

Summary of issues: MRZ revisions (Updated to January, 2017)

Note: The baseline MRZ draft ordinance upon which the planning commission voted, was a revision of the original public draft, having been edited by planning staff in response to the input received from the Blue Ribbon Commission as well as private citizens, groups and other interested parties through written or verbal testimony before the planning commission. The issues discussed below are those that remained in dispute in the baseline draft.

1. 19.13.020(A) – Minimum area requirements

It was suggested by both Save Our Canyons and Salt Lake City Public Utilities that the boundary eligible for Mountain Resort zones (village and recreation) should be confined to the areas inside the USFS ski area permit boundary. This topic was discussed between Save Our Canyons and Snowbird towards the end of the Planning Commission hearing process. While it was understood that there were differences between the ski resort boundaries shown on County General Plan documents and those shown by the Forest Service, there has been discussion that the USFS boundaries could be adjusted through the land trade process advocated by the Mountain Accord.

Planning staff was not supportive of the suggestion, because it would be the only place in the zoning ordinance where a zone boundary is dictated by a map created and approved by another entity. We were also concerned about the differences between the map shown by Mountain Accord and the map the County has on file as part of the 1999 Final Environmental Impact Study for Snowbird ([see maps attached to this packet](#)).

The planning commission recommended approval based on the map in the 1999 EIS document. However, it has since come to light that the 1999 map is not the current USFS ski permit boundary. In looking at the USFS boundaries overlaid on aerial photography, it appears that both the Snowbird and Solitude villages are outside the respective USFS ski permit boundaries.

Planning staff would recommend that if the Council wishes to add limitation language to this section of the ordinance, it would be better to tie the MRZ boundary to a ski resort boundary shown in the current (or future) adopted County General Plan.

2. 19.13.030 - MRZ Recreation District Permitted and Conditional Uses

The two issues that were raised regarding land uses in the MRZ recreation district were: 1) What uses are appropriate for this district? 2) Which uses are appropriate for slope/ridgeline exceptions?

With respect to the first issue, the current draft contains both permitted and conditional uses, consistent with other zones in the zoning ordinance. Conditional uses allow the planning commission to set reasonable conditions of approval to mitigate impacts. The uses that have been listed are based on the uses currently in place in the resorts in Big and Little Cottonwood Canyons as allowed in the existing zones. There has been some discussion about whether uses

such as restaurants, mountain coasters, and alpine slides should be allowed, but these uses have previously been approved and are in place in recreation areas. **The planning commissions' recommendations include specific changes as to what they deemed as appropriate permitted and conditional uses in the MRZ recreation district. Of note is the recommendation of the creation of a land use called "natural resource based recreational activity or facility."** This was recommended by the planning commission as a way to allow recreational uses that are in harmony with adjacent federal lands, which are governed by the federal Ski Area Recreational Opportunity Enhancement Act (SAROE) (Information regarding SAROE, the US Forest Service Manual, and natural resource based recreation is attached to this packet).

With respect to the second issue, the debate has been: of the uses allowed in this district, which ones should have automatic waivers of slope and ridgeline restrictions and which ones should not? Arguably, ski lifts, ski runs, mountain bike trails, zip lines and such would be obvious candidates, because they by definition involve steep slopes. Other uses, such as restaurants and Frisbee golf courses do not rely on steep slopes and would not receive slope/ridgeline waivers. **Ultimately, the planning commissions analyzed and determined which uses made sense for slope/ridgeline waivers.** It should be noted that uses that are not subject to slope/ridgeline requirements are subject to reasonable conditions of approval that preserve views, reduce adverse impacts on trees and vegetation, protect streams and wildlife, and reduce the overall degree of disturbance of steep slopes.

3. 19.13.040(A&B) - MRZ Village District

Similar to the issues raised above, the discussion in the MRZ village district has focused on: a) what uses are appropriate, and b) should all of the FCOZ restrictions apply or should some waivers be available? As with the recreation district, the uses listed in the village district are based on the uses allowed in the existing zoning and those that have been approved and are in place at the resorts in Big and Little Cottonwood Canyons. The same discussion regarding permitted vs. conditional uses has also taken place regarding the village district.

Based on the public input received regarding uses within the village, there was not as much debate about uses, other than whether uses like mountain coasters and alpine slides should be allowed. For the most part, the village district is seen as including all the uses that would be necessary to enable a small "village" to function (within the given constraints of the mountainous area). **As with the recreation district, the planning commission recommendations include changes to the list of permitted and conditional uses, with the conditional uses being those for which conditions of approval to mitigate impacts would seem warranted based on their intensity.**

The broader debate in the village district has been regarding what, if any, exceptions to the FCOZ requirements ought to be considered. As discussed above, the original concept was that the village would have a much larger list of uses, but because it is at the base of the mountain, fewer FCOZ waivers would be necessary. Watershed protection is of particular concern in the village district because the mountain base area is also where the wetlands and stream beds tend to be. However, as we looked at the existing resorts in the County, there are areas within the villages where slopes can exceed 30%. The draft has therefore acknowledged that those

recreation type uses which extend into both the village and recreation district (such as ski lifts, zip lines, etc.) may be on slopes over 30% and require FCOZ waivers. It was also pointed out that lots of record within FCOZ may apply to the planning commission for waivers to build on slopes between 30% and 40%, and the resorts asked for similar consideration. Because of the size, scale, and intensity of uses in the village areas, we felt that if such waivers were to be considered, there should be engineering-based criteria. **Borrowing from the ordinance used by Aspen, Colorado, the draft contains criteria based on soils, geology, avalanche, and slope stability studies.** While we realize that there are differences between Salt Lake County and Aspen, Colorado, the concept of requiring site specific studies to justify consideration of slope waivers has universal application, and the scientific principals behind such a study appear reasonable.

4. 19.13.080 – Transfer of Development Rights

Transfer of development rights (TDR) is a tool suggested by the Blue Ribbon Commission as a possible way to encourage remote canyon properties to be taken off the table for future development by allowing the density to be transferred to resort villages. The TDR ordinance used in the Snow Basin area was used as a model for this code (being recommended as successful by those local authorities). In that code, only that property that was considered fully “developable” has a development right to transfer, meaning all major issues, slope, water, access, etc. are in compliance. The Blue Ribbon Commission also suggested that the ordinance should encourage currently undevelopable inholdings to be purchased or traded with other properties to take them off the table while compensating owners of said properties.

After much discussion, the planning commissions recommended removal of the TDR section of the ordinance, noting that until such time as a broader study of sending and receiving properties, incentives, and potential negative consequences can be conducted, it is premature to enact this type of ordinance.

5. 19.13.020 (Tree replacement)

It was suggested by the resorts, that FCOZ tree replacement requirements should be waived for resort development. It was noted to the planning commission that the ordinance already contains exceptions for minor ski resort improvements, including removal of trees and vegetation. **Because other ski resort improvements come in a variety of sizes and impacts, the planning commissions recommended the addition of the paragraph (19.13.020(F)) requiring a ski resort applying for a new or expanded ski run to submit a forestry study containing mitigation measures.**

6. 19.13.040(E)(3)(d) - Do not exempt setbacks.

It was suggested that there be no exceptions to the setback requirements in the MRZ. Save Our Canyons stated, “Resorts are a highly intensive use that have huge impacts on adjacent activities, whether residential, commercial or recreational. Exempting setbacks will only propagate more conflict and result in negativity in our canyons.” Staff noted, however, that there are currently no setback requirements in the canyons; each site being approved on an

individual basis. This section of the MRZ sets forth some basic setbacks, while still allowing the flexibility that may be necessary in a canyon environment (particularly given the preference to cluster buildings in exchange for preserving open space). **The planning commissions recommended approval of this part of the draft as written.**

7. 19.13.050(B) and 19.13.060(B) - require coordination with agencies

It was suggested that the review process for MRZ Area Plans and MRZ Village Development Plans be amended to require coordination with the USFS, Salt Lake County Watershed, and Salt Lake City Public Utilities to ensure MRZ Village plan is consistent with their plans, goals and knowledge of what the resort proposing to encourage intergovernmental relations and agency coordination. **After discussion, the planning commission recommended adding notification to the U.S. Forest to both sections, but refrained from naming other local agencies (with the understanding that it is already the practice that all agencies with applicable codes and ordinances to consider are involved in this type of process).**

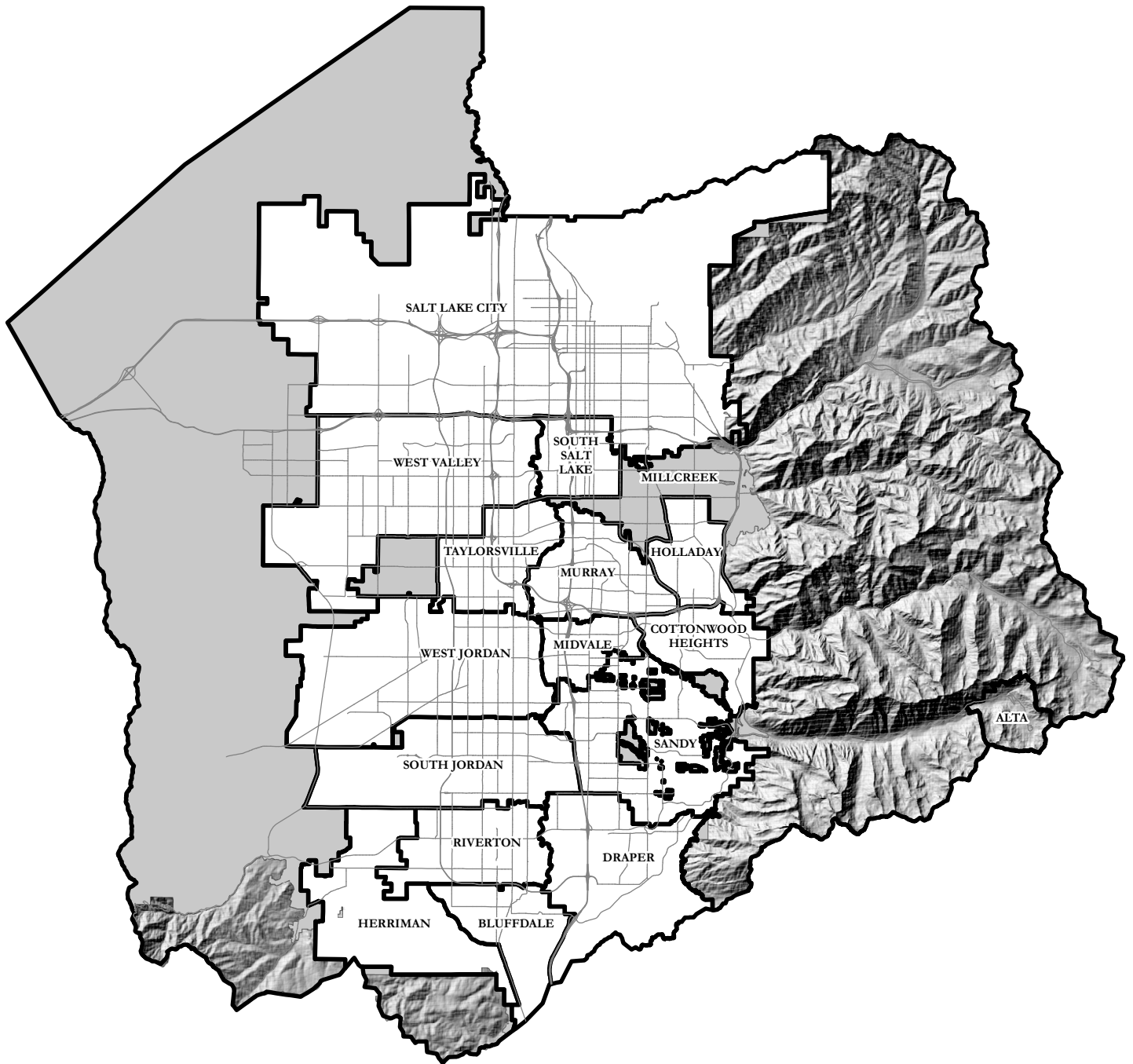
8. 19.13.070(D) - Screening against Environmental Dashboard

It was suggested that the ordinance require screening against the environmental dashboard data. Specific reference was not made in the draft to the dashboard for two reasons: First, the dashboard project is still in its early stages, and it remains to be seen when it will be ready, what information will be included, and what the final name will be. Second, the dashboard is intended to show raw data, but not draw conclusions or make recommendations about policy decisions based on that data. Having a raw set of numbers about chloroform counts in a stream, for example, will not help a planning commission make a decision unless there are policies in place indicating appropriate thresholds and what actions are recommended to achieve those. **The planning commissions recommended approval of this part of the draft as written.**




Attachments:

1. FCOZ area map
2. US Forest Service ski area permit boundary map
3. Snowbird ski boundary map from the US Forest Service 1999 Environmental Impact Study
4. The Ski Area Recreational Opportunity Enhancement Act of 2011 ([SAROE](#))
5. Excerpts from the US Forest Service Manual ([FSM2340](#))
6. Excerpts from [Heavenly Mountain Resort](#) and [Vail Mountain](#) records of decision

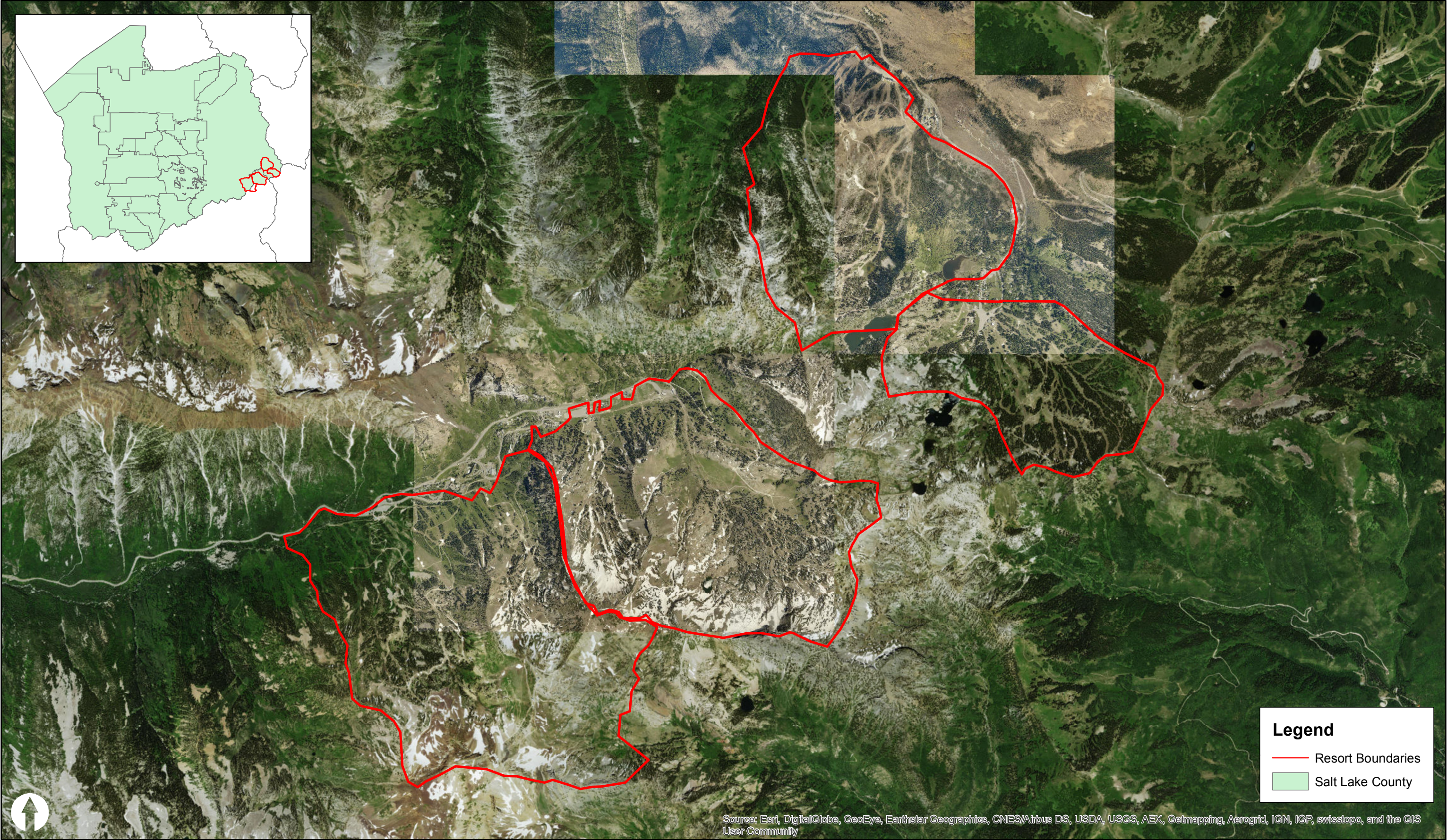
Foothill & Canyons Overlay Zone of Salt Lake County



Legend

-  Municipal Boundaries
-  Foothill & Canyons Overlay Zone
-  Unincorporated County

Resort Boundaries



Snowbird Ski and Summer Resort

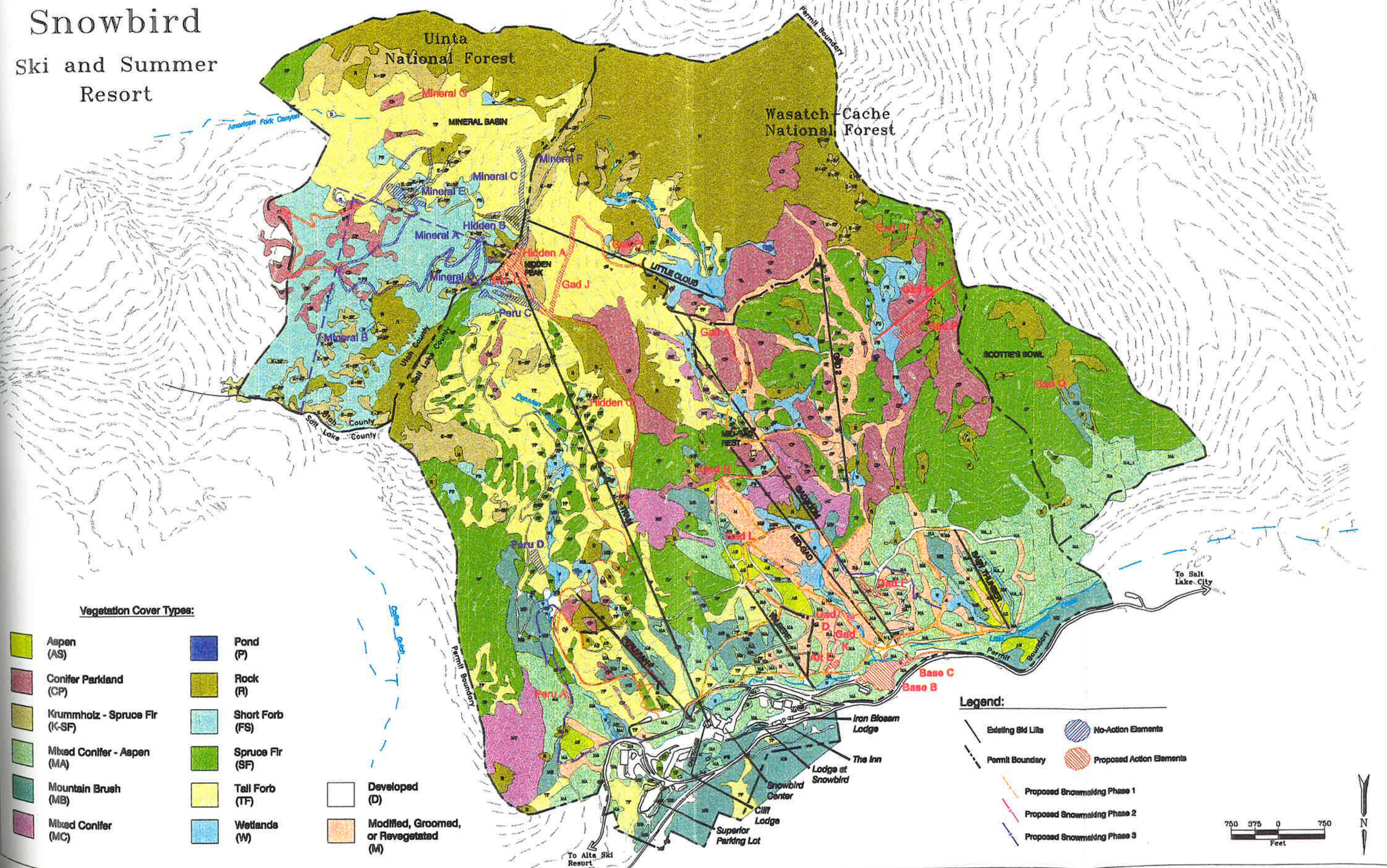


Figure 4-7. Vegetation cover types and MDP elements at Snowbird Ski and Summer Resort.

One Hundred Twelfth Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the fifth day of January, two thousand and eleven*

An Act

To amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ski Area Recreational Opportunity Enhancement Act of 2011”.

SEC. 2. PURPOSE.

The purpose of this Act is to amend the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b)—

(1) to enable snow-sports (other than nordic and alpine skiing) to be permitted on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b); and

(2) to clarify the authority of the Secretary of Agriculture to permit appropriate additional seasonal or year-round recreational activities and facilities on National Forest System land subject to ski area permits issued by the Secretary of Agriculture under section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

SEC. 3. SKI AREA PERMITS.

Section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) is amended—

(1) in subsection (a), by striking “nordic and alpine ski areas and facilities” and inserting “ski areas and associated facilities”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “nordic and alpine skiing operations and purposes” and inserting “skiing and other snow sports and recreational uses authorized by this Act”;

(3) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(4) by inserting after subsection (b) the following:

“(c) OTHER RECREATIONAL USES.—

“(1) AUTHORITY OF SECRETARY.—Subject to the terms of a ski area permit issued pursuant to subsection (b), the Secretary may authorize a ski area permittee to provide such other seasonal or year-round natural resource-based recreational activities and associated facilities (in addition to

skiing and other snow-sports) on National Forest System land subject to a ski area permit as the Secretary determines to be appropriate.

“(2) REQUIREMENTS.—Each activity and facility authorized by the Secretary under paragraph (1) shall—

“(A) encourage outdoor recreation and enjoyment of nature;

“(B) to the extent practicable—

“(i) harmonize with the natural environment of the National Forest System land on which the activity or facility is located; and

“(ii) be located within the developed portions of the ski area;

“(C) be subject to such terms and conditions as the Secretary determines to be appropriate; and

“(D) be authorized in accordance with—

“(i) the applicable land and resource management plan; and

“(ii) applicable laws (including regulations).

“(3) INCLUSIONS.—Activities and facilities that may, in appropriate circumstances, be authorized under paragraph (1) include—

“(A) zip lines;

“(B) mountain bike terrain parks and trails;

“(C) frisbee golf courses; and

“(D) ropes courses.

“(4) EXCLUSIONS.—Activities and facilities that are prohibited under paragraph (1) include—

“(A) tennis courts;

“(B) water slides and water parks;

“(C) swimming pools;

“(D) golf courses; and

“(E) amusement parks.

“(5) LIMITATION.—The Secretary may not authorize any activity or facility under paragraph (1) if the Secretary determines that the authorization of the activity or facility would result in the primary recreational purpose of the ski area permit to be a purpose other than skiing and other snow-sports.

“(6) BOUNDARY DETERMINATION.—In determining the acreage encompassed by a ski area permit under subsection (b)(3), the Secretary shall not consider the acreage necessary for activities and facilities authorized under paragraph (1).

“(7) EFFECT ON EXISTING AUTHORIZED ACTIVITIES AND FACILITIES.—Nothing in this subsection affects any activity or facility authorized by a ski area permit in effect on the date of enactment of this subsection during the term of the permit.”;

(5) by striking subsection (d) (as redesignated by paragraph (3)), and inserting the following:

“(d) REGULATIONS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall promulgate regulations to implement this section.”; and

(6) in subsection (e) (as redesignated by paragraph (3)), by striking “the National Environmental Policy Act, or the Forest and Rangelands Renewable Resources Planning Act as amended by the National Forest Management Act” and inserting “the National Environmental Policy Act of 1969 (42

H. R. 765—3

U.S.C. 4321 et seq.) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.)”.

SEC. 4. EFFECT.

Nothing in the amendments made by this Act establishes a legal preference for the holder of a ski area permit to provide activities and associated facilities authorized by section 3(c) of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b(c)) (as amended by section 3).

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

**FSM 2300 – RECREATION, WILDERNESS, AND RELATED RESOURCE MANAGEMENT
CHAPTER 2340 – PRIVATELY PROVIDED RECREATION OPPORTUNITIES**

(ACP), maintain the security of weapons and ammunition assigned to the Forest Service for the ACP, and ensure that all ACP personnel have received training for their respective duties using protocols established by the American Artillery Users of North America Committee (AAUNAC). Consistent with the requirements of U.S. Army regulations (AR 700-131, ch. 8) and the National Firearms Act (26 U.S.C. 5841), provide a level of oversight and supervision of the program that assures weapons and ammunition are in Forest Service possession and control.

4. In consultation with the Department of the Army and AAUNAC, the Deputy Chief for the National Forest System is responsible for determining whether permit holders may participate in the ACP. The Director of the Forest Service National Avalanche Center is responsible for coordination of the ACP nationally. The Authorized Officer is responsible for assuring compliance with the requirements of paragraphs 1 through 3 of this section at individual ski areas.

5. Forest Service participation in the ACP at ski areas is authorized under Section 5 of the Granger-Thye Act (16 U.S.C. 572). Require collection agreements (FSM 1584) to cover all costs incurred by the Forest Service in connection with participation in the ACP at ski areas.

2343.13 - Operating Plans

1. Operating plans must specify the holder's duties and assign responsibility for public safety to the holder (FSM 2341.4). When non-winter operations are extensive, consider also requiring a summer operating plan.
2. Before approving an operating plan, require documentation that the holder can provide sufficient personnel, equipment, and facilities for rescue, first aid, and transportation of injured persons.
3. Ensure that ski area operating plans require the holder to patrol slopes, ski trails, and other areas to identify and mitigate hazards.

2343.14 - Additional Seasonal and Year-Round Recreation at Ski Areas

1. Apply the following additional criteria in initial screening of proposals for additional seasonal or year-round recreation activities and associated facilities (36 CFR 251.54(e)(1) and FSH 2709.11, sec. 12.2). These activities and associated facilities must:
 - a. Not change the primary purpose of the ski area to other than snow sports;
 - b. Encourage outdoor recreation and enjoyment of nature and provide natural resource-based recreation opportunities;

**FSM 2300 – RECREATION, WILDERNESS, AND RELATED RESOURCE MANAGEMENT
CHAPTER 2340 – PRIVATELY PROVIDED RECREATION OPPORTUNITIES**

- c. To the extent practicable, be located within the portions of the ski area that are developed or that will be developed pursuant to the master development plan;
 - d. Not exceed the level of development for snow sports and be consistent with the zoning established in the applicable master development plan;
 - e. To the extent practicable, harmonize with the natural environment of the site where they would be located by:
 - (1) Being visually consistent with or subordinate to the ski area's existing facilities, vegetation and landscape and
 - (2) Not requiring significant modifications to topography to facilitate construction or operations;
 - f. Not compromise snow sports operations or functions; and
 - g. Increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and lifts.
2. Additional seasonal or year-round recreation activities and associated facilities that may meet the criteria in FSM 2343.14, paragraph 1, include but are not limited to:
- a. Zip lines;
 - b. Mountain bike terrain parks and trails;
 - c. Disc golf courses; and
 - d. Ropes courses.
3. Additional seasonal or year-round recreation activities and associated facilities that may not be authorized include but are not limited to:
- a. Tennis courts;
 - b. Water slides and water parks;
 - c. Swimming pools;
 - d. Golf courses; and
 - e. Amusement parks.

**FSM 2300 – RECREATION, WILDERNESS, AND RELATED RESOURCE MANAGEMENT
CHAPTER 2340 – PRIVATELY PROVIDED RECREATION OPPORTUNITIES**

4. Factors that may affect whether other additional seasonal or year-round recreation activities and associated facilities besides those listed in paragraph 2 may be approved under paragraph 1 of this section include but are not limited to the degree to which visitors are able to engage with the natural setting, the extent to which the activities and facilities could be expected to lead to exploration and enjoyment of other NFS lands, and the similarity of the activities and associated facilities to those enumerated in paragraph 2 or paragraph 3 of this section.
5. Do not approve additional seasonal or year-round recreation activities and associated facilities when the visitor's experience is not interdependent with attributes common in National Forest settings.
6. Allow temporary activities that rely on existing facilities, such as concerts or weddings, even if they are not necessarily interdependent with a National Forest setting, provided they are enhanced by it. Do not authorize new permanent facilities solely for these activities.
7. Encourage holders to utilize existing facilities to provide additional seasonal or year-round recreation activities.
8. Use ski area master development plans to guide the placement and design of additional seasonal or year-round recreation facilities. As part of the master development planning process, follow these steps in this sequence:
 - a. Establish zones to guide placement and design of additional seasonal or year-round recreation facilities, basing the zones on the existing natural setting and level of development to support snow sports;
 - b. Depict the general location of the facilities; and
 - c. Establish an estimated timeframe for their construction.
9. Utilize the Scenery Management System (FSM 2380), Built Environment Image Guide (Publication FS-710), and the Recreation Opportunity Spectrum (FSM 2310) to ensure that additional seasonal or year-round recreation activities and associated facilities are located and constructed to harmonize with the surrounding natural environment.
10. Authorization of additional seasonal or year-round recreation activities and associated facilities is subject to terms and conditions deemed appropriate by the Authorized Officer.

**FSM 2300 – RECREATION, WILDERNESS, AND RELATED RESOURCE MANAGEMENT
CHAPTER 2340 – PRIVATELY PROVIDED RECREATION OPPORTUNITIES**

11. The acreage necessary for additional seasonal or year-round recreation activities and associated facilities may not be considered in determining the acreage encompassed by a ski area permit. Permit area expansions must be based on needs related to snow sports rather than additional seasonal or year-round recreation.

12. Additional seasonal or year-round recreation activities and associated facilities that were authorized before November 7, 2011, and that do not meet the criteria in paragraphs 1 through 11 of this section may continue to be authorized during the term of the current permit. When that permit terminates or is revoked, do not reauthorize additional seasonal or year-round recreation activities and associated facilities that do not conform to paragraphs 1 through 11 of this section.

13. Notwithstanding FSM 2340.3, paragraph 3, and 2343.03, paragraph 1, a proposal that complies with paragraphs 1 through 12 of this section may be approved.

2343.2 - Marinas

This category includes facilities and services to accommodate the boating public at lakes, streams, and reservoirs on National Forest System land.

1. Allow holders to provide services needed by the public, including boat rentals, boat moorage, fuel and mechanic services, food services, grocery, bait, and sporting goods services.
2. Locate swimming sites and marina operations in such a way as to provide separation between the two types of uses and avoid conflicts.

2343.3 - Lodging and Overnight Accommodations

This category includes sites and facilities such as lodges, hotels, motels, campgrounds, trailer courts and camps, and commercial group camps. In addition to the general policies in section 2340.3, the following policy applies to lodging and overnight accommodations.

1. Authorize provision of lodging accommodations on National Forest System land only where there is a public need for the facilities and where there is no suitable private land for such facilities within a reasonable distance.
2. Require operation, management, and marketing of lodging and overnight accommodations in a manner that ensures the general public has full access to the facilities. Deny exclusive or preferential use by holders, their employees, families, friends, business associates, partners, stockholders, lenders, or others who may have a monetary interest in the facilities.



designed to suit a wide range of visitors from the casual sightseer to the avid mountain adventurer. The amount and mix of activities approved in the Selected Alternative is fundamental to achieving success with this project. These new activities reduce the barriers (the need for specialized knowledge, equipment, skills or familiarity with the forest environment) that some associate with self-directed activities. The location and zoning of these activities allows for use of existing infrastructure (gondola, lifts and lodges) while still providing the opportunity for more solitude the farther guests venture from the core activity hubs.

This ski area serves as a portal to the National Forest and is well positioned to engage user groups that might not otherwise visit the National Forests. I believe, providing educational and interpretive opportunities in partnership with the resort will play a big part in inspiring these user groups to further explore the National Forests. To leverage this concept to an even wider audience, Heavenly has also partnered with The Nature Conservancy. Together we can develop a comprehensive interpretive program that joins visitors with the natural environment and teaches commitment to appropriate management of our public lands.

While the majority of comments that I heard are supportive of the proposed activities, I heard and understand the concerns of individuals in the community that feel some or all of these activities are not appropriate for National Forest System lands. In my review of the project activities, I have come to the conclusion that the variety of activities proposed offers a range of experiences that can be enjoyed by a diverse audience while still maintaining the character and setting that is appropriate for the National Forest. I do not believe that the activities as proposed are counter to the purposes of a National Forest. These projects have been designed and located in such a manner that is dependent on the forest setting. For example, a mountain coaster that winds among the trees and rock outcroppings on a mountainside is a much different experience than one set at a completely fabricated urban amusement park. With these projects joined along with the interpretive opportunity, the exploration and experience of the National Forest at the resort will only be enhanced, not degraded.

Ski Area Recreational Opportunity Enhancement Act (SAROE)

In part, I base my decision on the screening criteria which were developed as a part of FSM 2343.14. Through those screening criteria (which are presented in Appendix 13.3) I considered how the proposed activities would fit within the natural character of the setting and yet remain subordinate to the landscape features. The activities proposed are grouped into three distinct 'pods' which remain separated by topographical features from each other. In effect, you can't see all of the activities from any one location which, in essence, separates them. In addition, in the Adventure Peak area at the top of the gondola there are already examples of the types of activities that I am approving in the Selected Alternative. I've seen the colors and materials used as well as the heights of the activities and intend that these newly authorized activities use the same types of design considerations. Through careful



design and following Built Environment Image Guide (BEIG) (including such things as the use of earth tones (browns and greens), non-reflective materials, natural materials and keeping the height of these activities below the height of the surrounding canopy) these activities will blend into the natural landscape.

In summary, projects included in the Selected Alternative:

- Do not change the primary purpose of the ski area to something other than snow sports. The activities will increase visitation by a small amount when compared to winter visits;
- Encourage outdoor recreation and provide new natural resource based recreational opportunities;
- Occur within the existing special use permit boundary and are consistent with the zoning found in the Heavenly Mountain Resort Master Development Plan;
- Harmonize with the natural environment by: being visually consistent with or subordinate to the existing landscape, not requiring significant modifications to topography, not compromise snow sports operations or functions;
- Increase utilization of existing infrastructure and not require extensive new support facilities, such as parking lots, restaurants, and lifts;
- Enable visitors to engage with the natural setting and lead to further exploration of other NFS lands;
- Meets demands of changing user interests and provides experiences for new National Forest visitors.

Interpretive Opportunities

My staff has been working, and will continue to work, with Heavenly and other partner organizations in developing a comprehensive world class environmental education and interpretation program which will be integrated into all of the activities in the Selected Alternative. This is a key piece in the goals of this project. By providing an interpretive program that educates new visitors about the National Forests and the local environment, I believe that they will be inspired to further explore the public lands at Lake Tahoe and beyond. A combination of new and traditional recreational activities, combined with interpretive opportunities, will create a unique experience and reach the widest range of visitors at Heavenly Mountain Resort.

DECISION RATIONALE

The entire Vail Mountain Recreation Enhancements Project analysis and public involvement processes were both thorough and helpful in making my decision. They provided a foundation for my decision and the project design features (PDF) outlined in Table 2-2 of the FEIS. The Forest Service was diligent and inclusive throughout the process.

The FEIS discloses, using the best available science and information, the qualitative and quantitative effects on the human and biological environment that are anticipated to result with the implementation of the approved projects. In reviewing these impacts, I find they have been adequately addressed and disclosed throughout the analysis. I considered all the resource issues and concerns described in the FEIS, and my rationale for choosing the Selected Alternative is based on careful consideration of several key elements addressed during the public involvement and analysis process, including consistency with: the project Purpose and Need, the 2002 White River Forest Plan, agency direction for additional seasonal and year-round recreational activities at ski areas, and the 2007 Vail Resort Master Development Plan Update.

CONSISTENCY WITH THE PROJECT PURPOSE AND NEED

I am approving the Selected Alternative because it best meets the project Purpose and Need to provide new recreational opportunities at Vail Ski Area. The overarching goal of this project is to engage a wide audience of summer visitors. This goal is a departure from typical ski area projects that focus on improving the experience for the winter visitor. Indeed, this is the first of a few projects across the WRNF which allows us to rethink how ski areas can provide new activities and memorable experiences to users—many of whom do not ski at our resorts in the winter season.

It is important to recognize that people and families engage with nature and outdoor recreation in different manners and each visitor has their own limits on comfort and exposure to the outdoor elements. I believe this suite of approved projects will provide a combination of activities that provide a broad range of experiences for an increasingly diverse recreating public—from those seeking unguided hikes by themselves and a more intimate engagement with the forests and natural surroundings found in the Eagle Valley to those wanting more adventure- and thrill-based activities. This critical mass and mix of activities is fundamental to the success of this program. These new uses, individually and collectively, provide an opportunity for families and guests to appreciate nature through play. They reduce the barriers that some associate with recreating in the mountains. The zoning and location of these activities allows for more concentrated uses near chairlift and restaurant hubs while allowing for more solitude the farther guests venture out from core activity areas. The entire spectrum of activities provides an environment that will better connect guests to nature and nudge them to discover the national forests.

Ski resorts do not offer the same experiences found on other NFS lands; they act as unique portals that often attract a demographic of users that are either unaware of the opportunities NFS lands offer or that would not typically visit our campgrounds, trails and facilities. Our ski resorts on the WRNF are home to

more than 7 million guests annually yet comprise a fraction of the WRNF's land base. This is a rare opportunity to connect so many people to the national forests with so little environmental impact. It is an opportunity we do not want to miss.

I understand the concerns of individuals within the community that feel that some of these activities go too far in changing the nature and type of activities appropriate for NFS lands. **Certainly some of these activities and experiences are a clear shift from traditional ones. However, my review of the project activities, designs and locations over the last few years has led me to the conclusion that this suite of projects offers an appropriate level of new experiences that are relevant to Vail Ski Area's target audiences while maintaining a setting and experience that is unique to NFS lands and staying true to Forest Service history and our culture of multiple uses. I believe that our national forests are neither amusement parks nor circus attractions. They are far more valuable and unique, and this suite of projects will not change that expectation. With these projects, the nature-based experience at our resorts is only being enhanced, not degraded.**

CONSISTENCY WITH SAROEА AND FOREST SERVICE DIRECTION

With the passage of the Ski Area Recreational Opportunity Enhancement Act of 2011 (SAROEА) and accompanying agency direction, the Forest Service is embarking on new approaches to introduce the American public to recreational opportunities on NFS lands. While some of these activities are novel to ski resorts and NFS lands in general, they may better engage and resonate with younger generations and new user groups.

The language chosen by Congress in the SAROEА and codified by the Forest Service at Forest Service Manual (FSM) 2343.14 is deliberate and clearly intended to provide for local discretion in determining the appropriateness of various summer and year-round activities at individual ski areas. Indeed, in a Statement for the Record submitted in the US Senate on March 22, 2014, Colorado Senator and primary sponsor of SAROEА Mark Udall emphasized his advocacy for "a flexible directive empowering local decision-making."

Incorporating considerations provided to me by the Forest Service's Rocky Mountain Region in their review of the proposed activities, my team has completed a comprehensive screening of the proposed activities. As a result of this screening, I have determined that the proposed wedding venue at The 10th does not meet Forest Service policy for new permanent facilities. I have also determined that additional project design information for the proposed Pride Express Mountain Coaster is necessary to make a conclusive screening determination with FSM 2343.14 direction; therefore the Pride Express coaster is not included in the Selected Alternative. As disclosed in Appendix C of the FEIS, the suite of projects in the Selected Alternative fully meets this agency direction.

In summary, projects included in the Selected Alternative:

- Do not change the primary purpose of the ski area to something other than snow sports. The approved activities will supplement existing summer visitation and will increase visitation by a small amount when compared to winter use visits;
- Are consistent with the vision, zoning and uses found in the 2007 Vail Resort Master Development Plan Amendment;
- Occur within the existing SUP boundary;
- Harmonize with the natural environment of the site where they would be located by: being visually consistent with or subordinate to the ski area's existing facilities, vegetation and landscape; not requiring significant modifications to topography to facilitate construction or operations; and not compromising snow sports operations or functions;
- Encourage outdoor recreation by being located outdoors in a natural setting and in close proximity to other numerous outdoor recreational opportunities;
- Increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and chairlifts; and
- Enable visitors to engage with the natural setting and may lead them to further explore other NFS lands.

Natural Resource-Based Recreation

The criteria established for determining whether any particular activity is appropriate at a given ski area at a particular location are much more considerate of the localized design, setting and context for the activity rather than the activity itself. This guidance has been issued in recognition of the incredible variety of landscapes and experiences available to visitors to the national forests, and the understanding that it is impossible to perfectly qualify and describe the myriad ways individuals interact with and react to the natural environment, and consequently what constitutes "natural resource-based recreation" for every individual. My decision has focused primarily on the specific setting and context for the proposals at Vail Ski Area, rather than attempting to establish a perfect precedent that could be used to determine whether a similar activity at another resort is inherently acceptable. Indeed, had certain activities been proposed at other locations on the front side of Vail Mountain, I may have found them inappropriate given their particular context and surroundings.

After careful examination, I find that many activities commonly pursued in everyday life may be appropriately considered natural resource-based depending entirely on the local environment in which the activity is pursued. For example, the activity of driving a car is likely not immediately associated with natural resource-based recreation. But consider that experience and the degree to which it varies depending on the context and the setting. It is one experience to drive through crowded city streets. It is

another experience entirely to drive a scenic byway or gravel Forest Road—Independence Pass or Red Sandstone Road for example. The question of whether that activity is natural-resource based, and whether it “is interdependent with attributes such as mountains, forests, geology, grasslands, water bodies, flora, fauna, and natural scenery” has far more to do with the presence of and opportunity to interact with those attributes as a setting for the activity than the activity itself.

All of the activities in the Selected Alternative make use of these attributes to define the user experience and ensure they are rooted in a natural resource-focused experience—whether the forested environment and mountain contours that deliver the thrill and awe of the mountain coaster, or the natural scenery and water features connected to the Riparian Experience.

Going Beyond Ski Resorts

Another point of careful consideration has been the extent to which activities and facilities could be expected to lead to the exploration and enjoyment of other NFS lands, as required by FSM 2343.14. In reaching my decision, I found it vital to reflect on the many ways people are initially exposed to natural environments and outdoor recreation and to not let my personal history and experience with traditional outdoor activities such as hunting, fishing, hiking, and camping bias my perspective. **Ultimately, I have concluded that we must be open to the reality that individuals may be just as inspired to gain a greater appreciation of and engagement with the natural world by being exposed to the types of activities proposed at Vail Ski Area as they would be by engaging in more traditional activities. I have observed the potential for increased exploration and enjoyment of outdoor landscapes created through far less obvious opportunities than these.** I’ve watched children play in leftover snowbanks while parents snap photos and gasp at the scenery on our high mountain passes in Colorado. We cannot discount the impact and importance that these encounters with nature can afford to families and children. **The entire spectrum of activities we offer and promote on the WRNF may engage and inspire families to go further into the Forest—hiking on our trails, camping at our campgrounds or becoming agency employees and future stewards of this beloved landscape. This perspective has led me to the belief that the proposed activities in the setting and context of Vail Ski Area will lead at least some visitors to further explore, enjoy and cherish their public lands.**

Clearly this does not mean that any activity is inherently natural resourced-based or likely to lead to the exploration and enjoyment of other NFS lands simply because it is located at a ski area on NFS lands.

Attributes that lead me to find these specific activities appropriate at Vail Ski Area are found in Appendix C of the FEIS.

Interpretive Opportunities

To balance the thrill- and adventure-based opportunities, the WRNF will fully engage Vail Ski Area and other partnering organizations to develop a comprehensive, world-class program offering educational and interpretive opportunities to inspire guests and engage them with the natural world. Embedding this