 1997 Travel Management Plan that was in effect at the time, nor is it consistent with today's Plan. All OSVs must be authorized through a special use permit, or the Travel Management Plan must be amended to allow for the otherwise prohibited use.

There are no actual data available to demonstrate changes in OSV use in the area. However, various reports over the years strongly suggest a growing trend. As stated above, at least some Albion Basin residents were using OSVs to access their home in the winter as early as the 1950s. In 1981, just before construction of the Cecret and Supreme Lifts, it was thought that this OSV use was limited and did not conflict with downhill skiers. That had changed by 1996, when the Forest Service identified a safety issue associated with OSVs crossing busy ski runs. An April 9, 1997 letter to snowmobile users at Alta from Alta Ski Lifts, the Forest Service, and the Town Marshall's office referred to a "gradual increase in the number of snowmobiles and their use within the Alta Ski Lifts Boundary" (ASL 1997). In late 1997, a letter from the Town notified residents of the requirement to register all OSVs (TOA 1997). By 2005, 121 OSVs were registered, but this figure likely overstates the actual number in use since it includes all OSVs registered since the Town began its program. Town staff currently estimate there are about 61 OSVs currently in use (TOA 2006). Observing numbers of OSVs parked at Grizzly Gulch also provides some indication of the level of OSV use in Albion Basin, though the number of vehicles parked there can vary widely. For example, the Albion Basin Homeowner's website indicates there is usually 15 to 25 machines parked at this location (ABHO 2006). Yet on at least one occasion during the 2005-2006 ski season, Forest Service personnel observed 35 OSVs parked there. By comparison, Alta Ski Lifts has a fleet of 26 snowmobiles and snowcats.

There appears to be general compliance by residents with the request to follow designated OSV routes through the ski area and the level of compliance has improved over the past two seasons because of public awareness of the Forest Service's proposal and better route marking. Yet, there are occasional reports of off-route travel. Compliance with the requirement for OSVs to have warning equipment is more mixed. Nationally, skier collisions with ski area OSVs have become a serious concern. This safety issue is heightened when OSV use occurs that is not under the control and direction of ski areas.

1.2.3 Ski Area Development

Developed skiing began at Alta in 1939 when the original Watson's Shelter was built and the Collins Lift began operation. For the next 23 years, developed ski area activities were focused in the Collins Gulch area of the ski area. During that period, the Germania and Wildcat Lifts were installed in 1954 and 1959, respectively.

In 1962, ski area development began east of the original Alta base area, at the confluence of Grizzly Gulch and upper Little Cottonwood Creek drainage. In that year, the Albion Lift was constructed and five years later the Sugarloaf Lift was installed, extending lift-served skiing to Sugarloaf Pass and the ridgeline separating Salt Lake and Utah Counties. In 1970, the same year that Alta incorporated as a town, the Sunnyside Chairlift was installed.

In 1979, the Record of Decision for the Salt Lake Planning Unit Land Management Plan Environmental Statement approved the addition of 425 acres of NFS land to the ski area permit in upper portions of

Albion Basin, extending the authorized area to the boundary with Utah County (Forest Service 1979). Prior to that time, the permit boundary in Albion Basin extended along the northern and western edges of the Albion Alps and Albion Basin subdivisions, though it surrounded the Cecret Lake homeowner area (Forest Service 1981d).

In 1981, following preparation of an Environmental Assessment and Decision Notice, the Cecret and Supreme Lifts were approved and built, utilizing the additional permit area approved two years earlier. These two lifts allowed a series of ski trails to later be developed, extending from near Catherine's Pass to the East Castle area.

Additional ski area development followed later in the 1980s, up to 2001. The Albion Ticket Office and Albion Day Lodge were built in 1983 and 1986, respectively. In 1992, the Sugarloaf Lift was upgraded from a double- to triple-chair and the Transfer Tow was reconstructed, improving the connection between Albion and Wildcat base areas. The Alpenglow mid-mountain restaurant in Albion Basin was rebuilt in 1997 and renamed Alf's Restaurant. In 2001, the Sugarloaf Lift was upgraded again, this time to a high-speed quad chairlift.

The evolution and development of ski area facilities and private residences in Albion Basin is very different than what has occurred at most other ski areas in the United States. The more typical pattern is for residential planning and ski area planning to be done in a coordinated manner and often by the same business interest, or through joint venture. In many of these cases, the sale of ski-in/ski-out property provided the capital for lifts and other ski area facilities that followed. Locally, Deer Valley, the Canyons, and Beaver Creek in Colorado, are examples of ski resorts with developments where resident access and ski area needs were carefully coordinated in the planning process. There, property values allowed developers to incorporate costly structural measures (e.g., bridges and tunnels) that are usually not independently feasible solutions. Unlike these examples, development at Alta Ski Lifts and private residences in Albion Basin have been on separate paths and it has been Alta Ski Lifts who has designated, signed, and in some cases groomed routes for resident OSVs in order to address skier safety issues. At the same time, the Town of Alta has striven to develop ordinances and OSV policies and provide enforcement to help minimize conflicts.

1.2.4 OSV/Skier Collisions

The National Ski Area Association (NSAA) has identified OSV/skier collisions as a serious safety issue. As mentioned above, the situation in Albion Basin is unique in that planning for resident access and ski area development was not done in a coordinated fashion. This, together with increased OSV use, has led to a greater risk of OSV/skier collisions. A recent article in *Ski Area Management Magazine* found that serious injuries involving OSV/skier collisions has, "increased attention from NSAA at its educational seminars in the past few years" (Kahl 2006).

NSAA does not keep statistics on OSV/skier collisions, but a review of a few high profile OSV/Skier collisions reveals the seriousness of the safety risk. In February 2007, a skier was seriously injured at Snowmass Ski Area in Colorado, reportedly after colliding with a ski area snowmobile that had come to a stop (Eagye 2007). A Colorado teenager was killed in 2004 by a snowmobile while she was coming over a blind knoll (Lipsher 2004). In 2005, a young woman in Virginia suffered permanent brain damage when she collided with a snowcat (Nowak 2005). In 1997, a snowboarder sustained permanent ankle injuries when she collided with a snowmobile that did not yield the right-of-way to oncoming skier traffic (Carroll 1997). Serious injuries resulting from falls caused by unanticipated snow conditions or terrain has long been a cause for concern within the ski industry. This is particularly true when an incident results from

activities or features that are not considered part of the inherent risk of skiing as defined in State law (Utah Annotated Code §§ 78-27-51 to 78-27-54).

1.3 Proposed Action

Typically, a Proposed Action is the agency's attempt to address the situation outlined in its purpose and need statement. Alternatives are then developed which provide other options to address the purpose and need, as well as incorporate the results of public input. In this case, the purpose and need was focused on skier safety issues in Albion Basin and winter resident access. Implementing the Proposed Action includes amending the Winter Travel Management Plan to provide a conditional exemption for Grizzly Gulch and Albion Basin residents for OSV travel to and from the Grizzly Gulch parking area and their homes. In so doing, an additional exemption would be added to the Forest Supervisor's Order:

"Any Albion Basin homeowner or immediate family member who: a) is traveling on the routes shown on Exhibit 1; b) is using a snowmobile, snowcat, or other OSV outside of the hours from 8 AM to 5 PM; and c) has obtained a permit from the Town of Alta."

The Proposed Action would prohibit all homeowner and resident motorized travel on NFS land from 8 AM to 5 PM; restrict OSV travel to designated routes shown in Figure 2; and require that homeowners register their OSVs and obtain a permit from the Town for each. Those who operate consistent with these provisions would be exempt from the closure (36 CFR 261.50(e)). Violations would be punishable under Forest Service regulations.

Several other points are important in understanding this change to the Travel Management Plan:

1. Travel Management Plans going back to at least 1982 have prohibited OSV use in the Grizzly Gulch and Albion Basin area.
2. The requirement to limit OSV travel to designated routes is consistent with the informal agreement that has been in place for some time. The amended Travel Management Plan would codify that aspect of the agreement and make it legally enforceable.
3. While other alternatives in Chapter 2 vary in terms of who can operate OSVs, the proposed Travel Management Plan change provides an exemption only for homeowners and their families. Others could travel to homes on OSVs as passengers. Winter access for other property owners would continue to be available by foot, skis, and ski lifts.
4. The proposed change in the Travel Management Plan applies only to winter motorized travel. There would be no change to summer motorized access to these homes or properties as a result of implementing this proposal.
5. Town of Alta ordinance #11-344-Q makes it unlawful for any person to operate an OSV in the Town for pleasure purposes. The Town ordinance allows for OSVs to be used for business or public purposes provided that vehicles have a written permit from the Town.

1.4 Purpose and Need

Currently, private homeowners and their families, guests, and tenants traverse through the eastern part of Alta Ski Area using both snowmobiles and snowcats. Over the years, increasing levels of OSV use has heightened concerns about the potential for collisions between skiers and these privately owned and operated OSVs. The tracks that are left from private snowcats can also create potential for serious skier accidents that are not normally part of the downhill skier environment. This winter motorized use is inconsistent with Forest Service travel restrictions for the area. Under Federal laws and regulations, the Forest Service is required to allow such access to non-federally owned land within the boundaries of the

NFS that the Forest Service deems adequate for reasonable use and enjoyment of the land, subject to terms and conditions developed by the Forest Service (16 U.S.C. § 3210, 36 CFR 251.110).

The purpose of the Proposed Action is to amend the Winter Travel Management Plan to provide a balance between the needs for homeowner access and public safety, while minimizing potential impacts to the biological, physical and social environments in Albion Basin.

1.5 Management Direction

This section outlines applicable Forest Service management direction and details requirements of local government that are pertinent to the proposal.

1.5.1 Forest Plan Direction

Land management plans, or “Forest Plans”, guide the management of National Forest lands in a manner similar to local government’s land use plans and provide general guidance for appropriate activities and land uses. Before finalizing its revised Land and Resource Management Plan in 2003 (Forest Plan), the WCNF undertook a five-year effort to complete an Environmental Impact Statement and Record of Decision. One of the issues that received the greatest attention was growing motorized use and the user conflicts that sometimes result. Locally, the Forest Plan addressed the winter component of this issue by extending the general prohibition of OSV use on NFS lands in Salt Lake County that had been in place under previous Plans.

Forest Plans also provide management direction for a variety of land uses and activities. Though it does not specifically address resident access issues in Albion Basin, the Forest Plan does contain standards and guidelines that provide general guidance in managing motorized use. These are listed below with a reference to the numbered Guideline or Standard in the Forest Plan (e.g., G40):

- Limit uses on trails when necessary to protect resource values, resolve user conflicts, and/or create unique opportunities. Examples: Snowshoeing, snowboarding, hiking and/or dogs may be prohibited on groomed cross-country/skate ski and/or snowmobile routes to reduce track damage and/or user conflicts. (G40)
- Winter motorized and nonmotorized means of access may be separated in high use areas (in timing and/or location) where user conflicts and safety are a concern. (G41)
- Winter recreation uses may be closed or limited when one or more of the following conditions exist:
 - Use causes significant impacts to adjacent landowners, and/or agencies from use that begins on national forest land.
 - Use affects water quality in municipal watershed areas.
 - Use affects key winter wildlife habitats, such as big game winter range, migration routes, or during wildlife stress periods such as during severe winters or special considerations such as threatened, endangered, candidate, proposed, and Forest Service sensitive species needs. (G43)
- Manage recreation opportunities consistent with Management Prescription Categories (MPCs), Recreation Opportunity Spectrum (ROS) Classes, Landscape Character Themes (LCTs), Scenic Integrity Objectives (SIOs), and in accordance with Winter Recreation Maps as well as District Travel Management Plans. (G49)
- Explore opportunities for separation of conflicting uses in time (for example alternating days) as well as space (closure of area to specific uses) to resolve conflicts while continuing to offer varied recreation opportunities. (G52)

- The Winter Recreation Map allocation applies when there is an adequate depth of snow to protect vegetation. When there is not adequate snow, summer ROS Maps and descriptions as well as Travel Management Plans apply and use of snowmobiles is not allowed off designated routes. (G55)
- Where there is an assertion that there is a nonfederal property interest, such as a right-of-way under RS 2477, an in-holding, or other such interest (including easements) that may be impacted by Forest Service management activities, the Forest Service will evaluate the assertion and give due consideration to any valid existing property right that may exist. (G80)

In addition to those listed above, other standards and guidelines provide management direction for activities that would alter vegetation; affect wildlife habitat; disturb soils; or potentially impact water quality, riparian areas, and aquatic ecosystems. These are included on pages 4-36 through 4-44 of the Forest Plan.

The Forest Plan allocated the Alta Ski Area, including all of Albion Basin, in a management prescription that emphasizes developed recreation, such as ski resorts and campgrounds and picnic areas. Within these management areas, the Forest Plan notes “management visibility is high with managers focusing on public safety, service, education, user ethics, and enforcement” (page 4-74). In addition, it’s stated that “timber harvest, road construction, vegetation/fuel treatment, prescribed fire, new recreation development, and new trail construction are allowed for the purposes of providing public enjoyment, safety, and protection of site investments.” (G4.5-1)

1.5.2 Forest Service Travel Management Plans

Travel management plans are developed and used by the Forest Service to manage motorized use of public lands, protect natural resources, and address public safety concerns. When paired with a Forest Service closure *order*, travel management plans are legally enforceable. A Forest Service order is a formal action that closes or restricts the use of areas [36 CFR 261.50 (a & b)]. The order issued may close an area to entry entirely, or restrict access by limiting the route, times, or equipment used to gain access. Orders may also exempt certain persons from compliance with the prohibition [36 CFR 251.50(e)].

Travel Management Plans dating back to at least the early 1980s have prohibited winter motorized travel in Albion Basin and Grizzly Gulch. The 1982 Travel Management Plan for the WCNF states that winter motorized travel is prohibited except for “that necessary for the maintenance, operation, and administration of developed winter sports areas.” Specifically addressing motorized travel in upper Little Cottonwood Canyon, the 1982 Travel Management Plan states “the Albion Basin Road is open to motor vehicle travel to private lands within the basin and to public travel for ingress and egress to the Albion Basin Campground when free of snow” (emphasis added). Since 1982, travel management plans and the accompanying orders for NFS lands in Salt Lake County have been revised four times (Forest Service 1992, 1997, 2003, and 2005). In each case, NFS lands in Albion Basin remained administratively closed to public motorized use. Only those persons or entities with a contract or permit; government officers involved in official business; or member of an organized rescue or firefighter organization have been exempt from the closure. Alta Ski Lifts has a permit that exempts their operations from the closure across their 1,803-acre permit area. A private road use permit issued to the Nebecker family provided an exemption for their use of 960 feet of roadway, originating in Albion Basin Campground and terminating at private property near Cecret Lake. This authorization expired in 2002.

1.5.3 Town of Alta Plan and Ordinances

Town ordinance #11-344-Q makes it unlawful for any person to operate an OSV in the Town for pleasure purposes. The Town ordinance allows for OSVs to be used for business or public purposes provided that such vehicle has a written permit from the Town. The Alta Town Plan states, “the town should continue prohibition of off-road vehicle use by the general public” (Town of Alta 2005).

“The pristine and delicate nature of the majority of the town’s area and the potential environmental damage, (destruction of plant material, surface scarring leading to erosion problems, noise, etc.), caused by off-road vehicle use makes continued prohibition essential. Recreational snowmobiling should continue to be prohibited” (Section 4.12, Off-Road Vehicle Use)

1.5.4 Salt Lake City Watershed Management Plan and Watershed Ordinances

Little Cottonwood Canyon is located within Salt Lake City’s legally protected municipal watershed. The Salt Lake City 1999 Watershed Management Plan (Salt Lake City 1999) was implemented with the goal of maintaining excellent water quality conditions as a primary goal, while providing for multiple use, stable environmental conditions, and healthy streams and riparian areas as secondary objectives (page 3). Consistent with the watershed goals, City ordinances have been instituted to protect the culinary water supply. With respect to motorized use in the watershed, it is unlawful for anyone to operate any type of motor vehicle on public property within the watershed without first obtaining the permission of the agency charged with managing the public land (§ 17.04.400.C).

1.6 Decision To Be Made

Based on the results of the analysis in this EA, the Responsible Official will make a decision regarding use of private OSVs in Albion Basin and Grizzly Gulch areas. The decision to be made is whether or not to amend the Travel Management Plan for the Salt Lake Ranger District as proposed in Alternative B, or amend it in some other manner that responds to skier safety concerns and homeowner access needs. The Responsible Official may approve an alternative intact, as presented in this EA, or select an alternative that is a combination of elements of various alternatives, including the No-Action Alternative. The WCNF Forest Supervisor is the Responsible Official for this decision.

1.7 Scoping and Public Involvement

Regulations of the Council on Environmental Quality require that Federal agencies involved in NEPA reviews offer “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action” (40 CFR 1501.7). This “scoping” is intended to focus the analysis on the important issues associated with implementing a proposal and to set aside concerns that are unrelated or not central to the Proposed Action.

Public notices about the proposed amendment to the Travel Management Plan were placed in the Salt Lake Tribune on December 5, 2005 and January 7, 2006. Approximately 80 letters or emails were received during the public scoping period. In addition, the Town of Alta held two meetings in the winter of 2005-06 during which comments were made about the proposal. A Preliminary EA was sent to interested parties and individuals on July 19, 2006 and an additional 42 letters or e-mails were received.

1.7.1 Issues

All of the letters and emails were reviewed and the individual comments about various issues associated with the proposal were placed in general categories, or topic areas. In addition, Appendix A contains a listing of relevant issues and comments raised during the scoping process and an agency response for each. A summary of the issues identified is included below.

Legal

Some felt the Forest Service cannot legally regulate the access rights of homeowners. They believe homeowners have vested rights of access that predate the Forest Service's acquisition of the land. Some commentors expressed the view that earlier commitments by Alta Ski Lifts and the Forest Service don't allow for homeowner's access to be restricted. If skier safety issues exist, others believe it is the responsibility of the ski area and the Forest Service to modify the ski area's operation, train and educate resident OSV operators, and that residents should not bear these costs or impacts. Some who commented stated that the Forest Service should remove the requirement in the ski area's permit that the Forest Service be indemnified so as to eliminate Alta Ski Lift's concern about liability. Finally, some who submitted comments during the scoping period stated that they felt the Forest Service's assertion of authority had raised questions about their legal right of access to their homes and had diminished their property values.

Roads

A number of people who commented stated their belief that the access routes used by residents (including the Summer Road) are public roads that were established through continuous use; The Act of 1866 (later codified as Revised Statute 2477); the Alaska National Interest Lands Conservation Act; the National Environmental Policy Act; and other laws and regulations. They cited as evidence of their public road claim a variety of maps, deeds, subdivision approvals by local government, and other documents. Generally, those who expressed that resident travel routes are public roads also stated that the Forest Service has no authority to regulate residents' access over these routes.

Terms of Access

Many who commented on the proposal stated they believed the travel plan restrictions would create unreasonable, unnecessary, and costly restrictions for residents. In general, they cited the need to travel from their homes to the Grizzly Gulch parking area throughout the ski day in order to drop off and pick up children from school; conduct business; travel to and from work; pick up mail and packages, especially when Post Offices and other outlets have only limited service hours; and transport aging or handicapped family members. Some felt the proposed travel restrictions would amount to discrimination under the Americans with Disabilities Act. It was also noted that some homeowners rent to people who work in local lodges and restaurants and that these workers typically have schedules that require them to travel to and from work during the ski day. It was also noted that the proposed hours of travel would make it very difficult for service personnel to reach homes to do repairs.

Safety

Some who commented felt the imposition of an 8 AM to 5 PM OSV closure would cause residents to travel more in darkness, both on the highway and on the ski area. They believe this would result in an increased hazard for residents, especially during adverse weather. From the perspective of skiers, OSVs constitute a serious hazard. The routes OSVs use in traveling through the ski area have a number of crossings and interfaces with skier traffic. In many cases, intersections have poor sight distances, making it potentially difficult for both skiers and OSV operators to avoid collision. Compounding the risk of collision is the tendency for lower level skiers to turn their heads and upper bodies in response to noises, such as engines and warning devices, and inadvertently alter their direction of travel toward the hazard.

In addition, snowcats operating without attached grooming equipment tend to create ruts and chunks of snow that, especially during springtime, could cause skier falls and injuries. Finally, it was noted that resident OSV operation between Albion Basin, Grizzly Gulch and the various lodges along the Transfer Tow continues to be a safety concern, in spite of the policy that OSV travel must only occur between the Grizzly Gulch parking and individual homes.

Forest Service Process

Some respondents were concerned a decision had already been made, or that it was difficult for out-of-town homeowners to participate in public meetings held by the Town. Other respondents suggested alternative routes could lessen or eliminate skier safety risks. Several alternatives were suggested for consideration in the EA, including a route primarily using the Summer Road, and another alignment that would extend along the bottom of the Race Course and Blue Bell ski runs. They pointed out that actions such as tree removal, flagging, warning devices, and other measures should be incorporated into the EA.

Environmental

Concerns raised about the environmental effects of the proposal focused on the potential impacts to designated classes of wildlife species, including possible effects on threatened, endangered, and Forest Service sensitive species. Concerns were expressed about the effects on Canada lynx, goshawk, three-toed woodpecker, wolverine, mollusks, and amphibians. Comments also addressed the need to study the impacts on Forest Service Management Indicator Species and migratory birds and the requirement to maintain viable populations of species.

1.7.2 Issues Eliminated From Further Study

A recurring theme in the comments received on this proposal related to legal issues surrounding road jurisdiction and the ownership history of NFS lands in Albion Basin. Section 1.3.1 provides a background related to these issues and indicates that they will not be discussed further in this EA.

Other issues were also determined to be outside the scope of this review because they did not relate to the purpose and need for action or they were outside of the legal authority of the Forest Service to implement. These issues include the contention that landowners who do not own homes in Albion Basin should not be subject to travel plan restrictions and that the Summer Road should be plowed in the winter to Albion Basin Campground.

1.7.3 Issues Considered In Detail

Consistent with NEPA's requirement to focus on the "significant issues related to a proposed action", all of the input received from public comment was reviewed (40 CFR 1501.7). Those issues that were most closely associated with the purpose and need for action, or that raised questions about environmental concerns were selected for detailed study in this EA. Many other issues were raised in public comments, but are not included for detailed study. In most cases, these have been addressed in Appendix A. For convenience, three general issue categories are used as the framework for the analysis in Chapter 3 of this EA:

- How will public safety be affected, both for skiers and for residents?
- How will winter access for residents be affected?
- What will be the effect on vegetation and threatened, endangered, and Forest Service sensitive plant and wildlife species?

Chapter 2 - Description of Alternatives

2.1 Introduction/Alternative Formulation Process

NEPA requires that Federal agencies consider all reasonable alternatives to achieve the purpose and need for a proposed action. For this proposal, potential alternatives were identified based on public and agency comments and numerous Forest Service site visits to Albion Basin over past and current ski seasons.

2.2 Alternatives Considered and Eliminated from Detailed Study

A number of alternatives and options for addressing skier safety issues surfaced during the public scoping period. Alternative C incorporates several of these concepts in terms of resident access routes that might lessen the risk of OSV/skier collisions. A number of commenters suggested that nothing should change from the status quo. They believe the Forest Service should allow unrestricted resident OSV access and neither enforce the current Travel Management Plan, nor amend the Plan to provide for conditional OSV access. This concept is not carried forward as an alternative studied in detail because it would not meet the purpose and need for action identified in Chapter 1 and would involve the Forest Service ignoring enforcement of the existing Travel Management Plan. Chapter 3 describes the skier safety and resident issues associated with the status quo.

Several who commented on the Preliminary EA spoke about the need for winter resident motorized access to the Cecret Lake area. Over the course of the past two winters, The Forest Service monitored the area around these homes to determine if OSVs were being used for access and made an effort to locate an OSV route to the Cecret Lake area that did not create serious safety issues for skiers. Alta Ski lifts made similar efforts over numerous years. These efforts focused on potential OSV routes extending from ski trails served both by the Sugarloaf Lift (e.g., Supreme Access Run) and Supreme and Cecret Lifts. None were found that did not cross or utilize numerous ski trails and create substantial new safety issues for skiers. Consequently, OSVs are considered in the alternatives below only for after-hours travel in the Cecret Lake area.

Other topics surfaced which were considered, but eliminated from detailed study as separate alternatives. Within this group, were suggestions about information and education programs; signing; stricter enforcement of Town of Alta ordinances and issuance of Town of Alta permits; OSV driver certification programs; and requiring residents to indemnify the Forest Service and the ski area or formally hold the agency and ski area harmless. These options are considered as potential mitigation measures that could be attached to one or more of the alternatives, but not separate alternatives because they would not adequately address safety issues. A number of suggestions were received which were not responsive to the purpose and need for action, or were otherwise outside the scope of this review. Readers should refer to Appendix A: Scoping and Preliminary EA Comments and Responses for more information about these suggestions.

2.3 Description of Alternatives Analyzed in Detail

The following sections describe each alternative included for detailed study in the EA. The routes associated with each of the alternatives are depicted in Figures 2 through 4 and summarized in Table 1. Several elements of these alternatives, as well as the mitigation measures, could be applied to other alternatives. While the eventual decision could mix some of these components, they are presented separately to simplify the analysis. It should be noted that the term “homeowners and their families” are a

subset of the larger group of “residents” and that the alternatives below vary in who would be granted an exemption to operate an OSV.

2.3.1 Alternative A (No Action)

This alternative involves enforcing the existing travel management plan that prohibits winter-motorized travel in the area without a specific authorization or exemption. As noted earlier, travel management plans going back to at least 1982 have prohibited winter motorized travel in the area. Alternative A would allow winter travel to homes only on foot or by using skis, snowshoes, and/or ski lifts. The motorized closure period would continue to extend from November 1, until late spring or early summer each year when conditions are suitable for highway vehicle travel into Albion Basin Campground.

2.3.2 Alternative B (Proposed Action)

This alternative involves amending the Travel Management Plan to allow OSV access for homeowners from 5 PM each day to 8 AM the following morning on existing designated routes. Between 8 AM and 5 PM, NFS lands at the ski area would be closed to OSV travel, except for the ski area’s operations that are authorized in their special use permit. During the ski day, homeowners and family members, as well as other residents, could access their homes using ski lifts, or on foot. Non-homeowner residents would not be allowed OSV access at any time during the winter under this alternative, however they could access their residences on foot or by ski lift. Unlike Alternative A, this alternative would allow unrestricted homeowner access by OSVs on designated routes after the ski area closes each spring. Under Alternative B, homeowners would travel approximately 1.9 miles in driving their OSVs from the Grizzly Gulch parking area to the Albion Alps subdivision. This alternative provides winter-motorized access to all subdivisions except for Cecret Lake, who do not generally use OSVs for winter access at the current time.

2.3.3 Alternative C

This alternative is intended to capture suggestions received from residents and includes two options. The first option is shown in Figure 3 and incorporates use of the existing OSV route from 5 PM to 8 AM and use of the Summer Road when the ski area is open for skiing. Under this option, a 2,147-foot section of snow road would be built each winter west of the Summer Road to avoid the Patsey Marley avalanche runout area. This option also requires that another 2,300-foot section of snow road be built at the top terminals of Sunnyside and Albion Lifts that would connect to the existing OSV route in upper Albion Basin. This option also includes relocating a section of the upper existing route accessing the Albion Basin and Albion Alps subdivisions to the east (uphill) to avoid several skier/OSV intersections and extending an OSV route to the Cecret Lake subdivision. In total, this option would involve a total distance of approximately 2.7 miles of OSV travel between the OSV parking area at Grizzly Gulch and the Albion Alps subdivision.

The second option within Alternative C is shown Figure 4 and is intended to minimize the potential for skier/OSV collisions by moving a 2,370-foot section of the existing OSV route slightly uphill and to the east of Home Run. In this alignment, the reconstructed route would cross Blue Bell and Race Arena Runs. Unlike the first option, resident OSV use would not be restricted to different routes during the ski day. There would be no significant change in travel distance, as compared to the Alternative B under this option.

Unlike Alternative B, this alternative would allow family, guests, and tenants (i.e., “residents”) to operate OSVs on designated routes on NFS lands in Albion Basin and Grizzly Gulch. Pre- and post-ski season OSV access for residents would be available on designated routes without time restrictions. Alternative C

(both options) also includes a designated OSV route from near the base of the Supreme Lift to the Cecret Lake subdivision that would be open from 5 PM to 8 AM.

2.3.4 Alternative D

In part, this alternative was developed in recognition that the motorized travel route for Grizzly Gulch residents has fewer skier safety issues than do existing access routes for upper Albion Basin residents. Implementing this alternative would entail allowing motorized access on designated routes to Grizzly Gulch residents without hourly restrictions. Albion Basin and Albion Alps residents would be allowed snowmobile-only access during the ski day, and both snowmobile and snowcat access between 5 PM and 8 AM. Cecret Lake resident OSV travel would be allowed only from 5 PM to 8 AM during the ski season. Post-ski season OSV access would be allowed for all residents as described in Alternative B, as well as for those at Cecret Lake. Section 3.3 discusses the differing safety concerns between snowmobiles and snowcats. In all cases, travel would be restricted to the routes shown in Figure 2. In addition, this alternative would include selected tree removal at several ski trail intersections to improve sight distances for both OSV operators and skiers, or to better segregate mixed traffic.

As is the case with Alternative C, this alternative would also allow family, guests, and tenants (i.e., “residents”) to operate OSVs on designated routes on NFS lands in Albion Basin and Grizzly Gulch.

Table 1 - Homeowner/Resident OSV Access By Alternative			
Alternative	Homeowner Area		
	Grizzly Gulch/Emma Heights	Albion Basin/Albion Alps	Cecret Lake
A	No OSV access throughout the winter	No OSV access throughout the winter	No OSV access throughout the winter
B	OSV access available from 5 PM to 8 AM on existing routes and for only homeowners and their families	OSV access available from 5 PM to 8 AM on existing routes for only homeowners and their families	No OSV access throughout the winter
C1	OSV access on designated routes without time restrictions for residents.	OSV access on the Summer Road from 8 AM to 5 PM and the existing route from 5 PM to 8 AM. OSV access available for residents.	OSV access from 5 PM to 8 AM on existing routes and from Rabbit Run to Supreme Access trail for residents.
C2	OHV access on designated routes without time restrictions for residents.	OSV access for residents on the existing route throughout the day, except for a relocated section along Home Run.	OSV access for residents from 5 PM to 8 AM on existing routes and from Rabbit Run to Supreme Access trail.
D	Open to OSV use on designated routes without time restrictions for residents.	Snowmobile access for residents allowed on existing routes throughout the day and night. Snowcat access allowed only from 5 PM to 8 AM.	OSV access for residents from 5 PM to 8 AM on existing routes and from Rabbit Run to Supreme Access trail.

2.4 Mitigation Measures

Based on the results of public and agency input and review, the following mitigation measures below could be applied to Alternatives B, C, and D: 

1. Improved signing and education
2. Visible registration on all OSVs
3. Horns, lights, and other safety equipment
4. OSV use could occur only on the designated route between the trailhead and the homes. No motorized travel would be permitted between homes and base area businesses, or for recreation purposes.
5. Require a valid State driver's license, vehicle insurance, and an agreement to hold the Town and ski area harmless as a prerequisite to OSV registration.
6. Limit the number of OSVs which may registered and used for each home.
7. Impose penalties for violations, including fines and loss of OSV privileges.
8. Establish and enforce an OSV speed limit.

2.5 Alternative Summary and Impact Comparison

Chapter 3 contains a complete analysis of each of the alternatives with regard to issues identified for in-depth study. The table below is intended to provide a brief overview of the varying impacts of implementing each of the alternatives included for detailed review.

Table 2 - Summary Of Alternatives And Effects

Alternative	Description	Impacts By Alternative		
		Safety	Terms Of Access	Environmental
A (No Action)	Existing travel plan restrictions would be enforced, prohibiting all OSV travel throughout the winter, including that on the Summer Road (Forest Road 028). Resident access would be available by foot, ski, snowshoe, or lift access.	Affords the least risk to skiers of all alternatives. There is no chance of collision with resident OSVs and eliminates ruts created by OSVs that could cause skier accidents.	Most restrictive alternative for residents, whose access to their homes would be limited to skiing, snowshoeing,. Restrictions would apply throughout the winter.	Extensive grooming and other operational work by the ski area would continue throughout Albion Basin in the winter.
B (Proposed Action)	Homeowner OSV use allowed to and from homes on existing designated routes only outside of 5 PM to 8 AM each day during the ski season. During the ski day, access would be available via ski lift, or by foot. OSV restrictions for homeowners would be in place throughout the ski season. Homeowner OSV access would be allowed before and after Alta’s operating season on designated routes without hourly restrictions.	Mitigates most of the skier risk of collision or mishap, since homeowner OSV travel does not occur during the ski day. Grooming each morning before the ski area’s opening would generally eliminate ruts created by homeowner OSVs.	Would restrict OSV access for all homeowners during the ski day by limiting access to skiing or snowshoeing. Homeowner OSV use for work, travel for errands, or home services would be affected to a large degree.	Very similar to Alternative A, except that approximately 600 feet of OSV routes would continue to be groomed to facilitate homeowner access. These routes are surrounded by existing ski trails, lifts, and other ski area facilities.
C	Includes two alternative routes (options) suggested by residents attempting to reduce skier safety issues. One option utilizes the Summer Road during the ski day, while the other would relocate a mid-mountain section of the existing OSV route. Includes an after-hours OSV route to the Cecret Lake area. Resident OSV access would be allowed before and after Alta’s operating season on designated routes without hourly restrictions.	Tends to relocate high-exposure areas to adjacent locations, unless other trails are closed to skiing. Shifting OSV traffic to Forest Road 028 creates additional avalanche exposure for residents.	Similar to Alternative B, but would involve some additional travel time and fuel when the Forest Road 028 is used.	Essentially the same as Alternative B, except that an additional route would be groomed, extending from top of the Sunnyside Lift to the existing OSV travelway. It is anticipated that no discernable effects to biophysical resources would occur as a result of the additional grooming.
D	Resident OSV travel would be restricted to designated routes. Grizzly Gulch residents using OSVs would be exempt from timing restrictions. Albion Basin and Albion Alps residents would be restricted to only snowmobile access from 8 AM to 5 PM each ski day, but could use snowcats or snowmobiles for travel outside of those hours. Cecret Lake residents could continue to use non-motorized means for winter travel, or Rabbit Run for OSV access outside of the ski day. Selected tree clearing would be conducted at four interface areas to improve sight distances or improve traffic separation. Resident OSV access would be allowed before and after Alta’s operating season on designated routes without hourly restrictions.	Partially mitigates risk of skier collisions with OSVs and the potential for skier accidents from OSV ruts. Snowmobiles are quicker and more maneuverable than snowcats and can move more quickly through crossings. In addition, snowmobiles tend not to create ruts or rough snow conditions for skiers. Higher speeds of snowmobiles, lower profile, and potentially greater numbers of them in the future could increase safety concerns.	Resident OSV travel would be limited to snowmobiles during the ski day, but could include both snowcats and snowmobiles outside of the hours of 8 AM to 5 PM. Those who do not own snowmobiles, or who are unable to operate or ride on a snowmobile would not be able reach homes during the ski day, except by foot or ski lift.	Same as Alternatives B and C, except that trees would be thinned in several interface areas to improve visibility. In total, thinning would occur on less than 0.1 acres. No ground disturbance would occur, but tree removal would have a minor additional impact to wildlife habitat in the area.

Figure 1 – Existing Resident OSV Routes

- Albion & Sunnyside Lifts**
Fixed Double (Top Elev. 9,514') EASIER WAY #1 & Detachable Triple (Top Elev. 9,400') EASIER WAY #1, or #3 to #6
- 1 Crooked Mile
 - 2 Patsy Marley
 - 3 Dipsy Doodle
 - 4 Sunnyside
 - 5 All's/Secret/Sugarloaf Access
 - 6 Home Run
 - 7 Blue Bell
 - 8 Race Arena
 - 9 Vail Ridge
- Secret Lift**
Fixed Double (Top Elev. 9,550') EASIER WAY #10
- 10 Rabbit
 - 11 Sweet N' Easy
- Supreme Lift**
Fixed Triple (Top Elev. 10,500') EASIER WAY #12 to #16
- 12 Upper Big Dipper
 - 13 Sleepy Hollow
 - 14 3 Bears
 - 15 Rock N' Roll
 - 16 Big Dipper
 - 17 Upper Sleepy Hollow
 - 18 No. 9 Express
 - 19 Erosion Gullies
 - 20 Challenger
 - 21 Vicky's
 - 22 White Squaw Area
 - 23 Hammer Head
 - 24 Supreme Challenge
 - 25 Piney Glade
 - 26 Sidewinder
 - 27 Spiney Chutes Area
 - 28 Back Forty
 - 29 So Long
 - 30 Sunset
 - 31 Snowshoe Hill
 - 32 Last Chance
 - 33 East Castle Area
 - 34 Castle Apron
- Sugarloaf Lift**
Detachable Quad (Top Elev. 10,450') EASIER WAY #35 to #40
- 35 Little Dipper
 - 36 Collins Return (EBT)
 - 37 Waldron's Way
 - 38 Razor Back
 - 39 Supreme Access
 - 40 Devil's Elbow
 - 41 Rollercoaster
 - 42 Secret Cutoff
 - 43 Devil's Castle Area
 - 44 Sugar Bowl
 - 45 Gravy Boat
 - 46 Secret Saddle
 - 47 Cabin Hill
 - 48 Amen
 - 49 Extrovert
 - 50 Glory Gulch
 - 51 Running Dog Nose
 - 52 Keyhole Gulch
 - 53 Glory Hole Area
 - 54 Yellow Trail Area
- Collins Lift**
Detachable Quad (Top Elev. 10,400') EASIER WAY #56 to #68 to #99
- 55 Devil's Way
 - 56 Mamba
 - 57 Main Street
 - 58 Strawberry
 - 59 Race Course Saddle
 - 60 Ballroom Traverse
 - 61 Ballroom Area
 - 62 Shoulder Traverse
 - 63 Baldy Shoulder Area
 - 64 High Main Street
 - 65 Fred's Slot
 - 66 Saddle Traverse
 - 67 Spring Valley
 - 68 Spruces
 - 69 High Traverse
 - 70 High Race Course
 - 71 High Sunspot
 - 72 Race Course
 - 73 Sunspot
 - 74 Watson Line
 - 75 Annie's
 - 76 Jake's
 - 77 No Name
 - 78 Santa Clause
 - 79 Jitterbug
 - 80 Christmas Tree
 - 81 Stone Crusher
 - 82 Lone Pine
 - 83 High Rustler
 - 84 Regal Chute
 - 85 Rustler Four
 - 86 Hourglass Chute
 - 87 Eagle's Nest
 - 88 North Rustler
 - 89 High Nowhere
 - 90 Greeley Bowl
 - 91 Greeley Hill
 - 92 High Greeley
 - 93 Gunguisht
 - 94 Eddie's High Nowhere
 - 95 East Greeley Area
- Wildcat Lift**
Fixed Double (Top Elev. 9,780') EASIER WAY #96 to #98 to #99
- 96 Aggie's Alley
 - 97 Taint
 - 98 Meadow
 - 99 Rustler Cat Track
 - 100 180° Bend
 - 101 Lower Rustler
 - 102 Corkscrew
 - 103 Stimulation
 - 104 Blitz
 - 105 Johnson's Warm-Up
 - 106 Punch Bowl
 - 107 Nina's Curve
 - 108 Schuss Gully
 - 109 Collins Face
 - 110 Bear Paw
 - 111 Rock Gully
 - 112 Wildcat Face
 - 113 Corkscrew
 - 114 Westward Ho
 - 115 Blackjack/Snowbird Return
 - 116 Baldy Chutes Area (via Sugarloaf Lift)

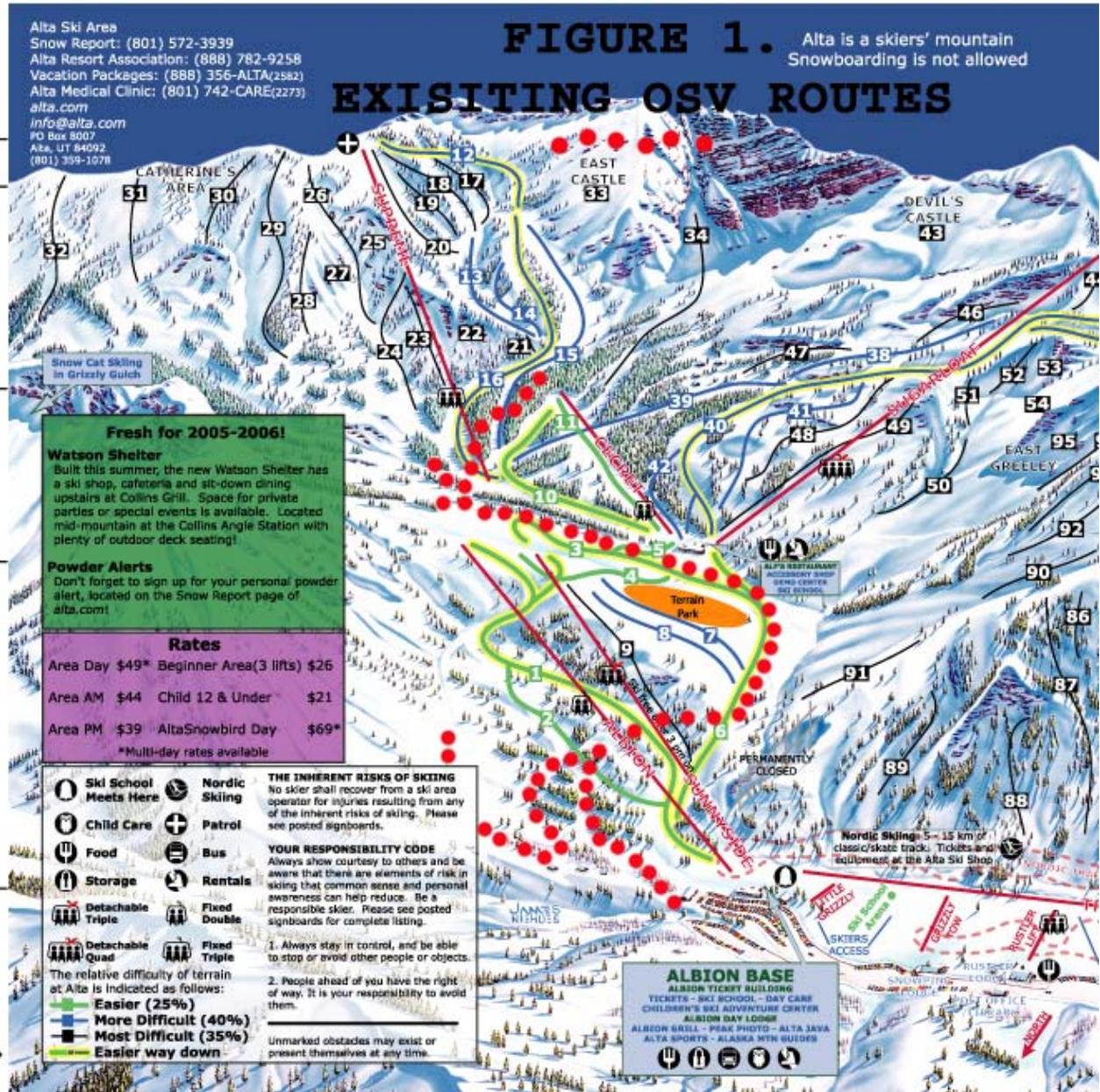


Figure 2 – Alternatives B and D Map

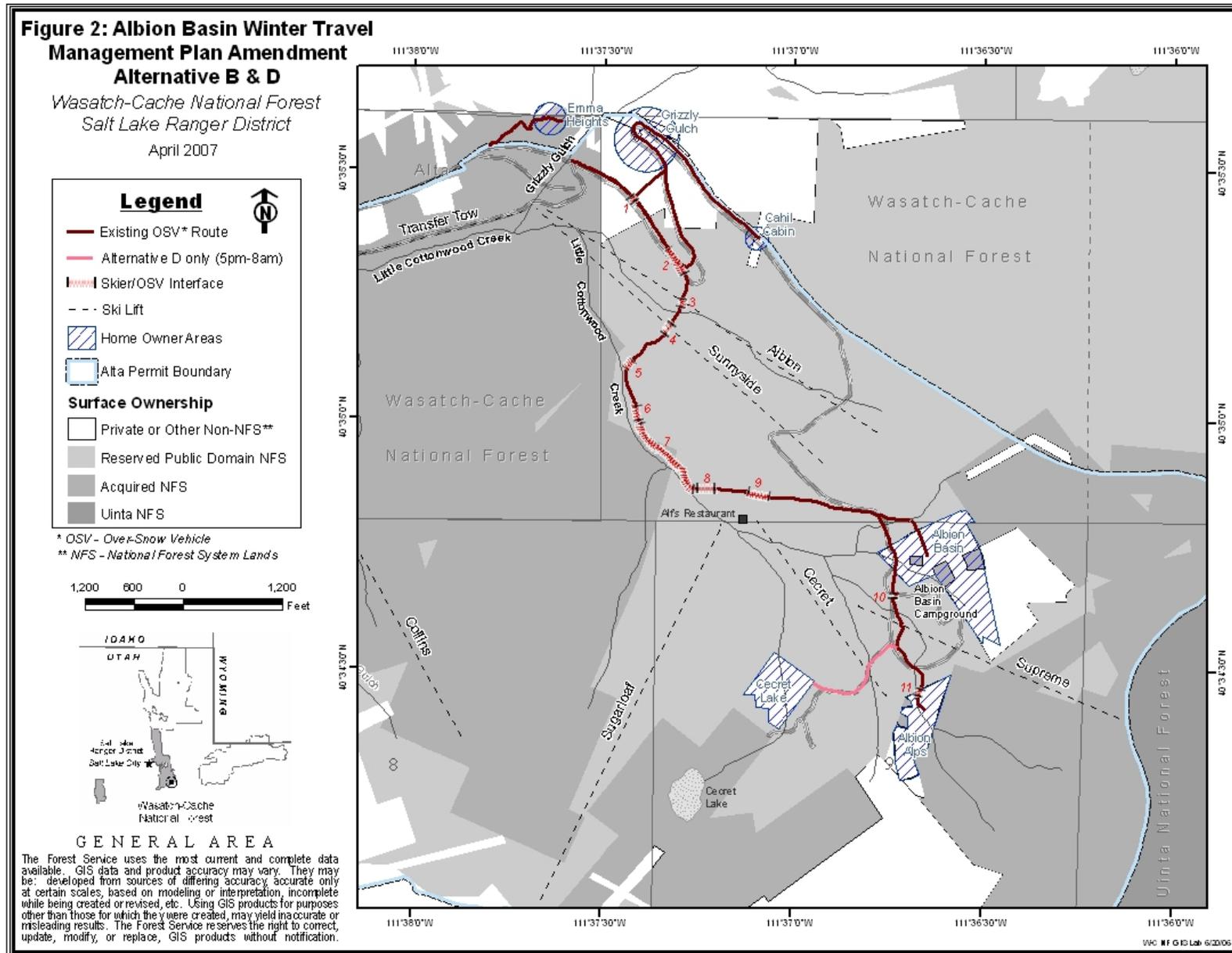


Figure 3 – Alternative C - Option 1 Map

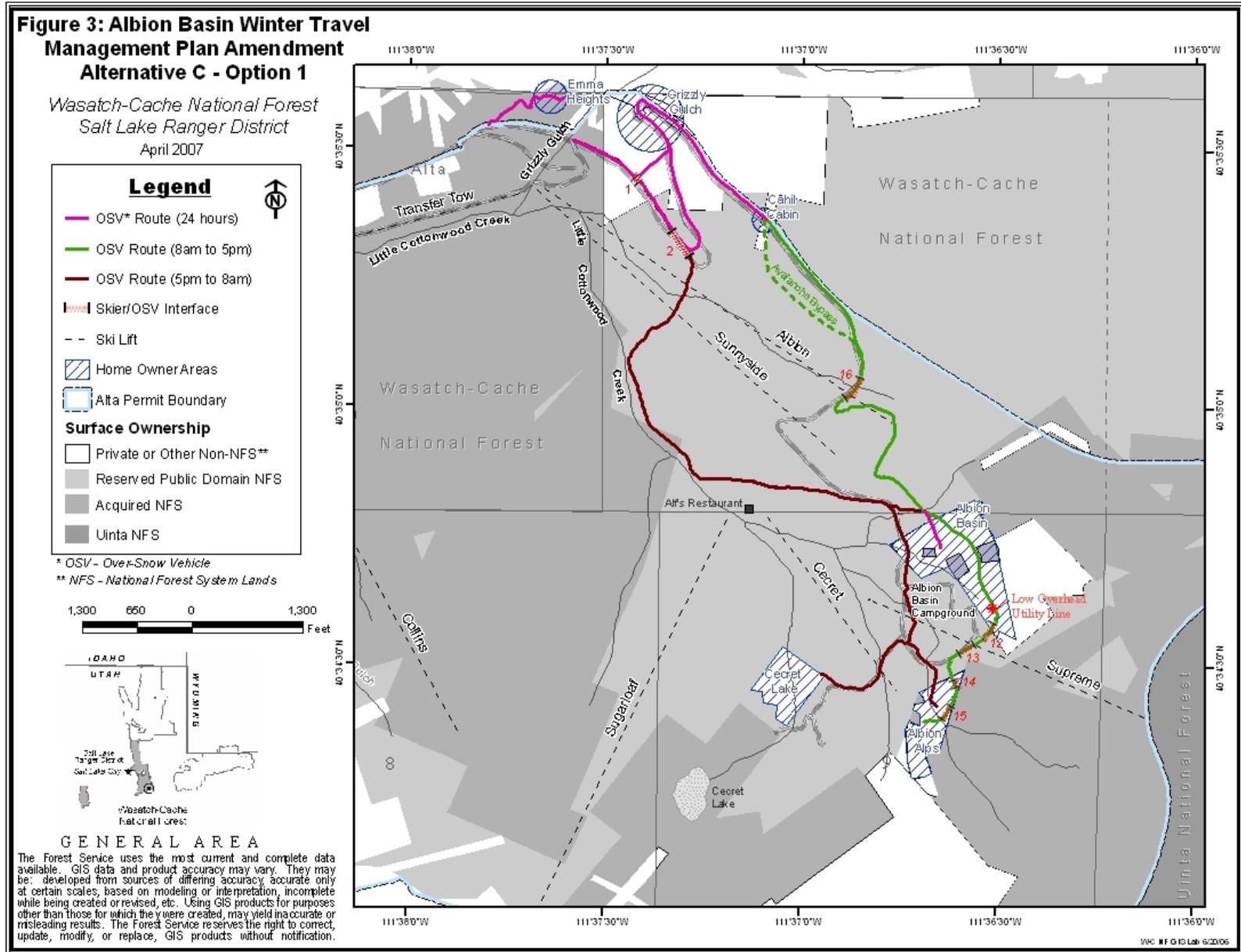
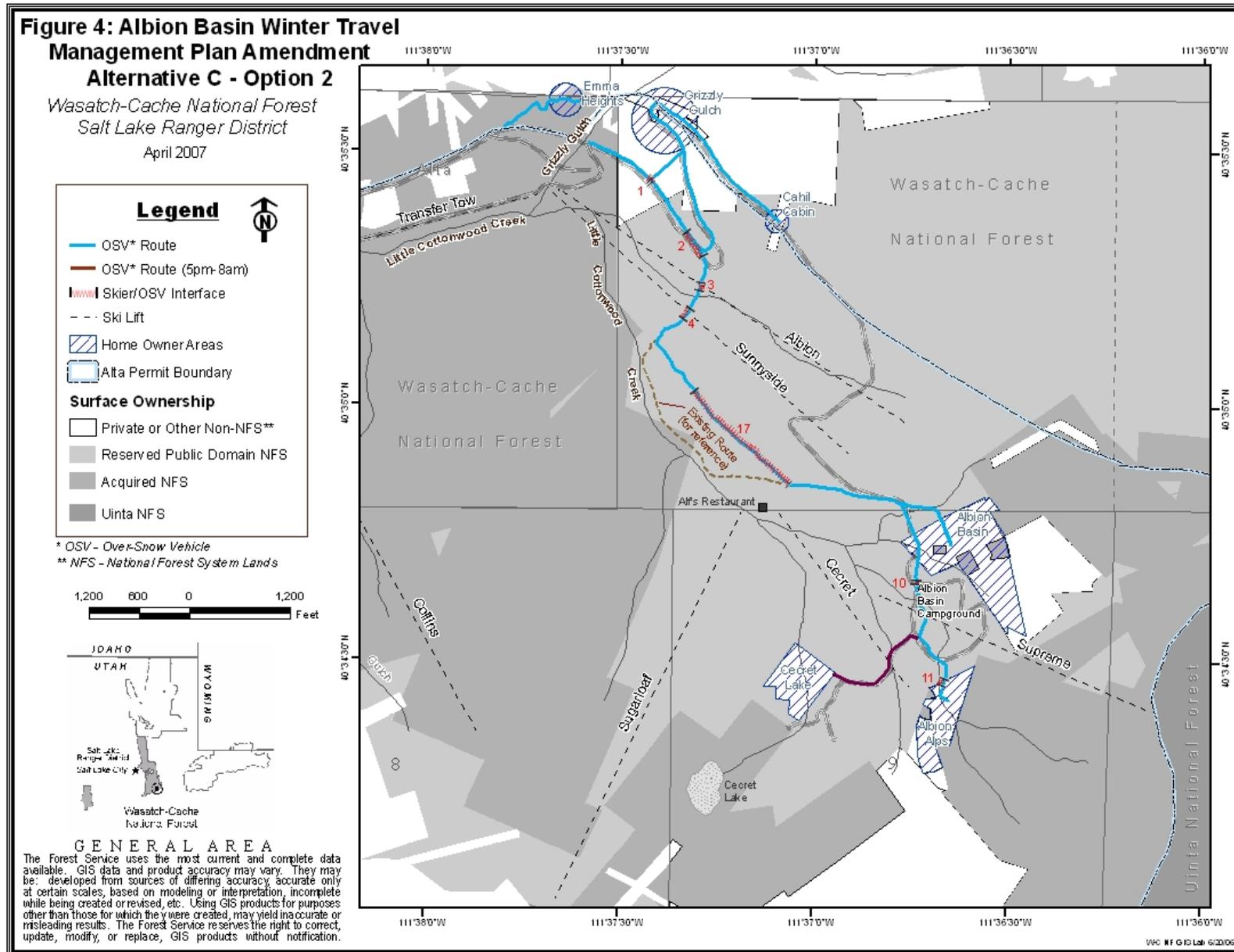


Figure 4 – Alternative C - Option 2 Map



Chapter 3 - Affected Environment and Environmental Consequences

3.1 Introduction

This chapter provides background information and an analysis of effects pertaining to each of the issues outlined in Chapter 1.6.3. In each section that follows, the existing situation is described under the heading of Affected Environment. Under the Environmental Consequences subsection, the direct and indirect effects of implementing each of the alternatives are discussed. Cumulative effects are included in the analysis and are defined as impacts that might result from the incremental impact of an action when added to other past, present, and reasonably foreseeable actions, regardless of which agency or person undertakes such other actions. Note that the terms “homeowners and residents” represent different users in the alternatives below and are defined in the glossary (p. 38).

3.2 Resident Access

3.2.1 Affected Environment

A detailed discussion of private home development and homeowner and resident access in Albion Basin and Grizzly Gulch is included in section 1.3.2 of this EA. It has been noted earlier that before 1981 skier safety associated with resident OSV use was not considered a serious issue. Prior to the installation of the Supreme and Cecret Lifts in 1981, residents expressed concern about skier trespass on their property, home security, and whether existing OSV routes would be maintained. This eventually led to an agreement with Alta Ski Lifts and the Forest Service. After that time, resident OSV use grew following ski area development and expansion. It is likely that ski area grooming operations that followed the ski area expansion made it easier for OSVs to reach homes in the upper portions of Albion Basin.

As resident OSV use grew, the ski area designated routes for their travel to try to minimize the potential for collisions with skiers and groomed some sections of OSV routes that were not open to skiing. Despite these measures, the growth in both skiers and resident OSV use caused the ski area, the Town, and the Forest Service to try to better manage the situation. In a 1996 letter, these three parties requested residents have warning equipment on their OSVs, register their machines with the Town, limit their OSV travel to designated routes, maintain safe speeds, and avoid travel on newly groomed ski trails. There has been some compliance with these measures. Yet, there are unregistered OSVs and some machines without warning equipment, operators sometimes do not follow designated routes – either intentionally or unintentionally, and occasionally resident OSVs are observed traveling too fast. At the current time, there is no requirement for OSVs to have exterior registration or licenses to aid in enforcement. Of greater concern than infractions about speeding, off-route travel, warning equipment, etc., is the overall growth in numbers of skiers and increased homeowner OSV use by their tenants and guests. Additionally, one home in upper Albion Basin is now used as a rental vacation property and use of an OSV is part of the nightly rental package. Without changes to local zoning, there can be no additional short-term commercial vacation rental of other homes in the area.

The OSV routes currently used by residents are shown in Figures 1 through 4 as “Existing OSV Routes”. While it is likely some residents travel outside of the time when the ski area is busy, OSV travel occurs in Albion Basin and Grizzly Gulch throughout the ski day with the highest concentrated use on Fridays, weekends, and holidays. Since at least 1982, OSV use on NFS lands Little Cottonwood Canyon has been prohibited by Forest Service regulations. Resident OSV travel here has been allowed to occur despite this closure. This is likely a result of the complexity of the issue, misunderstandings about legal rights of

access, resistance by residents, and a sense that safety concerns had not risen to a level where restrictions needed to be enforced.

Under the current situation, Alta Ski Lifts has taken a number of steps to reduce the safety hazards associated with resident OSV travel and has encouraged travel outside of the busy ski day. They have erected signs, groomed designated OSV routes, and made lift tickets available for sale to residents the prior day.

3.2.2 Environmental Consequences

This section details the effects residents would experience as a result of implementing each of the alternatives. For consistent comparison purposes, the OSV travel distance is shown as distance from the Grizzly Gulch parking area to Albion Alps subdivision.

Alternative A (No Action)

This is the most restrictive alternative for residents. The existing travel plan would be enforced throughout the winter and no resident OSV travel would be allowed during this period. Winter access to the 36 homes in the area would be limited to foot or by using skis, snowshoes, and/or ski lifts

This would be a significant change compared to the current winter situation for many residents. They would have restricted access to their homes and would encounter serious challenges and increased travel times as they attempt to travel for errands, work, and in arranging home service/maintenance. Residents would have to hand-carry luggage, supplies, etc. to their homes. Access for senior citizens, young children, and people with disabilities would be significantly reduced. Transporting children to and from school would be extremely difficult for anyone residing in Albion Basin. For some, prohibiting motorized travel may present so many challenges that full-time winter residency would no longer be feasible or attractive. Weekend or vacation use of homes in the winter could drop because of the increased difficulty of access. For the most part, Cecret Lake residents would see little difference, as compared to the existing situation, since their travel is mostly by non-motorized means.

Alternative B

This alternative would prohibit OSV access for homeowners and other residents during the ski day, limiting their travel to skiing, snowshoeing, or walking during that period. Except for the nine homes at Cecret Lake, homeowner OSV access would be allowed outside of the hours from 8 AM to 5 PM during the ski season and before and after the ski season. Non-homeowner residents would not be allowed OSV access at any time during the winter under this alternative, however they could access their residences on foot or by ski lift.

This alternative is less restrictive than Alternative A, but homeowner OSV travel for work and errands, dropping children off at school, access for home repair and delivery services, or other access needs would be significantly affected. Homeowners' whose work schedules do not coincide with the 5 PM to 8 AM period for OSV travel would be more affected than those who live in Albion Basin and work from home or who have more favorable schedules. In addition, dropping off or picking up mail could be difficult because of limited office hours. This alternative could require some homeowners to leave or return home, hours earlier or later than would otherwise be necessary. Seniors and people with disabilities could find it difficult to access their homes during the ski day. Cecret Lake homeowners would continue to access their homes by non-motorized means throughout the winter. Under Alternative B, only homeowners and their families could use OSVs, which would make travel more difficult for those who rent and work in Town restaurants and other businesses. Vacation use of homes where guests are given use of an OSV for access would be severely restricted.

Alternative C

This alternative is comprised of several route options suggested by homeowners and residents, as a means to address skier safety. Relative to the other alternatives (A, B, or D), this alternative would generally be the most advantageous to area residents. Residents of the 15 Grizzly Gulch homes would continue using the existing routes without time or OSV-type restrictions and their situation would not change compared to the existing situation. Both options in this alternative include a designated OSV route for Cecret Lake residents on Rabbit Run, but use of the route would be available only from 5 PM to 8 AM, in order to not create an additional skier safety hazard.

Option 1 provides residents the use of the existing OSV route extending along Home Run, to the east of Alf's Restaurant, from 5 PM to 8 AM. During the ski day, residents would be allowed to travel on the Summer Road, to near the top of the Albion and Sunnyside Lifts, and avoid interfacing with skiers along Home Run and crossings with several lower mountain ski trails. In addition, Option 1 would reroute a segment of the OSV route between Albion Basin and Albion Alps subdivisions further to the east to avoid several intersections with skier traffic that now exist. Total travel distance from the Grizzly Gulch parking area to the Albion Alps subdivision would increase from approximately 1.9 miles to about 2.7 miles, compared to the existing route. The longer distance and additional elevation gain would increase travel time and fuel use for residents. Without OSV time restrictions, residents would have improved access flexibility and not face the travel difficulties for work, errands, home services, and maintenance identified in Alternative B. Seniors and people with disabilities would be able to access homes at all times using either snowmobiles or snowcats. Those who use other means for winter access would likely continue to do so.

Option 2 would shift the existing OSV route along Home Run slightly to the east. Since this option does not include any OSV-type or time restrictions, the effects on resident's access would be essentially the same as the current situation and as outlined in section 3.2.1.

Alternative D

Alternative D was developed with the assumption that the existing OSV route has evolved over time as the best alignment to minimize interactions with skiers, but that timing and vehicle-type restrictions could be effective to some degree in addressing skier safety issues.

Under Alternative D, Grizzly Gulch residents would be exempt from the OSV closure and would be able to access their homes either by snowcat or snowmobile on designated routes, without hourly restrictions. Accordingly, the effects for these residents would be essentially the same as it is today and under Alternative C. Grizzly Gulch Residents would have unrestricted access between their homes and the Grizzly Gulch parking area for travel to work, errands, shopping, etc., so long as they stayed on the designated routes.

Residents of the 12 homes in Albion Basin and Albion Alps subdivisions would be restricted to only snowmobile access from 8 AM to 5 PM each ski day, but could use snowcats and snowmobiles outside of those hours. This alternative includes a designated OSV route for Cecret Lake residents on Rabbit Run, but use of the route would be available only from 5 PM to 8 AM, as describe in Alternative C. All OSV travel would be restricted to designated routes. The effects of this alternative would be similar to those of Alternative B, except that snowmobile access during the ski day would help to offset some of the challenges residents would face. Except for Cecret Lake residents, most other residents will be able to travel to work, errands, and other activities during the ski day using a snowmobile. Those who could not operate or ride a snowmobile or residents with only a snowcat(s) would be limited to access by foot or skis during the ski day.

Cumulative Effects

Residents face a number of challenging factors related to winter access beyond those associated with the Proposed Action and the alternatives. Among these are equipment limitations, snow and weather conditions, and the cost of obtaining and maintaining OSVs. Depending on the alternative, Forest Service OSV restrictions present a potential considerable additional impact to residents.

3.3 Skier Safety

3.3.1 Affected Environment

With respect to the Proposed Action and the alternatives discussed in Chapter 2, this issue is focused on the potential for collisions between skiers and resident OSVs, both at intersections and along the edge of ski trails where OSVs travel. In addition, snowcats can create unanticipated ruts and rough snow surfaces that can cause skiers to fall and perhaps become injured. These topics are discussed further below.

The existing OSV route is shown in Figures 1 through 4 and extends approximately 1.9 miles from Grizzly Gulch to the Albion Alps subdivision. A significant portions of this distance is open for downhill skiing, whether on groomed and named ski trails or in undesignated areas located mostly below Alf's Restaurant. Grooming takes place during the evening and is generally completed by 8 AM the following morning. The existing route was established to limit OSV travel in a way that minimized the risk of skier/OSV collisions, reduced the exposure of OSVs to avalanches, and that offered a relatively direct path to homes. Alta Ski Area has marked this route and provides grooming in some sections that are not open to skiing and would not be otherwise compacted. The skier-at-one-time capacity of Alta Ski Area is 5,725 and approximately 55 percent of the ski area's 2,200 acres of skiable terrain is located on the Albion Basin side of the ski area. All of Alta's beginner terrain and approximately two-thirds of their intermediate ski trails are also located in this portion of the ski area.

As noted in Chapter 1, minimizing the potential for skier/OSV collisions were a major factor in the developing the Proposed Action. While there have been no recorded instances of OSV/skier collisions at Alta Ski Area, they have occurred at other ski areas and the consequences are often very serious, even fatal, for the skier. By company policy, Alta Ski Area limits their OSV use during the ski day.

At Alta Ski Area, areas where resident OSVs cross ski runs present the greatest risk of collision. These crossings are typically places where OSV operators pause to look for oncoming skiers and wait for a break in traffic. Intersections with restricted sight distances because of vegetation, terrain breaks, or bends in ski trails tend to pose the greatest risk. Likewise, intersections with greater numbers of skiers, particularly lower ability level skiers who are less able to control their travel, are also of concern. Skier speed is also a consideration. All other factors being equal, the effective sight distance is reduced when skiers are traveling at faster speeds. Finally, heavy snowfall, blowing snow, and fog can severely limit sight distances, affecting both OSV operators and skiers.

There is also the potential for a skier/OSV collision in areas where the two groups are traveling in parallel directions on the same ski trail. Particularly at lower ability levels, skiers have a tendency to turn their head and upper body in the direction of what they perceive as a hazard. Unfortunately, this movement can unintentionally cause their skis to turn into the direction of the hazard, rather than away from it. Even more advanced-level skiers traveling high speeds can "catch an edge" and lose control, potentially causing them to turn unexpectedly into the path of an OSV. While the faster speed and quickness of a snowmobile may be advantageous in slipping through a busy intersection, a fast-moving snowmobile traveling along even the edge of ski trail may have little time to react to a skier who veers into its path.

The analysis focuses primarily on OSV travel at ski trail intersections and on designated ski runs, although much of the remaining OSV route is located in areas open to downhill skiing. The areas where gladed tree skiing occurs along the OSV route between Sunnyside and Albion lifts are also of concern. Skier traffic in these areas is not as heavy, though sight distances are often quite limited by vegetation and terrain and there is potential for collisions in these areas as well. Approximately 1,220 feet of the designated OSV route is located in these undesignated areas open to skiing.

As noted earlier, Alta Ski Area grooming operations are generally scheduled to conclude by the time lifts open for public service at 9:15 AM. Ski area snowcats are equipped with rear-mounted grooming devices that smooth and compact the snow surface behind them as they travel. Not only does this process groom newly fallen snow and irregularities created by the prior day's skiing, but it also fills in and evens the ruts and chunks of snow created by the tracks of OSVs. Resident OSVs are not equipped with grooming equipment and tend to leave ruts and can churn up chunks of snow that could cause a skier to fall. During late winter and spring when the snow surface freezes overnight, these frozen ruts and chunks of snow present a greater hazard. When residents use OSVs in the evening or before the area opens, the ski area is generally able to groom over their tracks and repair the damage. When their travel occurs during the ski day, this is not possible until that evening's grooming operations. Skiers generally understand that falling is a part of the sport and that on rare occasions injuries can result, even on a perfectly groomed slope. However, most skiers visiting a ski area do not expect that they need to be on guard for irregular snow surfaces created by resident OSV travel.

In obtaining the information necessary for the analysis in this EA, OSV routes were mapped using global positioning system instruments. Areas were located where skiers either crossed OSV routes, or shared a portion of a run. Particular attention was given to designated, groomed ski trails that tended to have regular skier traffic. These "interface" areas are shown in Figure 2 and their linear extent is indicated in Table 3. The existing OSV route extends approximately 1.9 miles from the Grizzly Gulch parking area to Albion Alps subdivision.

TABLE 3 - SKIER/OSV INTERFACE AREAS AND CROSSINGS						
		Approximate Distance By Alternative (Ft.)				
Interface No.	Interface Area or Crossing	Alt. A -No Action	Alt. B - Proposed Action	Alt. C-1	Alt. C-2	Alt. D & Existing Situation
1	Grizzly Gulch Cutoff	0	0	54	54	54
2	Patsey Marley	0	0	349	349	349
3	Albion Lift Line	0	0	0	119	119
4	Crooked Mile/Vail Ridge	0	0	0	149	149
5	Home Run	0	0	0	0	116
6	Greeley Bowl Runout	0	0	0	0	186
7	Home Run	0	0	0	0	1,065
8	Dipsy Doodle	0	0	0	0	220
9	Alf's Area	0	0	0	0	255
10	Big Dipper	0	0	0	23	23
11	Rock N' Roll	0	0	0	84	84
12	Big Dipper/Supreme	0	0	215	0	0
13	White Squaw	0	0	176	0	0
14	Vicky's	0	0	76	0	0
15	Upper Rock N' Roll	0	0	84	0	0
16	Upper Crooked Mile	0	0	305	0	0
17	Blue Bell/Race Arena	0	0	0	1,590	0
	TOTAL INTERFACE	0	0	1,259	2,368	2,620

All of the interface areas indicated above are of concern relative to the risk of a skier/OSV collision, the following seem to present a greater potential hazard:

- Crossing #5 is in a location where skiers converge in a narrowed section of Home Run that has slope break which obscures an OSV operator's view upslope. This trail sees heavy skier traffic of all ability levels and is the main egress route from upper Albion Basin late in the ski day.
- Crossing #10 is where OSVs must cross a short section of Big Dipper Run where skiers tend to be traveling fast. The crossing has very limited visibility for an OSV operator traveling in either direction because of trees, a slope break, and a bend in the ski trail above the intersection.
- Crossing #11 tends to be a high traffic area and many skiers attempt to carry their speed onto the flatter terrain as they travel to reach the base of the Supreme Lift or lower mountain areas. A bend in the ski trail greatly limits visibility for an OSV operator. This crossing area is located on private land.

3.3.2 Environmental Consequences

Alternative A

This alternative (No Action) would prohibit all resident OSV travel and would not allow any motorized OSV access and affords the least risk to skiers of all alternatives. There would be no chance of collision with resident OSVs and no ruts would be created by OSVs that could cause skier accidents.

Alternative B

This alternative (Proposed Action) would prohibit homeowner OSV use during the ski day (8 AM to 5 PM). By restricting OSV use by homeowners to times when the ski area would not be open to the public, there would be no chance of a skier/homeowner OSV collision. This alternative would largely eliminate the potential for a skier accident because of an encounter with a rut or rough snow surfaces created by homeowner OSV travel. Unlike the existing situation, or Alternatives C or D, there would be no skier/OSV interface areas because homeowner OSVs would be traveling only when the area is not open for skiing.

Alternative C - Option 1

This option would eliminate seven skier/OSV interface areas, representing approximately 1,361 feet of linear distance. However, this option would create a new, 305-foot interface area (#16) near the top of the Sunnyside and Albion Lifts. Though skier speeds are typically slow in this area, it is often quite congested. This area also tends to have a concentration of beginner and lower intermediate skiers who generally are less able to negotiate around moving equipment, other skiers, and sometimes even stationary obstacles. In addition, a realigned section of OSV route between the Albion Basin and Albion Alps subdivisions would create a number of new skier/OSV intersections with Hammer Head, White Squaw, and Vicky's Runs, which total about 551 linear feet.

Alternative C - Option 2

As compared to the existing situation, this option eliminates skier/OSV interface area numbers 5 through 9 and about 1,842 linear feet of the route where accidents could occur. However, to effectively reduce skier safety concerns this option would require the lower sections of Blue Bell and Race Arena Runs be shortened and the new OSV route effectively closed to skiing from above. Alternatively, these ski trails and surrounding open terrain above comprising about 25 acres could be closed to skiing entirely. Steep side slopes, particularly in the Vail Ridge area, would make construction of a snow road in the new route quite difficult, especially in the early season or low snow seasons.

Alternative D

Under Alternative D, OSV travel would occur on the current designated routes, however resident use of snowcats would be prohibited during the ski day, which would reduce the skier safety risks over the existing condition. Alternative D would reduce, though not eliminate, the chance of a skier/OSV collision because snowmobile access would still be allowed. Snowmobiles, compared to snowcats, can move more quickly through intersections and tend to leave smaller ruts and chunks of snow. Though this alternative would reduce the hazard for skiers somewhat by eliminating snowcat travel during the ski day, there would still be about 2,620 linear feet of skier/OSV interface area where a collision with a snowmobile could occur. Under this alternative, it is likely snowmobile use would increase somewhat as residents adapted to the snowcat restriction. While snowmobiles have some advantages in avoiding collisions, their much greater speed, lower profile, and potential increased use would continue to create a concern for collision. Selective tree removal at several critical interface areas (numbers 2, 5, 9, and 10) would improve visibility for both skiers and OSV operators and reduce the potential for a collision.

Cumulative Effects

Skiers face a number of hazards generally associated with downhill skiing. These include the potential for collisions with other skiers; hitting stationary objects such as trees, rocks, buildings, and fences; falls and injuries from falls resulting from inattention, and skiing above one's skill level. The potential for collisions with OSVs in a developed ski area is not considered a normal risk associated with alpine skiing. The incremental impact of the inherent hazards of skiing, together with those of privately operated OSVs operating within a developed ski area, presents an unexpected and serious concern in this situation.

3.4 Resident Safety

3.4.1 Affected Environment

Comments provided during scoping highlighted a number of issues important to residents. Most of these comments focused on the risk residents would face in being required to use their OSVs to access their homes in darkness and during adverse evening weather. Some noted that travel at such times carried the risk of becoming lost and/or stuck in deep and uncompacted snow, with the potential for exposure and inadvertently wandering into an avalanche path. Others expressed that the ski day prohibition of OSVs would require residents to more frequently drive up Little Cottonwood Canyon highway in darkness, when there could be a greater risk of road accidents. Currently, residents are able to travel on OSVs and drive the highway both in the evening and throughout the day because the current travel plan restrictions have not been enforced. There have been reports of a resident OSV operator occasionally becoming lost or stuck in deep snow at the ski area in the evening, but this is not believed to be a regular occurrence.

Weather conditions are an important factor in safe winter travel and Alta's low evening temperatures and periodic heavy snowfall are challenges residents face each winter. Climatic conditions in upper Little Cottonwood Canyon are typical for those of a high elevation, mountain location in the interior Western United States. Precipitation at Alta averages 53.92 inches each year, with about 70 percent of this amount accumulating from November through April as snowfall. Total annual snowfall at Alta averages 514 inches. Maximum daily snowfall amounts average about 23 inches and records indicate that extreme snowfall events have occasionally exceeded 35 inches in a single day. Monthly average minimum temperatures range from 19 to 23 degrees (Fahrenheit), from November through April (WRCC 2005).

3.4.2 Environmental Consequences

Alternative A

Under this alternative there would be no risk to residents of exposure or being caught in an avalanche in the evening while driving their OSV since motorized use would be prohibited. Residents accessing their homes on skis or by snowshoes would face the same hazards as the general skiing public, except when traveling at night. Those who access their residences by these means would be exposed to the elements described above for a longer period than those using motorized access. Access on foot would likely be more hazardous than the existing condition and the hazard would be greater for those who have a longer distance to travel and under adverse weather conditions.

Alternative B

Under Alternative B, OSV use would be prohibited during the ski day and homeowners would likely travel more frequently at night. This would increase the potential for homeowners to get lost, become exposed to avalanches, and suffer from exposure, especially during adverse weather. This risk could be minimized by maintaining a well-marked route; each homeowner being thoroughly familiar with the route and operation of the machine; carrying navigation equipment on board, such as a GPS instrument; packing winter survival provisions; and careful decision making in determining whether to travel in certain conditions. Other non-homeowner residents would not be authorized to operate OSVs for access, but could ride as a passenger.

Alternative C

Under either option in this alternative, residents would be able to schedule their trips at their convenience during the day or night. Consequently, driving Little Cottonwood Canyon Highway in the evening could be avoided or minimized. Likewise, residents could chose to use their OSVs for home access during daylight hours and the most favorable weather conditions. Other considerations are outlined below for each option.

Option 1

Under this option, residents would be allowed to use their OSVs to access their residences on the existing designated route through the ski area from 5 PM to 8 AM during the ski season. From 8 AM to 5 PM residents would only be allowed to use OSVs on the Summer Road to access their residences. With the increased flexibility, the risk of becoming lost or stuck in Albion Basin at night and suffering from exposure is likely reduced, as compared to Alternative B. However, Option 1 allows residents to travel on the Summer Road under a known avalanche path that could expose them to some degree of avalanche hazard that is not present in other alternatives and Option 2. Avalanche forecasting it is not an exact science and avalanches can occasionally occur even when the hazard or forecast does not appear to make them likely. Deciding when residents should use the lower Summer Road loop is difficult to determine and large avalanches have been known to overrun even the lower (designated) route on occasion.

Option 2

Except for the avalanche hazard that exists along a portion of the Summer Road, the safety considerations are the same as for those described in Option 1.

Alternative D

Under Alternative D, Grizzly Gulch residents' OSV access would not be restricted and the effects would be similar to the existing condition. Upper Albion Basin residents would have unrestricted snowmobile use on the existing route to access their homes. Assuming that these residents own or will obtain a

snowmobile, the effects related to resident safety issues should be similar but slightly less than those of Alternative C, Option 2 because residents would travel on the designated route rather than on the Summer Road, beneath a potential avalanche slide path. However, since the carrying capacity (people and cargo) of a snowmobile is less than that of a snowcat, residents may need additional trips and exposure to the elements would be increased somewhat. If some residents choose to defer more of their travel to evening hours, perhaps because of carrying large loads to their homes on snowcats, the risk of nighttime incidents would increase, similar to those described in Alternative B.

Cumulative Effects

Residents deal with a variety of issues that potentially affect their safety. Among these are road and weather conditions on State Highway 210, periodic poor visibility and snow conditions when operating OSVs, the potential for equipment breakdowns, and varying skill and experience levels of operators. The incremental impact of the inherent hazards of these alternatives on winter travel, including exposure to potential avalanches, on the highway and on the OSV routes, day or night, present an additional safety concern for residents.

3.5 Physical and Biological Resources

3.5.1 Affected Environment

The physical setting of the area has played an important role in shaping the vegetation and wildlife habitat in this area. Albion Basin and Grizzly Gulch are located at the head of Little Cottonwood Canyon in an area with complex geologic and geomorphic origins. Steeper areas in the upper basin are primarily limestone and shale with areas of intruded quartzite, while lower slopes are mainly glacial till deposits and soils formed in limestone, shale, quartzite, and grandiorite. Elevation in the basin ranges from about 8,620 feet at the confluence of Grizzly Gulch drainage with Little Cottonwood Creek, to 11,057 feet on Sugarloaf Peak. Most of the ridgeline in Albion Basin lies at an elevation of over 10,500 feet. Landforms in Albion Basin are shaped by glacial forces and dominated by cirque basins and morainal and trough bench deposits.

Vegetation

Vegetation within Albion Basin and Grizzly Gulch that could be affected by this proposal includes two primary types that have been mapped previously (Forest Service 1997). These are classified as Tall Forb and Conifer Tall Forb communities. The Tall Forb community is characterized by a range of species including mountain blue bell, leafy polemonium, sticky geranium, scarlet paintbrush, fireweed, Engelmann aster, Colorado columbine, Fendler meadowrue, sulfur buckwheat, mountain lupine, cow parsnip, larkspur, valerian, false hellebore, anise, slender wheatgrass, mountain brome, and sedge. Species within the Conifer Tall Forb community includes an overstory of patchy Engelmann spruce and subalpine fir, with an understory of mountain current, heartleaf arnica, lupine, and species found in Tall Forb areas.

Wildlife

The project area potentially supports habitat for 14 special status fish and wildlife species (Forest Service 2003). Special status species are ones that are species listed under the Federal Endangered Species Act; Forest Service sensitive species; and Management Indicator Species. These species include the bald eagle, Canada lynx, northern goshawk, peregrine falcon, boreal owl, flammulated owl, great gray owl, northern three-toed woodpecker, wolverine, western big-eared bat, Columbia spotted frog, Bonneville cutthroat trout, snowshoe hare, and beaver.

In addition to special status species, the area supports habitat for a wide variety of other species, particularly those common to the Tall Forb and Conifer Tall Forb plant communities. These species include the dark-eyed junco, American robin, white-crowned sparrows, mountain chickadee, blue grouse, evening grosbeak, William's sapsucker, pine martin, porcupine, red squirrel, Utah ground squirrel, moose, mule deer, western red bat, milksnake, and rubber boa.

3.5.2 Environmental Consequences

Impacts to vegetation and wildlife resulting from the Proposed Action or the alternatives could arise from snow compaction of OSV routes, increased OSV traffic, and tree thinning (Alternative D). However, these impacts would be relatively minor, especially when considered in the larger context. The project area is located within a relatively large developed ski area and is one of the more intensively visited locations in the Wasatch Mountains in both summer and winter. Consequently, there are no discernable direct or indirect effects of implementing Alternatives A, B, and C with respect to vegetation and wildlife. Thus, the discussion which follows in the two subsections below focuses on Alternative D, which involves limited tree clearing at several of the skier/OSV interface areas.

Vegetation

Except for Alternative D, none of the alternatives would directly affect plants in the area since the activities under consideration would take place over snow and within an area that receives intensive winter use. Alternative D includes thinning conifer trees at four skier/OSV interface areas (numbers 2, 5, 9, and 10) to provide better sight distances and segregation of traffic. In total, this would occur over less than 0.1 acre and involve fewer than 20 trees. No ground disturbance would be involved and all trees removed would be flush-cut. Considering the minor extent of the vegetation manipulation and the location within a developed ski area, there would be *no effect* on any Federally-listed threatened, endangered, or proposed plant species, and *no impact* on any Forest Service sensitive plant species.

Wildlife

Impacts resulting from implementation of the Proposed Action or any of the alternatives would be minor, given the relatively high level of human activity in the area, the OSV routes are mostly located in areas that are groomed and compacted, the use occurs in the winter when many wildlife species are not in the area or are not active, and the minor amount of habitat impacts (< 0.1 acres of tree thinning). Accordingly, there would be *no effect* on any Federally listed threatened, endangered, or proposed wildlife species, *no impact* to any Forest Service sensitive wildlife species. Implementation of the Proposed Action and any of the alternatives would not affect bird species under the Migratory Bird Treaty Act. There would be no impact to Management Indicator Species listed in the Forest Plan, which includes beaver, goshawk, snowshoe hare, and cutthroat trout.

Cumulative Effects

Past, present, and reasonably foreseeable future activities that are related to impacts to vegetation and wildlife includes historic mining, timber harvest, home development, relatively intense summer and winter recreation, and ski area development. The incremental effects of the Proposed Action or any of the alternatives would not measurably alter the overall impact to vegetation and wildlife in the area.

3.6 Compliance with Other Laws and Regulations

This project would not result in any loss of long-term productivity or any irreversible or irretrievable commitment of resources. The project was reviewed and found to be consistent with the following laws and regulations:

Alaska National Interest Lands Conservation Act of December 2, 1980 – Under Section 1323(a) of this Act, the Forest Service is required to provide such access across NFS land that the agency determines to be adequate for reasonable use and enjoyment of the private property. Where Forest Service closures are in place, the most common method of complying with the Act involves the agency issuing a special use permit or easement to exempt the private property owner from the closure. However, modifying an existing closure order to allow the otherwise prohibited use is also consistent with the Act.

Clean Water Act of December 27, 1977 – The Clean Water Act requires each state to implement its own water quality standards. The State of Utah’s Water Quality Anti-degradation Policy requires maintenance of water quality to protect existing in-stream Beneficial Uses on streams designated as Category 1 High Quality Water. All surface waters geographically located within the boundaries of the Wasatch-Cache National Forest, whether on public or private lands, are designated as Category 1 High Quality Water.

Executive Order 11990 of May 24, 1977 – This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. In compliance with this order, Forest Service direction requires that analysis be completed to determine whether adverse impacts would result.

Executive Order 11988 of May 24, 1977 – This order requires the Forest Service to provide leadership and take action to: (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risk to flood loss; (2) minimize impacts of floods on human safety, health and welfare; and (3) restore and preserve natural and beneficial values served by floodplains.

Endangered Species Act of December 28, 1973 – This Act directs that all Federal departments and agencies shall seek to conserve endangered, and threatened (and proposed) species of fish, wildlife and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) that articulates a shared mission to “...enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources.”

Executive Order 13186 of January 10, 2001 – This Executive Order relates to conservation of migratory bird species. My decision is in compliance with this Executive Order for the Conservation of Migratory Birds.

Executive Order 13112 of February 3, 1999 – This Executive Order directs that federal Agencies should not authorize any activities that would increase the spread of invasive plant and animal species.

American Antiquities Act of 1906 and the National Historic Preservation Act of 1966 – These Acts protect historic properties.

Secretary of Agriculture Memorandum 1827 for Prime Farmland and Rangeland – This Departmental policy establishes protective measures for prime farmland and rangeland.

Civil Rights Act of July 2, 1964 – This Act outlawed discrimination based on race, color, religion, sex, or national origin.

Executive Order 12898 of February 16, 1994 “Federal Actions to Address Environmental Justice on Minority Populations and Low-income Populations” – This order requires federal agencies, to the extent practicable and permitted by law, to make achieving environmental justice part of its mission by identifying and addressing as appropriate disproportionately high and adverse human health effects, of its programs and policies and activities on minorities and low-income populations in the United States and territorial possessions.

Chapter 4 - Consultation and Coordination

The Forest Service consulted the following individuals, Federal, State, and local agencies during the development of this environmental assessment.

ID Team Members:

Charles Condrat - Hydrologist
 Paul Cowley – Aquatics Biologist
 Thomas Flanigan – Archeologist
 Paul Flood – Soil Scientist
 David Hatch – Landscape Architect
 Teresa Rhoades – Geographic Information Systems (GIS)
 Loren Kroenke – District Ranger
 Steve Scheid–Environmental Coordinator
 Andy Smith–Winter Sports Specialist
 Kevin Walton–OHV Specialist
 James Melonas– Program Specialist

State and Local Agencies and Organizations

Town of Alta
 Alta Ski Lifts
 Albion Basin Homeowners Association
 Salt Lake City Department of Public Utilities
 Utah Department of Transportation
 Save Our Canyons
 Utah Environmental Congress

4.1 List of Preparers

Loren Kroenke, District Ranger
 Steve Scheid, Environmental Coordinator
 Andy Smith, Natural Resource Recreation Manager – Winter Sports Specialist
 Kevin Walton, Natural Resource Recreation Manger – OHV Specialist
 James Melonas, Program Specialist – on detail to the Salt Lake Ranger District

References

Albion Basin Homeowners (ABHO) 2006. *January 5 Meeting Agenda*.
www.albionbasinhomeowners.org

ASL 1997. Letter to Snowmobile Users in Alta. Co-signed by Onno Wieringa, Alta Ski Lifts; Jerry Larsen, Alta Town Marshall; Mike Sieg, Forest Service

Alta Ski Lifts (ASL) 1997. *Letter to Snowmobile Users in Alta*. Signed by Onno Wieringa, ASL; Jerry Larsen, TOA; Mike Sieg, Forest Service.

Alta Ski Lifts 2004 *Alta's Environmental Report 2003-2004*. Lindsay Christensen and Mack Pollish.

Alta United Mines 1941. Mining deed conveying title to surface rights of 764.30 acres from Alta United Mines Company to the United States. Signed on May 4, 1937. Recorded January 7, 1941.

Beadles, James H. 2006. *Letter of August 23, 2006 to Loren Kroenke Regarding the Albion Basin Winter Travel Plan*. State of Utah Assistant Attorney General. October 18, 2006.

Carroll, Rick 1997. *Jury finds SkiCo negligent, awards snowboarder \$100K*. Aspen Daily News

Eagye, Abigail 2007. *Boarder In Bad Shape After Snowmobile Crash*. Aspen Times. March 1, 2007.

Forest Service 1968. Letter from G.F. Horton, Forester to Files. December 13, 1968.

Forest Service 1981. *Albion Basin Area Proposed Chair Lifts for Alta Ski Area*. April, 1981.

Forest Service 1981c. Letter from District Ranger Douglas K. Barber to homeowner Richard Nelson, responding to an attached Albion Basin homeowner petition. June 22, 1981.

Forest Service 1981d. Map showing current and proposed permit boundary for Alta Ski Area in Albion Basin.

Forest Service 1996. *Letter to Albion Basin Homeowners*. Signed by Michael Sieg, Salt Lake District Ranger; Jerry Larsen, TOA; Onno Wieringa, ASL.

Forest Service 1997. *Final Environmental Impact Statement for the Alta Ski Area Master Development Plan Update*, Vegetation mapping, April 1997.

Forest Service 1997. *Letter to OSV users in the Tri-Canyons*. Michael Sieg, Salt Lake District Ranger. October 13, 1997.

Forest Service 1997b. Salt Lake Ranger District Travel Management Plan. Order No. 04-19-37. August 8, 1997.

Forest Service 1992. Salt Lake Ranger District Travel Management Plan. Order No. 04-19-37. March 6, 1992.

Forest Service 2003. Salt Lake Ranger District Winter Recreation Travel Management Plan. Order No. 04-19-136. November 3, 2003.

Forest Service 2005. Salt Lake Ranger District Winter Recreation Travel Management Plan. Order No. 04-19-147. December 15, 2005.

Kahl, Rick 2006. *Rethinking Sled Culture*. Ski Area Management Magazine. January 2006.

Lipsher, Steve 2004. *Death on slopes raises issues*. Denver Post. December 24, 2004.

Nowak, Liesel 2005. *Appeal Denied in Skiing Injury*. Daily Progress, Charlottesville, VA. July 10, 2005.

Salt Lake City 1999. Salt Lake City Watershed Management Plan. November 1999.

TOA 1997. Letter to cabin owners and businesses regarding registration of snowmobiles and snowcats. Jerry Larson, Alta Marshall. November 24, 1997.

Town of Alta 2005. Town of Alta General Plan. November 2005.

Town of Alta 2006. Personal Communication.

UDOT 1986. Memorandum from Donald S. Coleman, Chief of Physical Resources Division, Utah Attorney General's Office to James Nelson. July 27, 1983.

UDOT 2005. Salt Lake City, Ogden, Provo & Vicinity Highway Map.

UDOT 2006. Letter from Randall R. Park, Region 2 Director, Utah Department of Transportation to Loren Kroenke, Salt Lake District Ranger. February 10, 2006.

U.S. District Court 2006. Wayne Crawford and Cardiff Landowners Ass'n v. Salt Lake County, State of Utah, U.S. Dep't of Agric., U.S. Forest Serv. (Case No. 2:06-CV-106). Order issued by Judge Paul G. Cassell. October 31, 2006.

WRCC 2005. Climate Data for Alta, Utah. Western Regional Climate Center. December 2005.

Glossary

Public comments indicated that there was some confusion over several terms used in the preliminary version of this document. For clarity and consistency, these terms are defined below and used throughout the environmental assessment.

Homeowner: The term "homeowner" reflects only the primary owner who would access and inhabit a residence in Albion Basin and Grizzly Gulch and includes their immediate family. Does not include those who own only land, without a home or cabin on the property.

Resident(s): The term "resident(s)" reflects all who would access and inhabit a residence in Albion Basin including the homeowner and family, guests, and tenants (short or long term). Does not include those who own only land, without a home or cabin on the property.

Residence: Structures used for overnight housing of homeowners, guests, and tenants. Includes what some would refer to as a "cabin", as well as more conventional understandings of a "home." Term does not necessarily imply the structure is used as a primary residence, or for year-round occupancy.

Winter: The annual period when winter motorized use is prohibited under the Travel Management Plan.

Ski Season: The period when Alta Ski Area is open for public lift-served skiing, typically the period from mid-November through mid-April.

Albion Basin: A general term for the easternmost area of Little Cottonwood Canyon, starting where the paved State Route 210 ends. This includes the Grizzly Gulch, Emma Heights, Cecret Lakes, Albion Alps, and Albion Basin homeowner areas.

Upper Albion Basin: Collectively includes the Cecret Lakes, Albion Alps, and Albion Basin homeowner areas and surrounding lands.

Grizzly Gulch: Area that generally includes the Grizzly Gulch and Emma Heights homeowner areas and immediate surrounding lands.

Summer Road: Term used interchangeably with Forest Road 28. Begins where the paved State Route 210 ends at Grizzly Gulch and terminates at Albion Basin Campground.

Ski Day: Ski area lifts are open from 9:15 am to 4:30 pm daily during the ski season. Maintenance activities, including grooming are conducted 24 hours a day, seven days a week, but tends to be scheduled mostly outside of the ski day.

Avalanche Control: Avalanche control activities are conducted dependent upon weather and avalanche conditions in numerous areas within and outside of Alta's permit boundary by Alta Ski Patrol and UDOT. Under Town ordinance, "Interlodge" closures are often in place and enforced and transportation in the Town boundaries is prohibited. Alta Ski Patrol routinely conducts avalanche control activities within its permit boundary and above the Albion Summer Road without Interlodge restrictions. Avalanche control activities can take place at any time during daylight hours, but are generally performed most often in the early mornings.

APPENDIX A: Scoping and Preliminary EA Comments and Responses

A) Legal Access

Comment A1: Development of ski area facilities in Albion Basin was approved in 1981 subject to the valid existing rights of cabin owners. Both the Forest Service and Alta Ski Lifts agreed at that time that homeowners' access would not be compromised. This proposal ignores that commitment and the legal rights of homeowners.

Response: *Nothing in the 1981 Albion Basin Area Ski Lift EA makes development and operation of ski facilities subservient to homeowner access. That motorized travel in an otherwise closed area be in compliance with Forest Service regulations was as much a requirement in 1981 as it is now, regardless of whatever informal agreements were signed. While there was a consensus to preserve resident access, as it existed in 1981, conditions have changed substantially in the past 25 years, including the number of homes, the number of OSVs in use, and the frequency of resident OSV trips. The Forest Service cannot ignore the hazard posed by resident OSV travel that exists today and the EA strives to achieve a balance in providing residents with adequate access and addressing skier safety.*

Comment A2: The routes to access the private property crosses lands that were once owned by the U.S., patented into private ownership, and then reacquired by the Forest Service. Thus, the Forest Service is subject to the vested rights of landowners and the public who use these routes.

Response: *As shown in Figure 2 and discussed in section 1.3.1 of the EA, virtually all of the OSV routes residents use cross land that has never left federal ownership.*

Comment A3: Platted subdivisions in Salt Lake County have a guaranteed right of motorized access and this cannot be restricted or regulated by the Forest Service.

Response: *Local government's approval of a subdivision does not guarantee that a right-of-way exists across adjacent Federal land.*

Comment A4: It is illegal and unconstitutional for homeowners to be provided an exemption allowing motorized access and not allow the same for landowners without a cabin or home.

Response: *Federal regulations at 36 CFR 251.114 makes it clear the Forest Service authorized officer has the responsibility to make such determinations.*

Comment A5: The rights of the ski area shouldn't supercede the rights of homeowners. If there are safety considerations, then the ski area's permit should be rescinded, suspended, or its operations modified.

Response: *See Response to Comment A-1.*

Comment A6: The 1996 "agreement" involving the Forest Service, the ski area, and some homeowners to follow certain routes cannot be used to take away fee interest in homeowner's land.

Response: *See Response to Comment A-1. The requirement for homeowners to obtain a special use authorization, or for the Forest Service to modify motorized travel restrictions in an otherwise restricted area, have existed for decades.*

Comment A7: Town ordinance #11-344-Q contradicts the Forest Service's legal requirement to provide "access adequate for reasonable use and enjoyment (36 CFR 251.110)."

Response: *It's unclear exactly which provisions of the referenced legal requirements are perceived as being in conflict. It is common that the Forest Service and local government would have overlapping regulatory requirements, but the fact an overlap exists is not evidence of a conflict.*

Comment A8: Historic documents have been presented during the scoping process that may not be relevant to the operation of a modern ski area that has recently been issued a 40-year permit. By contrast, it appears that there is no documentation of OSV use to access cabins prior to the time that the Albion Lift was constructed in 1962.

Response: *Little information surfaced during scoping about historic OSV use by residents, though there was not a specific solicitation for this information. Comments on the Preliminary EA, however, did reveal some additional information about historic use of OSVs in the area. This is now summarized in section 1.3.2 of the EA. As noted in the Response to Comment A-1, conditions have changed dramatically over the years, including the installation of ski facilities in Albion Basin and increased resident OSV use.*

Comment A9: Neither the Town, nor the Forest Service, can legally enforce any limits on a private property owner's right to freely access their property. Revised Statute 2477 (R.S. 2477), the Alaska National Interest Lands Conservation Act (ANLICA), the National Environmental Policy Act

(NEPA), other Federal laws, State and local laws, and the Forest Service's own internal policies do not allow this proposed amendment.

Response: *The authority for the Forest Service to regulate private landowner's motorized travel across NFS land and to apply reasonable terms and conditions to this use is specified in Federal regulations (36 CFR 251.110). No R.S. 2477 right-of-way has been established, nor has one been asserted by the proper authorities that would allow consideration by the Forest Service. NEPA is a procedural law that requires consideration of the environmental effects of Federal actions and public involvement in decision-making; it does not direct any particular outcome.*

Comment A10: Forest Road 028 is State Road 210, over which anyone is allowed unrestricted travel to Albion Basin Campground. Documentation of State Road 210 exists on U.S. Geological Survey maps printed in 1903, 1905, 1919, 1930, and 1936 and a "City Street Map, Alta, Salt Lake County, Utah (Utah Department of Transportation 1993). There is no recorded conveyance of State Road 210 to the Forest Service. The State's ownership of the road is further supported by the fact that the Town receives funding to maintain the road.

Response: *Depictions on maps do not convey ownership or jurisdiction from the Forest Service. To document such a transfer involving public domain lands, there must be a grant for the right-of-way in question and none appears to exist. There was no need for the State of Utah to convey a right-of-way to the Forest Service, since their ownership has not been established. Further, the Utah Department of Transportation and the Utah Highway Commission have provided information during the development of this EA indicating they do not believe the road is a State highway.*

Comment A11: A 1941 deed conveyed an easement from Salt Lake County to the Forest Service for a section of Forest Road 028. The language of the easement documents that State Road 210 exists from the Town to Albion Basin Campground as a "public highway." Thus, its use cannot be restricted by the U.S. government.

Response: *The deed cited applies to a right-of-way across several parcels of private land located in the Grizzly Gulch area. The existence of a County right-of-way extending to Albion Basin Campground has not been established and the Forest Service has full authority to reasonably regulate homeowner-motorized travel across NFS lands there. The reference in the County deed does not constitute the grant that would be required to document a State right-of-way as described in the response to Comment A10.*

Comment A12: The Forest Service has ignored case law that makes it illegal to do what it has proposed (Case No. 04-4071 and No. 04-4073 SUWA v. BLM 2:96CV-836-TC).

Response: *The legal circumstances described in the EA are consistent with applicable case law.*

Comment A13: Homeowners have had motorized access to their homes for many years. This uninterrupted use has established a prescriptive easement under Utah law. Thus, the Forest Service cannot regulate homeowner's access.

Response: *The concept of prescriptive easements does not apply to land that has never left Federal ownership.*

Comment A14: The Forest Service hasn't done the proper legal research, which would demonstrate that it can regulate homeowner's access.

Response: *The research is summarized in sections 1.3.1 and 1.3.2 of the EA and the conclusions drawn are consistent with law, regulation, and policy.*

Comment A15: The Forest Service does not have the authority or jurisdiction to regulate the Shrontz estate's OSV use on the road under terms of a 1941 easement. The easement grants public use of a "public highway." This applies to both the estate's private property where the Forest Service holds an easement and the intervening NFS land to the end of the pavement.

Response: *The 1941 easement granting the United States a right-of-way pertains only to five patented mining claims in Grizzly Gulch. It states, "[T]he right-of-way hereby granted is for the construction and full free and quiet use and enjoyment by the United States Government and by the general public as a public highway..." Nothing in the easement limits the Forest Service's jurisdiction or authority to reasonably regulate use of the road on adjacent NFS land, regardless of whether this use is by public or by present-day owners of the property. As noted in the response to Comment A16 and in section 1.3.1 of the EA, alternative processes outside of this EA are available to resolve differences of opinion about preexisting rights across Federal lands.*

Comment A16: The road extending from the end of the pavement through the Grizzly Gulch area is a Dedicated Use Highway and is under the jurisdiction of the State of Utah. Thus the Forest Service has no authority to regulate use of this road.

Response: *The analysis in this EA is focused on managing winter resident motorized use within a portion of Alta Ski Area. It is not intended to document an in-depth evaluation of legal issues related to land status and historic rights-of-way. Since release of the Preliminary EA, no information has surfaced which substantively alters the agency's conclusions summarized in section 1.3.1 of the EA. Those who disagree with the agency's interpretation in these matters are free to seek regress through the Federal Quiet Title Act.*

B) Socio-Economic

Comment B1: Some homes are primary residences and families have a need to run business errands, travel to and from work, transport children to school, carry luggage for homeowners and guests, travel for medical appointments and emergencies, and go shopping.

Response: *Socio-economic concerns and terms of access were considered significant issues in the EA. They are addressed in detail in Chapter 3 of the EA. Alternative D in the EA was created, to some degree, to address the issue of additional flexibility of access for residents by allowing unrestricted use of snowmobiles on the designated route.*

Comment B2: Many businesses are not open until mid morning, which would require leaving home hours before it would otherwise be necessary and not be able return to their homes until several hours later.

Response: *See response to comment B1.*

Comment B3: Periodically it is necessary for utility companies and contractors to send service people to homes and cabins to do work. The proposed schedule would force these service people to travel only during evening hours.

Response: *See response to comment B1.*

Comment B4: The proposal is overly restrictive for those who have jobs in the Town. Workers in lodges often have shifts that don't match at all with the 8 AM to 5 PM hours. There should be an exemption for those who live in the area, but work in the lodges.

Response: *See response to B1.*

Comment B5: The proposed hours of restrictions would prevent reasonable use of private property and make homes virtually unusable for half of each year.

Response: *See response to comment B1.*

Comment B6: The proposal is inconsistent with the Americans With Disabilities Act because of the way it would limit access for people with disabilities and the elderly.

Response: *Under section 504 of the Rehabilitation Act of 1973, no person with a disability can be denied participation in a Federal program that is available to all other people solely because of his or her disability. In conformance with section 504, wheelchairs are welcome on all NFS lands that are open to foot travel, even if they are battery-powered. However, there is no legal requirement to allow people with disabilities to use OSVs or other motor vehicles on roads, trails, and areas closed to motor vehicle use because such an exemption could fundamentally alter the nature of the Forest Service's travel management program (7 CFR 15e.103). Reasonable restrictions on motor vehicle use, applied consistently to everyone, are not discriminatory.*

Comment B7: The assertion that the Forest Service has the right to regulate travel by homeowners has diminished property values and may make the agency liable for compensating owners for a taking.

Response: *The requirement for homeowners to obtain a special use authorization, or for the Forest Service to modify motorized travel restrictions in an otherwise restricted area, have existed for decades and are consistent with agency policy. Assessing perceived effects to property values is outside the scope of this EA.*

C) Safety

Comment C1: Compressing homeowner's travel as proposed would compound the hazard problem because more people would be traveling in a shorter period of time in darkness.

Response: *This issue is discussed and analyzed for each alternative in Chapter 3 of the EA.*

Comment C2: The level of snowcat and snowmobile use for access to homes has steadily increased. Mixing skier traffic with OSVs, particularly those that are not under the control of the ski area, creates a serious risks for several hundred thousand skiers every year. In addition to the risk of a collision, snowcat use after morning grooming is completed creates ruts and snow chunks that are a hazard to skiers.

Response: *These issues are addressed in detail in the EA.*

Comment C3: It is inconsistent to say that there is a serious hazard related to OSVs and skiers and then for Alta Ski Lifts to have introduced snowcat skiing in the Grizzly Gulch area.

Response: *Grizzly Gulch snowcat skiing occurs on private land that is not a part of the ski area and is not within the scope of this EA. Regardless, there are substantial differences between the two situations. Backcountry skiers use this area in much lower numbers than the thousands who ski in Albion Basin on many days. In addition, the skill level of backcountry skiers, and thus their ability to avoid colliding with the snowcat that's used in Grizzly Gulch, is much greater than many of the lower level skiers using runs like Crooked Mile and Home Run in the developed ski area. Finally, a single snowcat is used for the guided ski operation, while there is a relatively large number of resident OSVs in use in Albion Basin.*

Comment C4: The proposed restrictions would force homeowners to access cabins on foot or skiing on ungroomed trails, or through snowdrifts which poses a safety risk.

Response: *All action alternatives allow OSV use, some more than others. Chapter 3 of the EA discusses safety issues – including resident safety.*

Comment C5: The proposal is completely unnecessary since there has never been a documented case of a skier collision with a homeowner's OSV.

Response: *Although there is no documented case of a skier collision with a resident's OSV in Albion Basin, the EA notes that collisions have occurred at other ski areas and usually result in serious injury or death. It would not be responsible for the Forest Service to wait until a serious accident occurs to take action. Section 3.3 summarizes the OSV/Skier safety issue.*

Comment C6: It is not just the ski area who has a safety concern. Skiers crossing private property create hazards for homeowners. There were agreements reached in 1981 that private property would be protected and this has not been happening.

Response: *These concerns are outside the scope of this EA and Forest Service jurisdiction and should be addressed directly to Alta Ski Lifts.*

Comment C7: Collisions between OSVs could occur during stormy weather. Some of the proposed routes may pose a greater avalanche hazard.

Response: *These issues are addressed in Section 3.3 of the EA.*

Comment C8: Snowcats pose a greater risk to skiers than snowmobiles because they are slower and leave ruts on ski runs.

Response: *Alternative D addresses the different risks posed by snowcats and snowmobiles.*

Comment C9: The proposed restrictions do not account for OSV travel by the ski area, the Town Marshall, and Utah Power and other utility companies. Restricting only homeowner's travel doesn't solve the problem.

Response: *Section 1.4 of the EA describes the purpose and need for action in terms of addressing skier safety issues that arise as a result of resident OSV use. It was not the intent of the EA, or the proposed Travel Management Plan amendment, to address issues related to all OSV use in the area. That said, it should be noted utility company winter access is infrequent and that Alta Ski Lift's OSV use is covered by a special use permit, company safety procedures, and liability insurance. OSV use*

by the Town Marshall is provided for in both the existing and proposed Travel Management Plan through a specific exemption.

Comment C10: Instead of applying overly restrictive new regulations, the current restrictions should be strictly enforced by the Town. This includes the requirement for no pleasure riding; following speed limits; having safety equipment, such as lights, beacons, flags, and horns; and trail head parking. There could also be a requirement that both drivers and OSVs be registered and that there be an education program for drivers which would include a driving test.

Response: *The Forest Service agrees that Town OSV rider registration and education programs, as well as safety restrictions, will help to mitigate some of the skier safety concerns. However, this is a mitigation measure that could complement an alternative, but not a separate alternative.*

Comment C11: Motorized travel in Albion Basin should not be restricted in the case of medical emergencies.

Response: *The current Travel Management Plan has an exemption for emergencies: “Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.” No person should feel they would be prosecuted in the event of a true medical emergency.*

Comment C12: The risk of OSV-skier collisions should be quantified. The probability of a collision is extremely low.

Response: *While the chance of a collision may be low, OSV-skier collisions do occur in ski areas around the country (See Section 1.3.4 of the EA) and often result in serious injury or death. In addition, the EA clearly documents a serious risk exists at Alta Ski Area, regardless of any probability analysis that might be conducted.*

D) Liability

Comment D1: The Forest Service should amend the ski area’s special use permit in such a way that would remove the need to indemnify the agency from “all” liability within the permit area. Doing so would eliminate the business risk and liability the ski area may face.

Response: *Federal regulations at 36 CFR 251.56(d)(1) require that special use permit holders indemnify the Forest Service and this permit condition cannot be waived.*

Comment D2: The ski area special use permit with the Forest Service requires the ski area to indemnify the Forest Service, but the indemnification requirement seems inconsistent when property owners are allowed nearly unrestricted travel within the ski area.

Response: *Resolving the fact that current resident OSV travel occurs in violation of Forest Service regulations was among the reasons for undertaking this EA.*

Comment D3: A “hold harmless” agreement should be required for homeowners who access their homes during ski area operating hours.

Response: *An agreement that residents hold the ski area, Forest Service, and the Town harmless from claims may address some of the concerns about OSV access. However, for the Forest Service this could only be implemented and enforced through the terms of a special use permit. It may be a*

measure that could be applied through the Town's licensing and registration program. Regardless, this EA is focused on skier safety and environmental issues, rather than liability concerns.

Comment D4: The proposal is being pushed through by the ski area to limit their liability and decrease their insurance costs

Response: *The ski area has a legitimate concern for skier safety and liability given OSV-skier accidents at other ski areas (see Section 1.3.4 of the EA). However, the main purpose for this proposal is to strike a balance between skier safety and homeowner access, not to decrease ski area's insurance costs – which is outside the scope of the analysis.*

Comment D5: The Travel Management Plan proposal is contrary to the intent of the Utah legislature (UCA 78-27-52) because it shifts the inherent risks of skiing from skiers to the backs of the property owners through curtailed access.

Response: *The Utah skier liability statutes protect ski area operators from claims resulting from accidents involving the "inherent risks of skiing." OSVs operated by private individuals are not among the items listed in the law as being integral to the sport of skiing and would not be considered an inherent risk, regardless of the Travel Management Plan.*

Comment D6: Homeowners could be required to indemnify the Forest Service and the ski area.

Response: *See response to Comment D3.*

E) Other Alternatives/Suggestions

Comment E1: Any perceived risk or hazard to skiers can be ameliorated by equipping OSVs with flashing lights, bright paint, and noise-making devices.

Response: *The EA notes (section 2.4) that lights and bright paint are mitigation measures that could complement any alternative, but by themselves would not adequately address the safety issues.*

Comment E2: The existing winter route for homeowners through the ski area is the best all-weather route since it avoids avalanche zones and can be traversed when snow accumulations would be so deep as to not allow snowcat and snowmobile travel on other routes.

Response: *Alternatives B and D follow the existing winter route.*

Comment E3: The Forest Service should enforce the current travel plan regulations, or modify them so as to minimize the hazard.

Response: *These considerations were among the primary objectives in developing the proposal and are reflected in the alternatives in the EA. The "no action" alternative would enforce the current travel plan.*

Comment E4: The potential for skier collisions with OSVs varies greatly between the subdivisions. The potential seems quite low at Emma Heights and Grizzly Gulch and considerably higher for homeowners traveling to Cecret Lake area and Albion Alps subdivision. This difference should be reflected in the decision.

Response: *In response to this and similar comments, Alternative D was included in the EA.*

Comment E5: The ski area should build and maintain a separate uphill corridor with better marked crossings that could be used instead of the existing route through the ski area. For example, a “day route” could be established which would generally follow the summer road to near the top of the Albion Lift. From there the trail could follow the contour into the Albion Basin Subdivision at the Lincoln White cabin and circle through Albion Basin to access Albion Alps and Cecret Lake areas. Another option would be to establish a route along the terrain park.

Response: *Alternative C incorporates these suggestions and others received from residents.*

Comment E6: Travel routes should be better designated and marked on the ground. Homeowners should take the responsibility for maintaining these routes.

Response: *Implementation of any of the action alternatives in this EA would involve designating route/s for OSV travel. Improved signage of travel routes is a mitigation measure that can improve safety, but would not sufficiently address the issue to justify treatment as a discrete alternative.*

Comment E7: The ski area or Forest Service should build tunnels or bridges at ski crossings to limit the possibility of a collision.

Response: *Section 1502.14 of the Council on Environmental Quality NEPA regulations requires the EA to examine all reasonable alternatives to the proposal. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable. Although bridges and ski crossings are common at some ski areas, most were incorporated into the design of real estate developments in association with the ski area development. There, the costs, resource and visual impacts, and skier flow impacts of these measures were incorporated into the design of the facilities. Neither the Forest Service nor the ski area has a legal obligation to provide these facilities. Consequently this option was considered, but not included for detailed study in the EA.*

Comment E8: If hourly restrictions are necessary, then there should be a designated time for homeowner OSV travel each hour between 8 AM and 5 PM.

Response: *Alternative D allows snowmobile use during the hours of 8 AM and 5 PM. Limiting resident snowcat and snowmobile use to a designated time each hour during the ski day might improve the safety situation to some degree. However, it would not adequately address the situation and would be very difficult to manage and enforce.*

Comment E9: Mass public education should be used to notify everyone about the public and private ownership. All people should be reminded to stay on designated routes and off private property. This should include signs at the end of the ski area past the last ski run, “Crooked Mile.” The sign should state that certain conditions and restrictions apply and that OSVs may be operating in the area. Also, signs and maps should be placed at key locations and should include information about who has the right-of-way and the need to travel in single file.

Response: *The issue of skiers trespassing on private property is outside the scope of this EA. Installation of various types of signs is considered in the EA as part of the solution in addressing skier safety issues, but is not a full alternative.*

Comment E10: State Road 210 should be plowed about 100 yards further than it currently is. At that point, OSVs would park on private land. There, maps and signs should be installed which would note that the property is private land.

Response: *This section of road is not considered State highway, but is a Forest Service road. Regardless, plowing snow from it and posting private property information there would not address skier safety issues elsewhere in Grizzly Gulch and Albion Basin.*

Comment E11: The ski area should allow homeowners to audit a safety class on OSVs and take a written test, as they probably do for their employees.

Response: *The Forest Service encourages all efforts to educate OSV users. However, there is no mechanism by which the Forest Service could require or enforce this measure as a requirement.*

Comment E12: Forest Road 028 is sometimes not available as a travel route because of avalanche danger under Patsy Marley.

Response: *The avalanche safety issue is discussed in Section 3.4 of the EA.*

Comment E13: The Town should issue permits if it is not feasible for the Forest Service to issue 36 special use permits.

Response: *Only the Forest Service has the authority to issue “special use permits” on NFS land. The Town may choose to issue their own permits or licensing requirements, however it is the conditions under which OSV travel is allowed which are important, rather than the document under which it is authorized.*

Comment E14: An alternative should be included for study, which limits homeowners’ access to non-motorized means and the use of existing ski area facilities.

Response: *The “no-action” alternative would enforce the current travel plan restrictions and only allow non-motorized access.*

Comment E15: State Road 210 should be plowed throughout the winter from the Town to Albion Basin Campground.

Response: *See responses to Comments E7 and E10.*

F) Fairness

Comment F1: The proposal is unreasonable because it creates an expense for homeowners in order to accommodate skiers who are their only for a recreational pursuit. Homeowners have a permanent interest and long term stake and commitment, whereas recreational users are merely temporary.

Response: *Because residents may have to bear some additional expense or effort in addressing safety issues for skiers does not make the proposal or some alternative to it unreasonable. Homeowners have a legal right of access, subject to such reasonable terms and conditions, as the Forest Service deems necessary to protect Forest resources and programs. This requires the Forest Service to carefully balance the interests of recreational skiing and homeowner access.*

Comment F2: It is unreasonable to punish homeowners who follow the rules because of a few who do not stay on designated routes or who have not been prudent in the use of their OSVs.

Response: *As noted in sections 1.2.4 and 1.4 of the EA, the need to address this issue does not arise from violations of rules, but from an increase in resident OSV use and skier traffic.*

Comment F3: Alternative D gives favored treatment to Grizzly Gulch area homeowners and discriminates against homeowners in the Albion Basin area.

Response: *There is no requirement that each group of residents have the same conditions applied to their access. Alternative D was developed because the analysis process showed the motorized travel route for Grizzly Gulch residents has fewer skier safety concerns than travel routes for upper Albion Basin residents.*

Comment F4: The combination of periodic Interlodge travel restrictions due to high avalanche hazard and this proposal is overly burdensome and unreasonable.

Response: *The combination of Interlodge restrictions and winter travel restrictions would have a cumulative effect on residents. Interlodge travel restrictions occur relatively infrequently and are enforced by the Town for public safety and are not in conflict with Forest Service travel management.*

Comment F5: It is illegal and unconstitutional for the Town to regulate OSV use and prohibit pleasure riding.

Response: *The Forest Service, through travel management plans, has the authority to regulate motorized use of National Forest System lands. The Albion Basin area is currently closed to all winter motorized travel, including pleasure riding. The Forest Service also believes that the Town has the authority to regulate OSV use within its boundary and that there is no constitutional conflict.*

Comment F6: The 2003-04 Environmental Report for the ski area states, “the OSV is an essential component to living in an area that receives over 500 inches of annual snowfall.”

Response: *The Environmental Report was referring to ski area operations, not transportation to private residences. The actual quote from the report is: “snow-grooming equipment and snow-transportation vehicles are an essential component to a **successful ski area operation** (emphasis added), especially one like Alta with 500 inches of annual snowfall.(Alta’s Environmental Review 2003-2004, p.13.”*

G) Environmental and Cultural Resource Impacts

Comment G1: There are resource conditions that are clear extraordinary circumstances and some of the related affects appear to be cumulatively significant. In addition, there is uncertainty as to the degree of the significance of the direct/indirect/cumulative effects. In particular, this includes the proposed action’s effects on threatened, endangered, sensitive species and habitats (i.e., Lynx, Goshawk, Three-toed woodpecker and other sensitive avian species, and plants Federally-listed as threatened, endangered, or classified as Forest Service sensitive species (TES). There is also concern about the degree of effects on amphibians, mollusks, wetlands, and archeological/historic sites. For these reasons an EA should be prepared.

Response: *An Environmental Assessment has been prepared. The Biological Assessment/Biological Evaluation (BA/BE) determined there would be “no effect” or “no impact” on TES species.*

Comment G2: Many actions have and are being implemented in the area, each of which includes “may effect” determinations for Management Indicator Species (MIS) and Threatened and Endangered Species. Cumulatively this action looks to result in significant effects requiring an Environmental Assessment or Environmental Impact Statement, instead of a Categorical Exclusion using an undisclosed category.

Response: *See response to Comment G1. The wildlife report prepared for this analysis concludes there will be no adverse effect to MIS.*

Comment G3: While not in a Lynx Analysis Unit, this area has lynx habitat, is a corridor for lynx, and lynx have been documented in this part of the WCNF in recent years. Lynx may be using this area right now. The EA or EIS should include a rigorous analysis of the direct, indirect, and cumulative effects to lynx and lynx habitat. This issue alone is significant enough to compel further alternative development. The Forest should implement mitigation measures that exceed LCAS standards and guidelines for lynx. The analysis must include a rigorous examination of effects to Threatened and Endangered Species and MIS and use this information in the development of alternatives. The analysis needs to include original surveys in the area, cumulative effects analysis, identification of what MIS are included in the study, the population data in the project area, and information about how it was decided which MIS to use to meet the Forest Plan and NFMA monitoring obligations.

Response: *A Biological Assessment/Biological Evaluation has been prepared and it was determined there would be “no effect” on Canada lynx. The resident winter travel routes are located within a busy alpine ski area that is not suitable habitat for Canada lynx.*

Comment G4: The Forest Service manual and handbook requires the Forest Supervisor to determine the distribution, status, and trend of sensitive species and their habitat. Site-specific data from surveys regarding sensitive species is needed to inform this decision and projects need to maintain or improve conditions for these species.

Response: *See response to Comment G1. Surveys have been conducted for Forest Service sensitive species in appropriate habitat. MIS surveys are done and analyzed on the Forest-wide scale and were used in developing the BA/BE.*

Comment G5: Wolverines are a Forest Service-designated sensitive species and evidence of wolverines has been documented in northern Utah and southwestern Wyoming. The Forest Service must conduct surveys to determine the distribution, status, and trend of wolverine since this species is likely to incur further cumulative impacts through this proposal. The Forest Service must select an alternative that provides the most secure, non-motorized habitat for wolverines in the area.

Response: *A Biological Assessment/Biological Evaluation has been prepared and it was determined there would be “no impact” on wolverines. The resident winter travel routes are located within a busy alpine ski area that is not suitable habitat for wolverines.*

Comment G6: The site-specific analysis must include a rigorous analysis of effects to migratory birds as required under the Migratory Bird Treaty Act and Executive Order 13186.

Response: *The Memorandum of Understanding (MOU) required by the Executive Order on migratory bird conservation is being done at the national level. An MOU is not required at the Forest level and there are no requirements that proof of an MOU be demonstrated in any project document. The Wasatch-Cache National Forest has no authority or control over this national effort.*

Comment G7: The distribution, status, and trend of sensitive species and their habitats must be determined. Projects need to maintain and improve the distribution and trend of these species and their habitats and data from site-specific surveys must be used in the effects analysis.

Response: *See response to Comment G4.*

Comment G8: Many of the Albion Basin homes built in the mid-1950s have reached or are nearing the age of qualifying for the National Register of Historic Places.

Response: *The Forest Service is not required to give special consideration to historic structures on private land. Regardless, neither the Proposed Action, nor any of the alternatives in the EA would alter the character of homes in the area.*

H) NEPA Comments/Forest Service Process

Comment H1: The Preliminary EA uses unsubstantiated claims on safety concerns and history of OSV use.

Response: *The Final EA provides more detail on the risk of OSV-skier collisions and clarifies the history of OSV use in Albion Basin.*

Comment H2: The “No Action” alternative should be to continue the status quo where homeowners can use OSVs at any time.

Response: *This would not meet the purpose and need for action and would require the Forest Service to ignore enforcement of the existing Travel Management Plan.*

Comment H3: A separate map/plan should be developed for OSVs to address homeowner’s travel and it should be of sufficient detail to designate routes and distinguish private land from National Forest land.

Response: *The maps provided in the EA include this information.*

Comment H4: A project area boundary needs to be identified or presented in order to make effects analysis determinations meaningful.

Response: *See response to comment H3.*

Comment H5: The designated route into cabins in the Secret Lakes homeowner area is unclear. This needs to be identified because of the ski trails that it would likely cross.

Response: *There is no existing designated OSV route to the Secret Lake area. The reasons and history behind this is presented in sections 1.5.2 and 2.2 of the EA. However, Alternatives C and D include a designated OSV route that would be available from 5 PM to 8 AM.*

Comment H6: The EA should discuss the history of the ski area's special use permit.

Response: *This is included in section 1.3.3 of the EA.*

Comment H7: The District Ranger's association with the Town constitutes a breach of trust and conflict of interest regarding this proposal.

Response: *With overlapping administrative boundaries, it is important that the Forest Service regularly coordinates its activities with the Town. This coordination is the same that occurs with a variety of State and local government entities.*

Comment H8: The Devil's Castle Chalet is not clearly depicted in the Preliminary EA figures.

Response: *The figures in the EA are not intended to depict each home or cabin.*

Comment H9: The Preliminary EA uses bad data on the number of homeowners and OSVs.

Response: *The Forest Service contacted the Town who registers OSVs. At the time there were 121 OSVs registered and approximately 61 currently in use. See Section 1.3.2 for additional information.*

Comment H10: The proposal should clearly define "winter" – it does not take into account the fact that the ski area operating season does not coincide with the homeowner's needs for over-snow travel.

Response: *The Glossary section of the EA clarifies the term "winter." The alternatives include variable provisions for OSV travel during periods when the ski area is closed.*

Comment H11: The proposal should include homeowners, guests, family, and residents. The definition of "homeowner" should be clarified.

Response: *The Glossary section of the EA clarifies the terms "homeowner, tenant, guest, and landowner." The Glossary also includes a definition for the term "resident", which is used consistently throughout the EA to include homeowners, tenants, and guest.*

Comment H12: It is inconsistent with traditional notions of access to private property to limit motorized access to "homeowners and their immediate families". Such access is at the discretion of the property owners, not the Forest Service.

Response: *Federal regulations at 36 CFR 251.114 makes it clear the Forest Service authorized officer has the responsibility to make such determinations.*

Comment H13: The Travel Management Plan shouldn't apply because its title is "Winter Recreational Travel Plan." Homeowners are not "recreating" when traveling to and from their homes.

Response: *The Forest Service includes the term "recreational" in many of its travel plans and maps because these documents are used primarily by recreation visitors to the National Forest. However, Travel Management Plans cover all winter motorized use on National Forest System lands, regardless of the purpose of the travel. The Final EA is called "Albion Basin Winter Travel Management Plan Amendment."*

Comment H14: The scoping notice indicates that the travel plan amendment could be approved under a Categorical Exclusion (CE) and Decision Memo. However, there would seem to be no CE category that would fit the proposed action. Without this information the public has no idea if the proposed action fits the CE category contemplated, or any CE category for that matter.

Response: *Since the scoping notice was issued, the environmental review process has been modified and an Environmental Assessment has now been prepared.*

Comment H15: The proposed change in the Travel Management Plan requires that the 2003 Forest Plan for the Wasatch-Cache National Forest be amended.

Response: *Granting an exemption to the winter Travel Management Plan for residents does not require amending the Forest Plan. The Forest Plan does establish expectations for managing backcountry motorized winter recreation activities (page 4-92). While these are carried forward into District Winter Travel Management Plans, neither the proposed action nor any of the alternatives affect motorized recreation opportunities. Further, the Forest Plan's Winter Recreation Map for the Central Wasatch Management Area designates the Albion Basin area as neither "Motorized" nor "Non-motorized", but instead classifies it as "Ski Resort". As a developed ski area, the resident's motorized use would occur within an area that already sees the daily traffic of ski area snowmobiles and snowcats. Finally, the analysis in this EA is focused on finding a balance in the access rights of homeowners, versus the safety of downhill skiers. The Forest Plan was developed "subject to" the valid existing rights of property owners (Forest Plan, page 5-2).*

Comment H16: The range of alternatives being considered is not adequate and an alternative to deny motorized access and not approve the travel plan amendment needs to be included. This is important in completing the environmental analysis. It is also important since motorized access should not be increased in this area and because of the past pattern of disregard for the past (1996) agreements by the homeowners.

Response: *The "no action" alternative would enforce the existing travel plan restrictions for OSV use.*

Comment H17: This action may trigger a need for a roads analysis to inform the NEPA decision.

Response: *No roads will be built or altered as part of this project. The current Forest level Roads Analysis is adequate to inform the decision maker of any roads issues.*

Comment H18: Past forest management in this area has affected compliance with Forest Plan standards and guidelines, including those related to goshawk and lynx. It is important to show whether the proposed action will work towards attaining or moving further away from meeting standards and guidelines and *desired future condition* and *properly functioning condition*.

Response: *A Biological Assessment/Biological Evaluation has been prepared and it was determined there would be "no effect" on Canada lynx or goshawk. The resident winter travel routes are located within a busy alpine ski area that is not suitable habitat for Canada lynx or goshawk.*

Comment H19: A Biological Evaluation/Biological Assessment needs to be prepared to inform the development of the range of alternatives.

Response: *A Biological Evaluation/Biological Assessment was prepared and is in the project file.*

Comment H20: The Forest Service must analyze this project and make its determination under 1982 NFMA regulations since doing so under the 2005 regulations would be illegal. Under the 2005 regulations, there would be NO standards for Forest Plan implementation and this will violate conservation agreements for a variety of species. Further, this action could not be processed under the 2005 NFMA regulations since the Forest has not implemented an Environmental Management System (EMS) that includes a minimum scope of the “land management planning process.”

Response: *The Wasatch-Cache National Forest implements projects under the 2005 Planning Rule, the current regulations in effect. 36 CFR 219.14 (2005) defines the transition period for each unit of the National Forest System. The regulations allow until January 7, 2008 to establish an EMS.*

Comment H21: This project will directly impact wildlife individuals and populations, manipulate and alter major structural components of wildlife habitat, alter soil stability, and change vegetative cover. The Forest Service needs to modify the proposal so that it will not reduce wildlife populations to less than minimum viable populations. U.S. Department of Agriculture regulations requires wildlife monitoring to ensure that population and habitat goals for wildlife and plants in the area.

Response: *A Biological Assessment / Evaluation (BA/BE) was completed and it was determined that there would be “no effect” on any Federally listed threatened, endangered, or proposed plant or animal species; further, that there would be “no impact” on any Forest Service sensitive species.*

Comment H22: The comment period should be extended to allow for more analysis on historic use and access and to receive additional public comments.

Response: *Section 1.7 details the fairly extensive opportunities the public has had to offer comments on the proposal.*

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