

**DECISION MEMO**  
**for**  
**Thunder Road Snowmaking Extension**  
**Brighton Resort**

Salt Lake County, Utah  
Uinta-Wasatch-Cache National Forest  
Salt Lake Ranger District

**DECISION AND RATIONALE**

I have reviewed Brighton's proposal and the associated environmental review documentation and have decided to approve the elements described below. These elements constitute the proposed action addressed in this Decision Memo:

Installation of snowmaking and electrical lines down Thunder Road ski run:

- Excavation of a roughly 48-inch-wide, 24-to-48-inch deep, and 1,000-foot-long trench along the skier's left edge of the existing Thunder Road ski run.
- Installing a 6-inch-diameter steel snowmaking water pipeline in this trench.
- Constructing three snowmaking hydrants at upper, middle, and lower points along this pipeline.
- Replacing existing night lighting power line with a new line in the same trench.

Brighton's snowmaking system currently ends at the top of Thunder Road. This extension will allow snowmaking on the run and drainage of the system into an ephemeral channel at the bottom of the run. An aged, above-ground night lighting power line will also be replaced with a new line in the same trench as the snowmaking line.

The project area lies entirely on National Forest System (NFS) land. The total area temporarily disturbed during construction will be a strip about 15 feet wide along the trench, for a total of about 0.33 acres. All of this area has been previously disturbed by trail grading. (See attached figure.)

A tracked excavator and hand tools will be used for construction. No new access roads will be built, and standard rehabilitation and revegetation efforts will follow construction.

I believe that this project will improve the recreational experience at Brighton by providing skiers with a safe and consistent snow surface on a key, high-traffic ski trail. The snowmaking line will improve the functioning of the existing system, making the most efficient use of currently available snowmaking water supplies. The project has been designed in a manner that will minimize potential impacts on the project area. Overall, I am confident that approval of this proposed action is in the best interest of the public.

## **MITIGATION MEASURES**

Implementation of the mitigation measures listed below will be required as part of my decision. As the project areas are within Salt Lake City's municipal watershed, protection of water quality is a primary consideration.

### Soil Erosion, Sedimentation, and Water Quality

1. Prior to beginning the project, submit an erosion control plan prepared in accordance with the BMPs typically agreed upon by the Forest Service and Brighton for similar projects in the past. This plan must be approved by the Forest Service prior to construction on NFS land.
2. Include in the erosion control plan stockpiling of material excavated from the trench in windrows on the upslope side, where possible. If this is not possible, windrows on the downslope side may require sediment control barriers if in close proximity to any live water. Efforts should be made to windrow topsoil separately from subsoil so it can easily be located and re-applied to the backfilled trench surface.
3. Include in the erosion control plan installation of trench blocks and relief drains for subsurface water at any areas where the snowmaking trench line could intercept underground seepage.
4. Promptly revegetate disturbed areas using the Forest Service approved seed mix and standard techniques developed by Brighton for this purpose.

### Wetland and Riparian Resources

5. Minimize impacts on any wetland crossed by the snowmaking trench lines by depositing no fill material in the wetland and securing any permitting required under Section 404 of the Clean Water Act for crossing the wetland with the trench line (presumably authorization under Nationwide Permit No. 12).

### Cultural Resources

6. Notify the Forest Service archaeologist immediately if and when any historic or prehistoric resources are exposed during construction activities.

## **SCOPING AND PUBLIC INVOLVEMENT**

On May 9, 2008, the WCNF circulated a scoping notice summarizing this proposal and soliciting input on associated environmental issues and concerns. The notice was mailed to individuals, organizations, and agencies on the agency mailing list and posted on the WCNF website at <http://www.fs.fed.us/r4/wcnf/projects/proposed>. A 30-day scoping period was provided. No comments addressing this project were received.

In reaching my decision, I considered issues identified by Forest Service interdisciplinary team members who reviewed the proposal. Some of these issues fell under the headings of "extraordinary circumstances" and are discussed in detail below (see Reason for Categorically

Excluding the Proposed Action). The specific category and the analysis of potentially extraordinary circumstances are discussed below.

## **REASON FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION**

I have determined that the proposed project, as described above, is consistent with the types of actions described under CFR 36 220.6.(e)(3) - Approval, modification, or continuation of minor special uses of National Forest System lands that require less than 5 contiguous acres of land. As noted above, the entire project will affect about an acre of NFS land, within the ski area's special use permit boundary. The potential direct, indirect, and cumulative effects of the entire project were reviewed and considered in my decision.

In regard to extraordinary circumstances, the Forest Service Handbook lists several topics that should be considered (CFR 36 220.6.(b)). Forest Service and contractor resource specialists have visited the project area on numerous occasions, reviewed relevant studies and other published information, and documented their findings regarding these and other potential extraordinary circumstances in the project file and are summarized below.

- A. **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.** A biological assessment (BA) was prepared for this project. The determination reached was that no federally listed or candidate plant or animal species will be affected. A biological evaluation (BE) was also prepared, concluding that the project will not impact any Forest Service sensitive plant or animal species. Surveys and analysis of potential impacts on these special status species in the project areas were completed. Based on these considerations, threatened and endangered species or their critical habitat do not constitute an extraordinary circumstance for this proposed action.
- B. **Flood plains, wetlands, or municipal watersheds.** The project area lies in Salt Lake City's municipal watershed. Implementation of mitigation measures 1 – 4 above will preclude any notable adverse impacts on the watershed. As currently laid out, the new snowmaking trench line and hydrants will not affect any wetland. Mitigation measure no. 5 above precludes deposition of fill material in any wetland that is potentially affected by the final design and calls for appropriate permitting under Section 404 of the Clean Water Act, which requires minimization of impacts. Based on these considerations, flood plains, wetlands, or municipal watersheds do not constitute an extraordinary circumstance for this proposed action.
- C. **Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.** The project areas do not include any designated wilderness, wilderness study area, or National Recreation Area, so such areas do not constitute an extraordinary circumstance for this proposed action.
- D. **Inventoried roadless areas.** The project areas do not include any inventoried roadless areas, so such areas do not constitute an extraordinary circumstance for this proposed action.
- E. **Research Natural Areas.** The project areas do not include any Research Natural Areas, so such areas do not constitute an extraordinary circumstance for this proposed action.

- F. **American Indian and Alaska Native religious or cultural sites.** The 1999 MDP Final EIS (Section 3.9) states that “The short term use of Big Cottonwood Canyon by Native Americans did not leave much of an archaeological imprint, and few examples of Native American sites are left in the canyon. None of these sites are known to occur in the immediate vicinity of Brighton Resort.” The two relevant Tribes in the area were contacted during the scoping period, and neither responded to identify any concerns regarding the project. Based on these considerations, American Indian and Alaska Native religious or cultural sites do not constitute an extraordinary circumstance for this proposed action.
- G. **Archaeological sites, or historic properties or areas.** The 1999 MDP Final EIS (see Section 4.9) states that “...there is only one National Register Eligible property within the ski area boundary, the Wasatch Mountain Club.” This structure will not be affected by this proposed action. Mitigation measure no. 6 above will protect any archaeological resources discovered during construction. Based on these considerations, archaeological sites, or historic properties or areas, do not constitute an extraordinary circumstance for this proposed action.

Based on the findings summarized above, I am categorically excluding this decision from documentation in an Environmental Assessment or Environmental Impact Statement. Based on experience with management activities similar to this, and upon the environmental analysis conducted for this project, the effects of implementing this action will be limited in context and intensity. Connected and cumulative actions have been appropriately addressed, an appropriate category for exclusion has been established by law and documented in the Forest Service Handbook, and our review indicates no extraordinary circumstances to preclude its application.

### **FINDINGS REQUIRED BY OTHER LAWS**

The only finding required by other laws not addressed directly or indirectly above is Forest Plan compliance in accordance with the National Forest Management Act. The proposed action has been evaluated for consistency with the goals, objectives, standards, and guidelines of the 2003 Revised WCNF Forest Plan. The project areas are located within a 4.5 Management Area, which emphasizes providing developed recreation opportunities, often under the terms of a special use permit. Thus, the proposed action is consistent with the management area prescription. In terms of more specific Forest Plan direction, my review indicates that the proposed action, with required mitigation measures in place, is consistent with all applicable standards and guidelines.

### **IMPLEMENTATION DATE**

This decision is not an authorization to proceed. Once all conditions and mitigation measures have been met, authorization to begin work will be issued.

### **ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision pursuant to 36 CFR 215.12(f) is not subject to appeal. These permitted actions are not one of the 10 activities subject to notice and comment under Forest Service regulations at 36 CFR 215, as clarified on October 19, 2005, by the Federal District Court for the Eastern District of California in Earth Island Institute v. Ruthenbeck.

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*6/22/09*

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Date

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