ALTA SKI LIFTS COMPANY of PO BOX 8007, ALTA, UT 84092-8007 (hereafter called the holder) is hereby authorized to use National Forest System lands, on the Wasatch-Cache National Forest, for the purposes of constructing, operating, and maintaining an all seasons resort including food service, retail sales, and other ancillary facilities, described herein, known as the Alta Ski Area and subject to the provisions of this term permit. This permit covers 1802.7 acres described here and as shown on the attached map dated 7/30/02 and is located in: T. 3 S., R. 3 E., Sections 4, 5, 6, 7, 8, and 9.

The following improvements, whether on or off the site, are authorized:

Construction and maintenance of chairlifts and transfer tows; ski trails; service and public roads; utilities; parking lots; snowmaking systems, points of water diversion & reservoir/water storage; buildings; utility lines and systems; avalanche control facilities; hiking trails; culinary waterlines and water storage tanks/vaults; and other improvements, facilities and activities related to the operation and management of the permit area in providing year-round recreational opportunities.

Proposed activities and actions for national forest lands within the permitted area will be subject to review, evaluation and comment by Alta Ski Lifts Company prior to any decision by the Forest Service. Such proposed activities and actions shall include but not be limited to the following: organized events, development of any kind, commercial operations, contracts to operate any campgrounds, lands uses, and land ownership adjustments.

Attached Clauses. This term permit is accepted subject to the conditions set forth herein on pages 2 through 15, and to exhibits A to E attached or referenced hereto and made a part of this permit.

Exhibit A (ROD dated 4/10/1997)
Exhibit B (ROD #2 dated 11/24/1997)
Exhibit C Phasing plan for MDP update (get from Alta Ski Lifts)
Exhibit D Permit Map (dated July 30, 2002)
Exhibit E Memorandum of Understanding between Alta Ski Lifts & Forest Service (to be developed)

THIS PERMIT IS ACCEPTED SUBJECT TO ALL OF ITS TERMS AND CONDITIONS.

ACCEPTED:Onno Wieringa, General Manager

HOLDER'S SIGNATURE

DATE: Sept. 26, 2002

APPROVED: Thomas L. Tidwell, Forest Supervisor

AUTHORIZED OFFICER'S SIGNATURE

DATE: 10/25/2002
TERMS AND CONDITIONS

I. AUTHORITY AND USE AND TERM AUTHORIZED.

A. Authority. This term permit is issued under the authority of the Act of October 22, 1986, (Title 16, United States Code, Section 497b), and Title 36, Code of Federal Regulations, Sections 251.50-251.64.

B. Authorized Officer. The authorized officer is the Forest Supervisor. The authorized officer may designate a representative for administration of specific portions of this authorization.

C. Rules, Laws and Ordinances. The holder, in exercising the privileges granted by this term permit, shall comply with all present and future regulations of the Secretary of Agriculture and federal laws; and all present and future, state, county, and municipal laws, ordinances, or regulations which are applicable to the area or operations covered by this permit to the extent they are not in conflict with federal law, policy or regulation. The Forest Service assumes no responsibility for enforcing laws, regulations, ordinances and the like which are under the jurisdiction of other government bodies.

D. Term. Unless sooner terminated or revoked by the authorized officer, in accordance with the provisions of the authorization, this permit shall terminate on October 1, 2042, but a new special-use authorization to occupy and use the same National Forest land may be granted provided the holder shall comply with the then-existing laws and regulations governing the occupancy and use of National Forest lands. The holder shall notify the authorized officer in writing not less than six (6) months prior to said date that such new authorization is desired.

E. Nonexclusive Use. This permit is not exclusive. The Forest Service reserves the right to use or permit others to use any part of the permitted area for any purpose, provided such use does not materially interfere with the rights and privileges hereby authorized.

F. Area Access. Except for any restrictions as the holder and the authorized officer may agree to be necessary to protect the installation and operation of authorized structures and developments, the lands and waters covered by this permit shall remain open to the public for all lawful purposes. To facilitate public use of this area, all existing roads or roads as may be constructed by the holder, shall remain open to the public, except for roads as may be closed by joint agreement of the holder and the authorized officer.

G. Master Development Plan. In consideration of the privileges authorized by this permit, the holder agrees to prepare and submit changes in the Master Development Plan encompassing the entire winter sports resort presently envisioned for development in connection with the National Forest lands authorized by this permit, and in a form acceptable to the Forest Service. Additional construction beyond maintenance of existing improvements shall not be authorized until this plan has been amended. Planning should encompass all the area authorized for use by this permit. The accepted Master Development Plan shall become a part of this permit. For planning purposes, a capacity for the ski area in people-at-one time shall be established in the Master Development Plan and appropriate National Environmental Policy Act (NEPA) document. The overall development shall not exceed that capacity without further environmental analysis documentation through the appropriate NEPA process.

H. Periodic Revision.

1. The terms and conditions of this authorization shall be subject to revision to reflect changing times and conditions so that land use allocation decisions made as a result of revision to Forest Land and Resource Management Plan may be incorporated.
2. At the sole discretion of the authorized officer this term permit may be amended to remove authorization to use any National Forest System lands not specifically covered in the Master Development Plan and/or needed for use and occupancy under this authorization.

II. IMPROVEMENTS.

A. Permission. Nothing in this permit shall be construed to imply permission to build or maintain any improvement not specifically named in the Master Development Plan and approved in the annual operating plan, or further authorized in writing by the authorized officer.

B. Site Development Schedule. As part of this permit, a schedule for the progressive development of the permitted area and installation of facilities shall be prepared jointly by the holder and the Forest Service. Such a schedule shall be prepared by April 15, 2003, and shall set forth an itemized priority list of planned improvements and the due date for completion. This schedule shall be made a part of this permit. The holder may accelerate the scheduled date for installation of any improvement authorized, provided the other scheduled priorities are met; and provided further, that all priority installations authorized are completed to the satisfaction of the Forest Service and ready for public use prior to the scheduled due date.

1. All required plans and specifications for site improvements, and structures included in the development schedule shall be properly certified and submitted to the Forest Service at least forty-five (45) days before the construction date stipulated in the development schedule.

2. In the event there is agreement with the Forest Service to expand the facilities and services provided on the areas covered by this permit, the holder shall jointly prepare with the Forest Service a development schedule for the added facilities prior to any construction and meet requirements of paragraph II.D of this section. Such schedule shall be made a part of this permit.

C. Plans. All plans for development, layout, construction, reconstruction or alteration of improvements on the site, as well as revisions of such plans, must be prepared by a licensed engineer, architect, and/or landscape architect (in those states in which such licensing is required) or other qualified individual acceptable to the authorized officer. Such plans must be accepted by the authorized officer before the commencement of any work. A holder may be required to furnish as-built plans, maps, or surveys upon the completion of construction.

D. Amendment. This authorization may be amended to cover new, changed, or additional use(s) or area not previously considered in the approved Master Development plan. In approving or denying changes or modifications, the authorized officer shall consider among other things, the findings or recommendations of other involved agencies and whether their terms and conditions of the existing authorization may be continued or revised, or a new authorization issued.

E. Ski Lift Plans and Specifications. All plans for uphill equipment and systems shall be properly certified as being in accordance with the American National Standard Safety Requirements for Aerial Passenger Tramways (B77.1). A complete set of drawings, specifications, and records for each lift shall be maintained by the holder and made available to the Forest Service upon request. These documents shall be retained by the holder for a period of three (3) years after the removal of the system from National Forest land.

III. OPERATIONS AND MAINTENANCE.

A. Conditions of Operations. The holder shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer. Standards are subject to periodic change by the authorized officer. This use shall normally be exercised at least 90 days each year or season. Failure of the holder to exercise this minimum use may result in termination pursuant to VIII.B.

B. Ski Lift, Holder Inspection. The holder shall have all passenger tramways inspected by a qualified engineer or tramway specialist. Inspections shall be made in accordance with the American National Standard Safety Requirements for Aerial Passenger Tramways (B77.1). A certificate of inspection,
signed by an officer of the holder’s company, attesting to the adequacy and safety of the installations and equipment for public use shall be received by the Forest Service prior to public operation stating as a minimum:

"Pursuant to our special use permit, we have had an inspection to determine our compliance with the American National Standard B77.1. We have received the results of that inspection and have made corrections of all deficiencies noted. The facilities are ready for public use."

C. Operating Plan. The holder or designated representative shall prepare and annually revise by November 15 an Operating Plan. The plan shall be prepared in consultation with the authorized officer or designated representative and cover winter and summer operations as appropriate. The provisions of the Operating Plan and the annual revisions shall become a part of this permit and shall be submitted by the holder and approved by the authorized officer or their designated representatives. This plan shall consist of at least the following sections:

1. Ski patrol and first aid.
2. Communications.
3. Signs.
4. General safety and sanitation.
5. Erosion control.
6. Accident reporting.
7. Avalanche control.
8. Search and rescue.
10. Vegetation management.
11. Designation of representatives.
12. Trail routes for nordic skiing.

The authorized officer may require a joint annual business meeting agenda to:

a. Update Gross Fixed Assets and lift-line proration when the fee is calculated by the Graduated Rate Fee System.

b. Determine need for performance bond for construction projects, and amount of bond.

c. Provide annual use reports.

D. Cutting of Trees. Trees or shrubbery on the permitted area may be removed or destroyed only after the authorized officer has approved and marked, or otherwise designated, that which may be removed or destroyed. Timber cut or destroyed shall be paid for by the holder at appraised value, provided that the Forest Service reserves the right to dispose of the merchantable timber to others than the holder at no stumpage cost to the holder.

E. Signs. Signs or advertising devices erected on National Forest lands, shall have prior approval by the Forest Service as to location, design, size, color, and message. Erected signs shall be maintained or renewed as necessary to neat and presentable standards, as determined by the Forest Service.

F. Temporary Suspension. Immediate temporary suspension of the operation, in whole or in part, may be required when the authorized officer, or designated representative, determines it to be necessary to protect the public health or safety, or the environment. The order for suspension may be given verbally or in writing. In any such case, the superior of the authorized officer, or designated representative, shall, within ten (10) days of the request of the holder, arrange for an on-the-ground review of the adverse conditions with the holder. Following this review the superior shall take prompt action to affirm, modify or cancel the temporary suspension.

IV. NONDISCRIMINATION. During the performance of this permit, the holder agrees:
A. In connection with the performance of work under this permit, including construction, maintenance, and operation of the facility, the holder shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, or handicap. (Ref. Title VII of the Civil Rights Act of 1964 as amended).

B. The holder and employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex, national origin, age or handicap, by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. (Ref. Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments, and the Age Discrimination Act of 1975).

C. The holder shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this permit.

D. Signs setting forth this policy of nondiscrimination to be furnished by the Forest Service will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.

E. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States of the State in which the breach or violation occurs.

V. LIABILITIES.

A. Third Party Rights. This permit is subject to all valid existing rights and claims outstanding in third parties. The United States is not liable to the holder for the exercise of any such right or claim.

B. Indemnification of the United States. The holder shall hold harmless the United States from any liability from damage to life or property arising from the holder's occupancy or use of National Forest lands under this permit.

C. Damage to United States Property. The holder shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit. The holder shall pay the United States the full cost of any damage resulting from negligence or activities occurring under the terms of this permit or under any law or regulation applicable to the national forests, whether caused by the holder, or by any agents or employees of the holder.

D. Risks. The holder assumes all risk of loss to the improvements resulting from natural or catastrophic events, including but not limited to, avalanches, rising waters, high winds, falling limbs or trees, and other hazardous events. If the improvements authorized by this permit are destroyed or substantially damaged by natural or catastrophic events, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. The analysis shall be provided to the holder within six (6) months of the event.

E. Hazards. The holder has the responsibility of inspecting the area authorized for use under this permit for evidence of hazardous conditions which could affect the improvements or pose a risk of injury to individuals.

F. Insurance. The holder shall have in force public liability insurance covering: (1) property damage in the amount of and (2) damage to persons in the minimum amount of (b)(4) in the event of death or injury to one individual, and the minimum amount of (b)(4) in the event of death or injury to more than one individual. These minimum amounts and terms are subject to change at the sole discretion of the authorized officer at the five-year anniversary date of this authorization. The coverage shall extend to property damage, bodily injury, or death arising out of the holder's activities under the permit including, but not limited to, occupancy or use of the land and the construction, maintenance, and operation of the structures, facilities, or equipment authorized by this permit. Such insurance shall also name the United States as an additionally insured. The holder shall send an authenticated copy of its insurance policy to the Forest Service immediately upon issuance of the policy. The policy shall also contain a
specific provision or rider to the effect that the policy shall not be cancelled or its provisions changed or deleted before thirty (30) days written notice to the Forest Supervisor, Wasatch-Cache National Forest 125 S. State Street, Federal Building, Salt Lake City UT 84138, by the insurance company.

Rider Clause (for insurance companies)

"It is understood and agreed that the coverage provided under this policy shall not be cancelled or its provisions changed or deleted before thirty (30) days of receipt of written notice to the Forest Supervisor, Wasatch-Cache National Forest, 125 S. State Street, Federal Building, Salt Lake City UT 84138, by the insurance company."

VI. FEES.

Ski Area Permit Fees. The Forest Service shall adjust and calculate permit fees authorized by this permit to reflect any revisions to permit fee provisions in 16 U.S.C. 497c or to comply with any new permit fee system based on fair market value that may be adopted by statute or otherwise after issuance of this permit.

A. Fee Calculation. The annual fee due the United States for the activities authorized by this permit shall be calculated using the following formula:

\[
\text{SAPF} = (0.015 \times \text{AGR in bracket 1}) + (0.025 \times \text{AGR in bracket 2}) + (0.0275 \times \text{AGR in bracket 3}) + (0.04 \times \text{AGR in bracket 4})
\]

Where:

\[
\text{AGR} = [(\text{LT} + \text{SS}) \times (\text{proration} \%) + \text{GRAF}]
\]

AGR is adjusted gross revenue;

LT is revenue from sales of alpine and nordic lift tickets and passes;

GRAF is gross year-round revenue from ancillary facilities;

Proration % is the factor to apportion revenue attributable to use of National Forest System lands;

SAPF is the ski area permit fee for use of National Forest System lands; and

SS is revenue from alpine and nordic ski school operations.

1. SAPF shall be calculated by summing the results of multiplying the indicated percentage rates by the amount of the holder’s adjusted gross revenue (AGR), which falls into each of the four brackets. Follow direction in paragraph 2 to determine AGR. The permit fee shall be calculated based on the holder’s fiscal year, unless mutually agreed otherwise by the holder and the authorized officer.

The four revenue brackets shall be adjusted annually by the consumer price index issued in FSH 2709.11, chapter 30. The revenue brackets shall be indexed for the previous calendar year. The holder’s AGR for any fiscal year shall not be split into more than one set of indexed brackets. Only the levels of AGR defined in each bracket are updated annually. The percentage rates do not change.

The revenue brackets and percentages displayed in Exhibit 01 shall be used as shown in the preceding formula to calculate the permit fee.

Adjusted Gross Revenue (AGR) Brackets and Associated Percentage Rates
for Use in Determining Ski Area Permit Fee (SAPF)

Revenue Brackets (updated annually by CPI*) and Percentage Rates

<table>
<thead>
<tr>
<th>Holder FY</th>
<th>Bracket 1 (1.5%)</th>
<th>Bracket 2 (2.5%)</th>
<th>Bracket 3 (2.75%)</th>
<th>Bracket 4 (4%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 1996</td>
<td>All revenue</td>
<td>$3,000,000</td>
<td>$15,000,000</td>
<td>All revenue</td>
</tr>
<tr>
<td>CPI:</td>
<td>below N/A</td>
<td>&lt; $15,000,000</td>
<td>$50,000,000</td>
<td>$50,000,000</td>
</tr>
<tr>
<td>FY 1997</td>
<td>All revenue</td>
<td>$3,090,000</td>
<td>$15,450,000</td>
<td>All revenue</td>
</tr>
<tr>
<td>CPI:</td>
<td>below 1.030</td>
<td>$3,090,000</td>
<td>$51,500,000</td>
<td>$51,500,000</td>
</tr>
<tr>
<td>FY 1998</td>
<td>All revenue</td>
<td>$3,158,000</td>
<td>$15,790,000</td>
<td>All revenue</td>
</tr>
<tr>
<td>CPI:</td>
<td>below 1.022</td>
<td>$3,158,000</td>
<td>$52,633,000</td>
<td>$52,633,000</td>
</tr>
<tr>
<td>FY 1999</td>
<td>All revenue</td>
<td>$3,212,000</td>
<td>$16,058,000</td>
<td>All revenue</td>
</tr>
<tr>
<td>CPI:</td>
<td>below 1.017</td>
<td>$3,212,000</td>
<td>$53,528,000</td>
<td>$53,528,000</td>
</tr>
<tr>
<td>FY 2000</td>
<td><strong>BRACKETS WILL BE UPDATED ANNUALLY BY CPI</strong>*</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The authorized officer shall notify the holder of the updated revenue brackets based on the Consumer Price Index (CPI) which is revised and issued annually in FSH 2709.11, chapter 30.

2. AGR shall be calculated by summing the revenue from lift tickets and ski school operations prorated for use of National Forest System lands and from ancillary facility operations conducted on National Forest System lands.

Revenue inclusions shall be income from sales of alpine and nordic tickets and ski area passes; alpine and nordic ski school operations; gross revenue from ancillary facilities; the value of bartered goods and complimentary lift tickets (such as lift tickets provided free of charge to the holder's friends or relatives); and special event revenue. Discriminatory pricing, a rate based solely on race, color, religion, sex, national origin, age, disability, or place of residence, is not allowed, but if it occurs, include the amount that would have been received had the discriminatory pricing transaction been made at the market price, the price generally available to an informed public, excluding special promotions.

Revenue exclusions shall be income from sales of operating equipment; refunds; rent paid to the holder by subholders; sponsor contributions to special events; any amount attributable to employee gratuities or employee lift tickets; discounts; ski area tickets or passes provided for a public safety or public service purpose (such as for National Ski Patrol or for volunteers to assist on the slope in the Special Olympics); and other goods or services (except for bartered goods and complimentary lift tickets) for which the holder does not receive money.

Include the following in AGR:

a. Revenue from sales of year-round alpine and nordic ski area passes and tickets and revenue from alpine and nordic ski school operations prorated according to the percentage of use between National Forest System lands and private land in the ski area;
b. Gross year-round revenue from temporary and permanent ancillary facilities located on National Forest System lands;

c. The value of bartered goods and complimentary lift tickets, which are goods, services, or privileges that are not available to the general public (except for employee gratuities, employee lift tickets, and discounts, and except for ski area tickets and passes provided for a public safety or public service purpose) and that are donated or provided without charge in exchange for something of value to organizations or individuals (for example, ski area product discounts, service discounts, or lift tickets that are provided free of charge in exchange for advertising).

Bartered goods and complimentary lift tickets (except for employee gratuities, employee lift tickets, discounts, and except for ski area tickets and passes provided for a public safety or public service purpose) valued at market price shall be included in the AGR formula as revenue under LT, SS, or GRAF, depending on the type of goods, services, or privileges donated or bartered; and

d. Special event revenue from events, such as food festivals, foot races, and concerts. Special event revenue shall be included in the AGR formula as revenue under LT, SS, or GRAF, as applicable. Prorate revenue according to the percentage of use between National Forest System lands and private land as described in the following paragraphs 5 and 6.

3. LT is the revenue from sales of alpine and nordic lift tickets and passes purchased for the purpose of using a ski area during any time of the year, including revenue that is generated on private land (such as from tickets sold on private land).

4. SS is the revenue from lessons provided to teach alpine or nordic skiing or other winter sports activities, such as racing, snowboarding, or snowshoeing, including revenue that is generated on private land (such as from tickets sold on private land).

5. Proration % is the method used to prorate revenue from the sale of ski area passes and lift tickets and revenue from ski school operations between National Forest System lands and private land in the ski area. Separately prorate alpine and nordic revenue with an appropriate proration factor. Add prorated revenues together; then sum them with GRAF to arrive at AGR. Use one or both of the following methods, as appropriate:

a. STFP shall be the method used to prorate alpine revenue. The STFP direction contained in FSM 2715.11c effective in 1992 shall be used. Include in the calculation only uphill devices (lifts, tows, and tramways) that are fundamental to the winter sports operation (usually those located on both Federal and private land). Do not include people movers whose primary purpose is to shuttle people between parking areas or between parking areas and lodges and offices.

b. Nordic trail length is the method used to prorate nordic revenue. Use the percentage of trail length on National Forest System lands to total trail length.

6. GRAF is the revenue from ancillary facilities, including all of the holder's or subholder's lodging, food service, rental shops, parking, and other ancillary operations located on National Forest System lands. Do not include revenue that is generated on private land. For facilities that are partially located on National Forest System lands, calculate the ratio of the facility square footage located on National Forest System lands to the total facility square footage. Special event revenue allocatable to GRAF shall be prorated by the ratio of use on National Forest System lands to the total use.

7. In cases when the holder has no AGR for a given fiscal year, the holder shall pay a permit fee of $2 per acre for National Forest System lands under permit or a percentage of the appraised value of National Forest System lands under permit, at the discretion of the authorized officer.

B. Fee Payments. Reports and deposits shall be tendered in accordance with the following schedule. They shall be sent or delivered to the collection officer, USDA, Forest Service, at the address furnished by the authorized officer. Checks or money orders shall be made payable to: USDA, Forest Service.
1. The holder shall calculate and submit an advance payment which is due by the beginning of the holder's payment cycle. The advance payment shall equal 20 percent of the holder's average permit fee for 3 operating years, when available. When past permit fee information is not available, the advance payment shall equal 20 percent of the permit fee, based on the prior holder's average fee or projected AGR. For ski areas not expected to generate AGR for a given payment cycle, advance payment of the permit fee as calculated in item A, paragraph 7 ($2 per acre for National Forest System lands under permit or a percentage of the appraised value of National Forest System lands under permit, at the discretion of the authorized officer) shall be made. The advance payment shall be credited (item B, paragraph 3) toward the total ski area permit fee for the payment cycle.

2. The holder shall report sales, calculate fees due based on a tentative percentage rate, and make interim payments each calendar month, except for periods in which no sales take place and the holder has notified the authorized officer that the operation has entered a seasonal shutdown for a specific period. Reports and payments shall be made by the end of the month following the end of each reportable period. Interim payments shall be credited (item B, paragraph 3) toward the total ski area permit fee for the payment cycle.

3. Within 90 days after the close of the ski area's payment cycle, the holder shall provide a financial statement, including a completed permit fee information form, Form FS-2700-19a, representing the ski area's financial condition at the close of its business year and an annual operating statement reporting the results of operations, including a final payment which includes year-end adjustments for the holder and each subholder for the same period. Any balance that exists may be credited and applied against the next payment due or refunded, at the discretion of the permit holder.

4. Within 30 days of receipt of a statement from the Forest Service, the holder shall make any additional payment required to ensure that the correct ski area permit fee is paid for the past year's operation.

5. Payments shall be credited on the date received by the designated collection officer. If the due date for the fee or fee calculation financial statement falls on a non-workday, the charges shall not accrue until the close of business on the next workday.

6. All permit fee calculations and records of sales are subject to review or periodic audit as determined by the authorized officer. Errors in calculation or payment shall be corrected as needed for conformance with those reviews or audits. In accordance with the Late Payment Interest, Administrative Costs and Penalties clause contained in this authorization, interest and penalties shall be assessed on additional fees due as a result of reviews or audits.

C. Correcting Errors. Correction of errors includes any action necessary to calculate the holder's sales or slope transport fee percentage or to make any other determination required to calculate permit fees accurately. For fee calculation purposes, an error may include:

a. Misreporting or misrepresentation of amounts;

b. Arithmetic mistakes;

c. Typographic mistakes; or

d. Variation from generally accepted accounting principles (GAAP), when such variations are inconsistent with the terms of this permit.

Correction of errors shall be made retroactively to the date the error was made or to the previous audit period, whichever is more recent, and past fees shall be adjusted accordingly.

D. Late Payment Interest, Administrative Costs and Penalties. Pursuant to 31 U.S.C. 3717, et seq., interest shall be charged on any fee amount not paid within 30 days from the date the fee or fee calculation financial statement specified in this authorization becomes due. The rate of interest assessed shall be the higher of the rate of the current value of funds to the U.S. Treasury (i.e., Treasury tax and loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly or at the Prompt Payment Act rate. Interest on the principal shall accrue from the date the fee or fee calculation financial statement is due.
In the event the account becomes delinquent, administrative costs to cover processing and handling of the delinquency will be assessed.

A penalty of 6 percent per annum shall be assessed on the total amount delinquent in excess of 90 days and shall accrue from the same date on which interest charges begin to accrue.

Payments will be credited on the date received by the designated collection officer or deposit location. If the due date for the fee or fee calculation statement falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Disputed fees are due and payable by the due date. No appeal of fees will be considered by the Forest Service without full payment of the disputed amount. Adjustments, if necessary, will be made in accordance with settlement terms or the appeal decision.

If the fees become delinquent, the Forest Service will:

- Liquidate any security or collateral provided by the authorization.

  If no security or collateral is provided, the authorization will terminate and the holder will be responsible for delinquent fees as well as any other costs of restoring the site to its original condition, including hazardous waste cleanup.

Upon termination or revocation of the authorization, delinquent fees and other charges associated with the authorization will be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. Delinquencies may be subject to any or all of the following conditions:

- Administrative offset of payments due the holder from the Forest Service.

  Delinquencies in excess of 60 days shall be referred to United States Department of Treasury for appropriate collection action as provided by 31 U.S.C. 3711 (g), (1).

  The Secretary of the Treasury may offset an amount due the debtor for any delinquency as provided by 31 U.S.C. 3720, et seq.

E. Nonpayment. Failure of the holder to make timely payments, pay interest charges or any other charges when due, constitutes breach and shall be grounds for termination of this authorization. This permit terminates for nonpayment of any monies owed the United States when more than 90 days in arrears.

F. Access to Records. For the purpose of administering this permit (including ascertaining that fees paid were correct and evaluating the propriety of the fee base), the holder agrees to make all of the accounting books and supporting records to the business activities, as well as those of sublessees operating within the authority of this permit, available for analysis by qualified representatives of the Forest Service or other Federal agencies authorized to review the Forest Service activities. Review of accounting books and supporting records shall be made at dates convenient to the holder and reviewers. Financial information so obtained shall be treated as confidential as provided in regulations issued by the Secretary of Agriculture.

The holder shall retain the above records and keep them available for review for 5 years after the end of the year involved, unless disposition is otherwise approved by the authorized officer in writing.

G. Accounting Records. The holder shall follow Generally Accepted Accounting Principles or Other Comprehensive Bases of Accounting acceptable to the Forest Service in recording financial transactions and in reporting results to the authorized officer. When requested by the authorized officer, the holder at own expense, shall have the annual accounting reports audited or prepared by a licensed independent accountant acceptable to the Forest Service. The holder shall require sublessees to comply with these same requirements. The minimum acceptable accounting system shall include:
1. Systematic internal controls and recording by kind of business the gross receipts derived from all sources of business conducted under this permit. Receipts should be recorded daily and, if possible, deposited into a bank account without reduction by disbursements. Receipt entries shall be supported by source documents such as cash-register tapes, sale invoices, rental records, and cash accounts from other sources.

2. A permanent record of investments in facilities (depreciation schedule), and current source documents for acquisition costs of capital items.

3. Preparation and maintenance of such special records and accounts as may be specified by the authorized officer.

VII. TRANSFER AND SALE.

A. Subleasing. The holder may sublease the use of land and improvements covered under this permit and the operation of concessions and facilities authorized upon prior written notice to the authorized officer. The Forest Service reserves the right to disapprove subleases. In any circumstance, only those facilities and activities authorized by this permit may be subleased. The holder shall continue to be responsible for compliance with all conditions of this permit by persons to whom such premises may be sublet. The holder may not sublease direct management responsibility without prior written approval by the authorized officer.

B. Notification of Sale. The holder shall immediately notify the authorized officer when a sale and transfer of ownership of the permitted improvements is planned.

C. Divestiture of Ownership. Upon change in ownership of the facilities authorized by this permit, the rights granted under this authorization may be transferred to the new owner upon application to and approval by the authorized officer. The new owner must qualify and agree to comply with, and be bound by the terms and conditions of the authorization. In granting approval, the authorized officer may modify the terms, conditions, and special stipulations to reflect any new requirements imposed by current Federal and state land use plans, laws, regulations or other management decisions.

VIII. TERMINATION.

A. Termination for Higher Public Purpose. If, during the term of this permit or any extension thereof, the Secretary of Agriculture or any official of the Forest Service acting by or under his or her authority shall determine by his or her planning for the uses of the National Forest that the public interest requires termination of this permit, this permit shall terminate upon one hundred-eighty (180) day's written notice to the holder of such determination, and the United States shall have the right thereupon, subject to Congressional authorization and appropriation, to purchase the holder's improvements, to remove them, or to require the holder to remove them, at the option of the United States. The United States shall be obligated to pay an equitable consideration for the improvements or for removal of the improvements and damages to the improvements resulting from their removal. The amount of the consideration shall be fixed by mutual agreement between the United States and the holder and shall be accepted by the holder in full satisfaction of all claims against the United States under this clause: Provided, that if mutual agreement is not reached, the Forest Service shall determine the amount, and if the holder is dissatisfied with the amount thus determined to be due him may appeal the determination in accordance with the Appeal Regulations, and the amount as determined on appeal shall be final and conclusive on the parties hereto; Provided further, that upon the payment to the holder of 75% of the amount fixed by the Forest Service, the right of the United States to remove or require the removal of the improvements shall not be stayed pending the final decision on appeal.

B. Termination, Revocation and Suspension. The authorized officer may suspend, revoke, or terminate this permit for (1) noncompliance with applicable statutes, regulations, or terms and conditions of the authorization; (2) for failure of the holder to exercise the rights and privileges granted; (3) with the consent of the holder; or (4) when, by its terms, a fixed agreed upon condition, event, or time occurs. Prior to suspension, revocation, or termination, the authorized officer shall give the holder written notice of the grounds for such action and reasonable time to correct curable noncompliance.
IX. RENEWAL.

A. Renewal. The authorized use may be renewed. Renewal requires the following conditions: (1) the land use allocation is compatible with the Forest Land and Resource Management Plan; (2) the site is being used for the purposes previously authorized and; (3) the enterprise is being continually operated and maintained in accordance with all the provisions of the permit. In making a renewal, the authorized officer may modify the terms, conditions, and special stipulations.

X. RIGHTS AND RESPONSIBILITIES UPON TERMINATION OR NONRENEWAL.

A. Removal of Improvements. Except as provided in Clause VIII. A, upon termination or revocation of this special use permit by the Forest Service, the holder shall remove within a reasonable time as established by the authorized officer, the structures and improvements, and shall restore the site to a condition satisfactory to the authorized officer, unless otherwise waived in writing or in the authorization. If the holder fails to remove the structures or improvements within a reasonable period, as determined by the authorized officer, they shall become the property of the United States without compensation to the holder, but that shall not relieve the holder’s liability for the removal and site restoration costs.

XI. MISCELLANEOUS PROVISIONS.

A. Members of Congress. No Member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

B. Inspection, Forest Service. The Forest Service shall monitor the holder’s operations and reserves the right to inspect the permitted facilities and improvements at any time for compliance with the terms of this permit. Inspections by the Forest Service do not relieve the holder of responsibilities under other terms of this permit.

C. Regulating Services and Rates. The Forest Service shall have the authority to check and regulate the adequacy and type of services provided the public and to require that such services conform to satisfactory standards. The holder may be required to furnish a schedule of prices for sales and services authorized by the permit. Such prices and services may be regulated by the Forest Service: Provided, that the holder shall not be required to charge prices significantly different than those charged by comparable or competing enterprises.

D. Advertising. The holder, in advertisements, signs, circulars, brochures, letterheads, and like materials, as well as orally, shall not misrepresent in any way either the accommodations provided, the status of the permit, or the area covered by it or the vicinity. The fact that the permitted area is located on the National Forest shall be made readily apparent in all of the holder’s brochures and print advertising regarding use and management of the area and facilities under permit.

E. Bonding. The authorized officer may require the holder to furnish a bond or other security to secure all or any of the obligations imposed by the terms of the authorization or any applicable law, regulation, or order.

Bonds, Performance. Use the following text, when bonding is called for: As a further guarantee of the faithful performance of the provisions of terms and conditions not applicable at this time of this permit, the holder agrees to deliver and maintain a surety bond or other acceptable security in the amount of $. Should the sureties or the bonds delivered under this permit become unsatisfactory to the Forest Service, the holder shall, within thirty (30) days of demand, furnish a new bond with surety, solvent and satisfactory to the Forest Service. In lieu of a surety bond, the holder may deposit into a Federal depository, as directed by the Forest Service, and maintain therein, cash in the amounts provided for above, or negotiable securities of the United States having a market value at the time of deposit of not less than the dollar amounts provided above.
The holder's surety bond shall be released, or deposits in lieu of a bond, shall be returned thirty (30) days after certification by the Forest Service that priority installations under the development plan are complete, and upon furnishing by the holder of proof satisfactory to the Forest Service that all claims for labor and material on said installations have been paid or released and satisfied. The holder agrees that all moneys deposited under this permit may, upon failure on his or her part to fulfill all and singular the requirements herein set forth or made a part hereof, be retained by the United States to be applied to satisfy obligations assumed hereunder, without prejudice whatever to any rights and remedies of the United States.

Prior to undertaking additional construction or alteration work not provided for in the above terms and conditions or when the improvements are to be removed and the area restored, the holder shall deliver and maintain a surety bond in an amount set by the Forest Service, which amount shall not be in excess of the estimated loss which the Government would suffer upon default in performance of this work.

F. Water Rights. This authorization confers no rights to the use of water by the holder. Such rights must be acquired under State law.

G. Current Addresses. The holder and the Forest Service shall keep each informed of current mailing addresses including those necessary for billing and payment of fees.

H. Identification of Holder. Identification of the holder shall remain sufficient so that the Forest Service shall know the true identity of the entity.

Corporation Status Notification:

1. The holder shall notify the authorized officer within fifteen (15) days of the following changes:
   a. Names of officers appointed or terminated.
   b. Names of stockholders who acquire stock shares causing their ownership to exceed 50 percent of shares issued or otherwise acquired, resulting in gaining controlling interest in the corporation.

2. The holder shall furnish the authorized officer:
   a. A copy of the articles of incorporation and bylaws.
   b. An authenticated copy of a resolution of the board of directors specifically authorizing a certain individual or individuals to represent the holder in dealing with the Forest Service.
   c. A list of officers and directors of the corporation and their addresses.
   d. Upon request, a certified list of stockholders and amount of stock owned by each.
   e. The authorized officer may require the holder to furnish additional information as set forth in 36 CFR 251.54(e)(1)(iv).

Partnership Status Notification:

The holder shall notify the authorized officer within fifteen (15) days of the following changes. Names of the individuals involved shall be included with the notification.

1. Partnership makeup changes due to death, withdrawal, or addition of a partner.

2. Party or parties assigned financed interest in the partnership by existing partner(s).

3. Termination, reformation, or revision of the partnership agreement.

4. The acquisition of partnership interest, either through purchase of an interest from an existing partner or partners, or contribution of assets, that exceeds 50 percent of the partnership permanent investment.
I. Archaeological-Paleontological Discoveries. The holder shall immediately notify the authorized officer of any and all antiquities or other objects of historic or scientific interest. These include, but are not limited to, historic or prehistoric ruins, fossils, or artifacts discovered as the result of operations under this permit, and shall leave such discoveries intact until authorized to proceed by the authorized officer. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the permit holder.

J. Protection of Habitat of Endangered, Threatened, and Sensitive Species. Location of areas needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, as amended, or listed as sensitive by the Regional Forester under authority of FSM 2670, derived from ESA Section 7 consultation, may be shown on a separate map, hereby made a part of this permit, or identified on the ground. Protective and mitigative measures specified by the authorized officer shall be the responsibility of the permit holder.

If protection measures prove inadequate, if other such areas are discovered, or if new species are listed as Federally threatened or endangered or as sensitive by the Regional Forester, the authorized officer may specify additional protection regardless of when such facts become known. Discovery of such areas by either party shall be promptly reported to the other party.

K. Superior Clauses. In the event of any conflict between any of the preceding printed clauses or any provision thereof, and any of the following clauses or any provision thereof, the preceding clauses shall control.

L. Superseded Permit. This permit replaces a special use permit issued to: ALTA SKI LIFTS COMPANY, Authorization ID SLC402701 issued on 02/14/1976.

M. Disputes. Appeal of any provisions of this authorization or any requirements thereof shall be subject to the appeal regulations at 36 CFR 251, Subpart C, or revisions thereto. The procedures for these appeals are set forth in 36 CFR 251 published in the Federal Register at 54 FR 3362, January 23, 1989.

N. DRINKING WATER SYSTEMS (B39):

1. The holder, as the water supplier and owner or operator of the drinking water system, is responsible for compliance with all applicable Federal, State, and local drinking water laws and regulations, including meeting the standards of FSM 7420 for the operation and maintenance of a public water system. For the purposes of this authorization, public water systems are as defined in the National Primary Drinking Water Regulations, Title 40, Code of Federal Regulations, Part 141 (40 CFR 141), or by State regulations if more stringent. If required, federally owned nonpublic water systems shall meet the same standards specified in Federal and State regulations for public water systems (FSM 7140).

2. For federally owned systems, the holder shall notify and consult with the Forest Service within 24 hours or on the next business day after notification by the laboratory of a sample that tests positive for microbiological contamination. The holder shall notify and consult with the Forest Service within 48 hours of notification of a maximum contaminant level violation or an acute violation.

3. The holder shall retain all records as required by applicable laws and regulations. The holder agrees to make the records available to the Forest Service as well as any other regulatory agency authorized to review Forest Service activities. Copies of microbiological test results for federally owned water systems shall be forwarded monthly to the Forest Service by the 15th of the month following the sampling date. Copies of other required records for federally owned systems shall be forwarded annually to the Forest Service within 15 days of the end of the operating season for seasonal sites or within 15 days of the end of the calendar year for year-round operations. The holder shall surrender all records for a federally owned system to the Forest Service upon permit termination or revocation.
4. For federally owned systems, the holder shall provide the name of the water system operator in writing to the Forest Service and notify the authorized officer within 72 hours of a change in personnel.

O. WATER RIGHTS, OWNERSHIP: All water rights acquired by the Holder during the term of this authorization which involve diversion of water from National Forest System lands, to the extent the same are applied to beneficial uses on National Forest System lands, shall be acquired in the name of or transferred to the United States. Such transactions are subject to the Holder’s right of use.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture’s regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
I. INTRODUCTION

In 1993, the Alta Ski Lifts Company (Alta) submitted a 3-year plan for mountain improvements to the Wasatch-Cache National Forest. The 3-year plan went through revisions and changes based upon recommendations from the Forest Service and comments received through public scoping. In accordance with the National Environmental Policy Act (NEPA), a site-specific Environmental Assessment (EA) was initiated. The EA was nearly completed in April of 1996 when we became concerned that some aspects of Alta’s proposed action may have significant environmental impacts. Thus, we decided to document the environmental analysis of these projects in an Environmental Impact Statement (EIS). At that time the 3-year plan was revised and became Alta’s Ski Area Master Development Plan (MDP) Update. Six projects identified in Alta’s MDP update were evaluated and found to have no significant effect or involve any extraordinary circumstances. These six projects were excluded from further analysis and approved in two Decision Memos, dated May 31 and September 23, 1996. A Draft Environmental Impact Statement (DEIS) for the remaining unapproved projects was prepared and released for public comment on October 10, 1996. A Final EIS has been issued concurrent to this Record of Decision (ROD). The environmental analysis documented in the Final EIS provides the foundation for my decision outlined in the Decision and Rationale section of this ROD.

II. DECISION AND RATIONALE

I have reviewed the draft and final environmental statements and understand the environmental effects disclosed. After careful consideration of the analysis, applicable laws, and public comments, I have selected and authorize the permittee to implement the Master Development Plan components discussed below. The projects I am approving are included in Alternative 3, with one exception. The exception is that I have decided to approve the water storage tanks.
described in Alternative 2 rather than those described for Alternative 3. As described in more detail below, I chose this approach because it provides more stored water for Alta to use for snowmaking and further protects Little Cottonwood Creek. The specific projects I am approving at this time are listed below. For location of these projects, see Figure 1 (attached).

1. **Remodel Albion Patrol Building** - Alta is approved to remodel the existing building to provide universal access and comply with Americans With Disabilities Act (ADA) standards. In addition, the remodeled building will provide additional underground storage for winter related supplies. This will improve the Ski Area’s operational efficiency by eliminating their current necessity of having to haul winter related items off-site for storage in the summer. This project is described in Alternatives 2 and 3 in the FEIS.

2. **Remodel Supreme Patrol Building** - Alta is approved to remodel the existing building to make it universally accessible and in compliance with ADA standards. The remodeled building will also provide additional underground storage for winter related supplies. Similar to the Albion Patrol Building Remodel, this will improve the Ski Area’s operational efficiency and eliminate the need for off-site summer storage. This project is described in Alternatives 2 and 3 in the FEIS.

3. **Supreme Generator Building** - Alta is approved to construct a generator building of about 300 square feet in size. The building will be located just south of the lower Supreme Chairlift and separate from the Supreme toilet building. I am approving this facility because it will house a generator which will provide an important safety backup power source for the Supreme Chairlift. This structure was selected over the structure described in Alternative 2 because this facility will be less disruptive for Supreme toilet users during generator operation and the structure is smaller and less intrusive. This structure will not provide additional storage. This project is described in Alternative 3 in the FEIS.

4. **Albion Lift Replacement** - Alta is approved to replace the existing lift with a lift of approximately 1,200 people per hour design capacity using its existing alignment and bottom and top terminal locations. This includes the grading in the Albion Base area (pitch 1). I am approving this project because the current lift is 20 years old and becoming increasingly difficult to maintain. In addition, the new lift will have a greater uphill capacity which will help alleviate long lift lines. This lift will not increase Alta’s skiers at one time (SAOT) capacity above the current approved level and is described in Alternatives 2 and 3 in the FEIS.

5. **Old Watson Shelter** - The Old Watson Shelter will remain as a stand alone structure in its present location. Alta is approved to restore it to its original condition and may use it as a place where light snacks and warm drinks are served. This would be a change from
its current use for storage. Allowing Alta to use this structure will facilitate the structure's maintenance. Furthermore, this will better allow the site's historic character, integrity and ambiance to be preserved and shared with the recreating public. Allowing this building to be used in this manner will also enhance skier services here. The approved structure is described in Alternative 3 in the FEIS.

6. **Watson Shelter Restaurant Replacement** - Alta is approved to replace the existing Watson Shelter Restaurant with a new two-story restaurant structure. The new restaurant will cover approximately 12,000 square feet and be located approximately 40 feet south of and separate from the Old Watson Shelter, adjacent to the existing Watson Shelter Restaurant. Upon completion of the new facility, the existing restaurant structure will be removed and the site revegetated. Construction will occur over two seasons. I am approving this facility because it will provide a more modern and efficient facility to better balance food service capacity with the number of skiers using it. As a result, Alta will better be able to serve its patrons. The new facility will also provide additional storage space. This project is described in Alternative 3 in the FEIS.

7. **Remodel Albion Ticket Office** - Alta is approved to expand both the east and west sides of the building by 20 feet and enclose the area under the south deck. The remodeled ticket office will provide universal access and comply with ADA standards. The remodeled ticket office will also improve skier services by providing more space for the children's ski school, additional restrooms and lockers, and a larger waiting area for mass transit users. In addition, the existing stairway will be relocated and improved to provide easier access to the lifts. This project is described in Alternatives 2 and 3 in the FEIS.

8. **Remodel Albion Day Lodge** - Alta is approved to remodel and enlarge, by a footprint of 4,700 square feet, the Albion Day Lodge. I am approving this in order to improve skier services and the Ski Area's operational efficiency. More specifically, this remodeling will provide universal access and comply with ADA standards, increase seating capacity by 50 indoors and by 50 outdoors, and provide additional space for garbage storage and recycling. The remodeling will also provide a staging area for supplies intended for the Alpenglow Restaurant. This project is described in Alternatives 2 and 3 in the FEIS.

9. **Blitz Trail Modification** - Alta is approved to regrade the upper section of this ski trail. Cut material will be used to fill the lower slope transition area. The large Englemann spruce at the bottom center of the trail may NOT be removed. This will change the Blitz Trail from expert to high intermediate terrain. I am approving this modification in order to provide additional terrain for intermediate skiers currently using the Collins Chairlift and Aggies Alley Trail. This will allow skiers to spread out more and help to alleviate existing congestion problems. This project is described in Alternatives 2 and 3 in the FEIS.
10. Relocate Germania Ski Patrol Building - Alta is approved to replace the existing building in a new location on the north side of Germania Pass. The new building will measure approximately 36 by 30 feet. The new building will consist of two stories, be built into the hillside, and will have a 3-foot deck on the upper level. The new building will meet ADA standards. I am approving the relocation because the existing facility does not allow ski patrol personnel to view into the upper areas of Albion Basin. This hampers accident location and dispatch. In addition, the existing building does not have sufficient storage space for rescue equipment and is not universally accessible. The approved facility will alleviate these concerns. After the new building is completed, the old structure will be removed and the existing site revegetated. This project is described in Alternatives 2 and 3 in the FEIS.

11. Albion Generator Building/Vehicle Maintenance Shop Expansion - Alta is approved to construct an addition on the south side of the vehicle maintenance shop, measuring approximately 50 by 30 by 23 feet high (approximately 1,500 square feet). A new backup generator, storage space, and an additional vehicle maintenance bay will be incorporated in this expansion. I am approving this project because it will provide backup power for lifts and base facilities in the Albion Basin area. This will allow Alta to continue operating lifts in the event of a power failure, as well as provide power for the buildings in the Albion base area. This expansion will also provide additional space needed to store snowmaking equipment and for vehicle maintenance. This project is described in Alternatives 2 and 3 in the FEIS.

12. New Access Road - Alta is approved to construct a road, approximately 600 feet long, to provide access from the Grizzly parking lot to behind the vehicle maintenance shop. Alta will also be permitted to construct, out of snow, a new winter access trail to provide a better skier entry/access point. The access road will require the construction of a retaining wall, approximately five feet tall, to stabilize the hillside. In conjunction with this, Alta is authorized to relocate the existing underground gas tanks to the new space created behind the vehicle maintenance shop. I am approving this project because it will provide better separation of heavy equipment and skiers and allow Alta to meet all federal safety regulations regarding the placement of underground gasoline tanks. This project is described in Alternative 3 in the FEIS.

13. General Office Building - Alta is approved to remodel the General Office Building. In conjunction, I am approving a three-story addition which will have a footprint of about 4,000 square feet. The addition will be located on the northern side of the western portion of the existing building. I am approving these improvements to the General Office Building because the existing 31-year-old building does not provide adequate work space for current operations and is not universally accessible for employees and visitors. In addition, the enlarged building will accommodate backup generators capable of operating...
lifts and other Wildcat base facilities during power failures. The building I am approving will meet ADA standards and provide additional space for storage of snow safety and rescue equipment, increased room for kitchen, freezer and pantry storage, and additional garbage and recycling space. The building will also accommodate an expansion of the lift maintenance and wood and sign shops and have additional snowmobile storage, office space, and locker and exercise room for employees. This project is described in Alternatives 2 and 3 in the FEIS.

14. Hillside Rehabilitation - Alta is approved to recontour and revegetate an area approximately one-half acre in size. The area is located on the hillside just north of the Albion Basin Road adjacent to Grizzly Gulch and the Grizzly Parking Lot. I am approving this project in order to reduce the erosion currently occurring here. I have decided NOT to approve any additional parking spaces. This is described in Alternative 3 in the FEIS.

15. Snowmaking - At this time, the only items I am approving related to snowmaking are listed below. I am approving these because they will enhance the quality of the early season skiing, provide a safer skiing experience and snowmaking operation, and improve the Ski Area's operational efficiency while causing no significant adverse environmental effects. In making this decision, I considered that the snowmaking is intended to provide better snow in high use and break over areas and allow more portions of the Ski Area to open at about the same time rather than to extend the Ski Area's operating season. Another factor I considered in reaching my decision is that this snowmaking system will protect Little-Cottonwood Creek by not allowing it to be dewatered. This system will also improve the Ski Area's operational efficiency since the system is interconnected so water not needed to make snow in one part of the area can be used on other areas. More consistent snow cover will also reduce operating costs and wear on snow grooming machinery. The snowmaking I am approving at this time is as follows:

A) Construction of a snowmaking cooling tower located west of the General Office Building. I am approving the cooling tower because it cools the water and makes the snowmaking system more efficient. This is described in Alternatives 2 and 3 in the FEIS.

B) Installation of snowmaking lines listed below: All snowmaking lines will be buried and will utilize underground hydrants. Buried lines are being employed because in the past, other local ski areas have experienced problems with above ground snowmaking lines freezing. These are described in Alternatives 2 and 3 in the FEIS.
1) Blitz Trail - A line running from Aggies Alley, down the Blitz Trail, connecting into the existing snowmaking line on the Main Street Trail, near the Watson Shelter. This line also provides a pipe connecting the Watson water storage to the line on the Main Street Trail.

2) Wildcat/Albion Base Area - A line running from the Wildcat Base area to the Albion Base area. Also, a line from the Wildcat water storage will connect to the existing line coming down from Collins Gulch near the General Office Building.

3) A permanent weir/intake structure in Little Cottonwood Creek near the Landis jump hill. The weir will ensure a minimum flow of 1.5 cfs bypassing the station before excess water is diverted for snowmaking.

4) Sunnyside - A line running from the Sugarloaf pump station, up the service road accessing the bottom Sugarloaf lift, down the Albion Basin Road, and then up Pitch 5 of the Crooked Mile Trail to the top of the Albion lift. This line also includes a pipe connecting the Alpenglow water storage with the Sugarloaf pump house.

C) Drilling a slanted shaft above the Monkey Hump area into Secret Lake and placement of a small submersible pump in the shaft. I am approving this project because it will provide a safer way for employees to extract water from the lake than is currently employed. This is described in Alternatives 2 and 3 in the FEIS.

D) Construction of the Sugarloaf Pump Building. I am approving this facility because a pump is needed to get the water to the upper reaches of the areas under snowmaking. This is described in Alternatives 2 and 3 in the FEIS.

E) Construction of three underground water storage tanks with a capacity of four million gallons. The storage tanks are located at the outrun of Nina’s Curve Trail, east of the Alpenglow Restaurant, and west of the culinary spring near Blitz Trail. I am approving the 4 million gallon system described in Alternative 2 rather than the 2 million gallon system described in Alternative 3 because the additional water storage will allow Alta to make snow as long as possible without dewatering Little Cottonwood Creek. The two upper mountain storage tanks would also provide a backup water source for toilets and fire protection at both the Alpenglow and Watson Shelter restaurants. These tanks are described in Alternative 2 in the FEIS.
16. Convert to a Ski Area Term Special Use Permit - Alta will be issued a new Ski Area Term Special Use Permit. Conversion to the new term permit would dedicate the land within Alta's permitted boundaries to activities defined in the Ski Area's Operating Plan for up to 40 years.

My decision has been developed after careful consideration of all comments received through the environmental review process. In addition, my staff and I have met with concerned citizens and representatives and members of various environmental group concerning this decision. My interactions with citizens, elected officials, and resource management professionals have made me aware of their concerns about the physical, biological, social, economic, and political consequences of implementing the various alternatives.

The projects I am approving include modifications that will minimize many of the environmental impacts. These projects, when implemented with the mandatory mitigation measures described in this ROD, will not result in any significant environmental impacts. Cumulative and individual impacts of the projects within this ROD are well within the range of physical, biological, and social impacts analyzed and disclosed in the FEIS.

My decision is not based on any single factor but rather a combination of factors. Of all the issues that the EIS addressed, the major considerations that drove my decision were maintaining water quality and water resources, addressing transportation problems, maintaining visual quality, maintaining recreation opportunities for both summer and winter users, maintaining wetland and riparian areas and maintaining vegetation and timber resources. Beyond these significant issues, I was also concerned about the compatibility with land-management plans for the Canyon.

In conjunction with these issues, my decision was also based upon the need to allow Alta the opportunity to meet the demands and expectations of present and future skiers while at the same time avoiding any significant impacts.

The canyons of the Wasatch Mountains provide a treasure, not only for Salt Lake Valley residents, but also for visitors from across the country and around the world. These canyons, comprised mostly of National Forest System lands, provide a wide variety of recreation opportunities on a year-round basis and annually serve nearly six million visitors.

Few places can match the unique array of recreation opportunities so close to home, much of which occurs naturally. However, many other recreation opportunities are available due to substantial investments to develop facilities such as campgrounds, picnic areas, trails, highways, and ski areas. These canyon areas also provide habitat for fish and wildlife and provide culinary water for the entire Salt Lake Valley. Many of these uses have provided, and will continue to provide economic benefits to local communities in addition to intangible benefits. Our foremost
challenge is to balance increasing demand for all types of quality recreation with the mandate to protect soil, water, air, and vegetation resources, and the ecosystem these resources support.

These balances will likely become even more delicate as our local communities continue to grow and become more urbanized. Local trends showed increasing outdoor recreational use, leading to increased demands on National Forest System lands and often, increased user conflicts. Given these growth patterns and recreation trends, with their inherent conflicts, the question is how to allow Alta Ski Lifts, as a partner with the Forest Service in providing quality downhill skiing recreation opportunities, to improve its facilities and service in order to remain a competitive and viable business enterprise while at the same time being sensitive to resource concerns and other users of the area.

I believe the projects approved in my decision will help Alta provide more reliable and dependable skiing, especially for novice and intermediate skiers, during early portions of the ski season; more evenly distribute skiers and better disperse early morning crowds throughout the Ski Area and thus reduce congestion; balance the capacity of service facilities with levels of use; and improve the area’s operating efficiency and help maintain affordable skiing opportunities.

Although I did consider Alternative 1, the No Action Alternative, I did not select it for two primary reasons. First, the No Action Alternative would not meet the Forest Service’s and Alta’s need to provide quality current and future downhill skiing opportunities for the recreating public. Secondly, I believe that the projects approved in this decision will not create significant impacts to the environment. In fact, I believe that the long-term benefits from the approved projects will outweigh any short-term impacts from project implementation.

I recognize that public sentiment regarding aspects of Alta’s MDP Update are divided. While I have considered this, I cannot base my decision solely on public comment, but must decide how the overall public interest is best served. In making my decision, I have balanced the legal concerns, management options, public comments, and the positive and negative impacts associated with each alternative. I have also attempted to view this decision in the larger context.

In this context, I decided to go along with a request from Alta Ski Lifts Company and Save Our Canyons to delay decisions on three specific projects in order to allow additional collaboration between Alta and the environmental community. Variations of these three projects are included in Alternatives 2 and 3. Although the analysis for these projects is complete, I decided to delay a decision on these projects until later, probably in September of 1997. I decided to delay a decision on these three projects because it will provide anyone interested an additional opportunity to visit and review these projects once the snow has melted and yet, allows Alta to implement the remaining projects in their MDP Update which have less public concern. The three projects I am deferring decisions on are:
1. Trail modifications and snowmaking lines on Roller Coaster, Devils Elbow and Crooked Mile ski trails, except as described under item 15-B4 (Snowmaking-Sunnyside);

2. Implementation of the Vegetation Management Plan; and

3. Realignment of Sunnyside Lift.

Although these projects are not approved at this time, I did consider the direct, indirect and cumulative effects of implementing these projects before making my decision. These effects are analyzed and disclosed in the FEIS.

III. SIGNIFICANT ISSUES, MANAGEMENT REQUIREMENTS AND MITIGATION MEASURES

In order to minimize the impacts of implementing Alta's MDP Update Plan on the biological, physical, and human environments, I have instituted mitigation measures and management requirements. It became obvious from reading public comments that you are very concerned about water quality and watershed protection, transportation problems, compatibility with all canyon management plans, and potential impacts from rock and tree removal and terrain modifications on visual quality and summer recreation opportunities. I believe that with the strict implementation of the mitigation measures I am requiring, the environmental effects of the approved projects will be minimal. (NOTE: The mitigation measures listed in this section were taken from those listed in the FEIS. However, some of the mitigation listed in the FEIS pertains to projects on which I am not currently making a decision. Therefore, I have not included the inapplicable mitigation measures in this decision. It is also important to note that the numbers used to reference mitigation measures in the FEIS differ from those used below).

Waters Resources

One of our most important mandates is to protect and enhance soil, water and vegetation resources so that the integrity of our watersheds is maintained. The FEIS shows that neither Alternative 2 nor 3 will have a significant effect on water quality. This is due to the small percentage of area disturbed, the terraced land forms, dense vegetation cover, and distance to live streams. Water quality may improve as a result of establishing minimum instream flows. Also, our analysis shows that increased snowmaking does not measurably increase stream flows and could potentially extend peak runoff in the spring.

On the whole, conservation practices and current revegetation practices have proven successful at Alta in the recent past, and with proper monitoring will continue to improve. These practices
provide erosion and water quality protection. The following site-specific mitigation measures will minimize impacts to fisheries, riparian vegetation, water quality, and water resources:

1. Prior to construction, the stream (Little Cottonwood Creek) will be diverted around the construction site and the site dewatered in order to minimize sediment loading.

2. Water will be returned back into the channel only after all construction is completed.

3. All banks exposed during construction will be revegetated and erosion mats installed after construction and prior to snowfall.

4. Cement trucks will be washed and cleaned off National Forest Lands, unless an approved disposal site is located and approved by the Forest Service.

5. A stream flow study, paid for by Alta, will be conducted to determine the effects of water withdrawals for snowmaking on Little Cottonwood Creek. The three-year study will be conducted below the Landis Jump hill site. The baseline flow of 1.5 cubic feet per second (cfs) will be retained or adjusted up or down as appropriate depending on the study conclusions.

6. A vegetative buffer will be maintained between all parking lots and live streams.

7. To the extent practical, screens or other devices will be installed on detention basins to capture oils and other pollutants before they enter stream systems.

8. Site disturbance will be limited so that post development site productivity, on a project site basis, is not degraded. Acceptable site productivity is determined when soil loss is less than one ton/acre/year (SCS, 1975) after revegetation is complete based on soil loss calculations. A site-specific erosion control plan will be developed and Best Management Practices will be employed. The erosion control plan will be approved by the Forest Service in cooperation with Salt Lake County.

9. A 50% native seed mix approved by the Forest Service will be used in conjunction with mulches, erosion control blankets and other stabilizing measures on all soil-disturbed areas to enhance rapid revegetation.

10. Disturbed areas will have water bars constructed approximately every 75 feet on slopes greater than 35%, every 100 feet on slopes between 25% and 35% and every 250 feet on slopes less than 25%. These are minimum requirements. Spacing may be closer based on site factors such as soil erosiveness, expected runoff, and others. Rock lined drains should
be substituted for waterbars where high volumes and velocities of runoff, or any runoff that is sustained past the snowmelt periods are expected.

11. Small sediment traps will be installed using secured strawbale dikes and/or silt fences at the terminus of each water bar. These will be maintained until revegetation is complete. Small temporary (3-5 year duration) rock sediment traps will be placed downstream of disturbed areas that have potential to deliver sediment to Little Cottonwood Creek.

12. All graded areas will be mulched using approximately two tons/acre of hay mulch and/or erosion control blankets immediately after disturbance to prevent soil erosion, maintain site productivity and for visual mitigation. The Forest Service must approve mulch types and locations prior to construction.

13. The Forest Service will monitor the project area until revegetation is fully established to identify areas where additional water bars, mulching and reseeding are needed.

14. Topsoil will be removed from areas where grading activities occur and stockpiled away from water courses. The topsoil will be reapplied once rough grading is completed in amounts sufficient to obtain revegetation and maintain site productivity.

15. The time motorized equipment are in riparian, wetland and disturbed areas where grading activities are required will be minimized. Vehicles will be prohibited in areas not to be disturbed.

16. Soil compaction on the entire project will be minimized by limiting the amount of grading and vehicular traffic. This will prevent increased runoff and maintain site productivity.

17. The amount of grading will be minimized to limit soil loss, maintain acceptable site productivity and to reduce visual impacts.

18. All applicable erosion control and stabilization practices to soil-disturbed areas will be applied within two days (conditions permitting) following completion of work in that area. Disturbed areas (vegetative-only) will be reseeded within ten days following completion of work in that area. All disturbed areas will be revegetated no later than October 15 of each year.

19. The concentration of surface and subsurface water within or onto proposed ski trails or potentially unstable land forms will be avoided.

20. Alta will not leave newly constructed road sections with ineffectual drainage or sediment control measures.
21. The generator building will be constructed in a manner that any spill would be contained within the structure itself.

22. Construction activities will be implemented in stages, based on Alta's capability to complete required site stabilization and revegetation work prior to the onset of winter weather for any construction season. The annual plan of operations will include descriptions and locations of each stage or phase of run modification activities expected to be implemented in that year. Projects will be completed in one general area to the extent practical before starting on another.

23. Where possible, the road cut on FS Road 80221 (Albion Basin Road) will be day-lighted to create a turnout/wide section rather than creating a through cut.

24. An in-sloped cross section, with a rock lined ditch and a culvert at the end of the cut, will be used to remove water from the reworked section of FS Road 80221.

25. The disturbed section of FS Road 80221 will be resurfaced with crushed gravel to cover native rocky surfaces and match the existing road surface.

26. The reworked section of FS Road 80221 will be surveyed and designed before actual construction, to assure the best final product.

27. All cut and fill slopes associated with work on FS Road 80221 will be lined with erosion control matting and reseeded.

28. The effect of rapid water withdrawal from Little Cottonwood Creek will be evaluated during the first year of snowmaking. This will be done at the proposed water withdrawal site (Landis Jump Hill site) to establish whether there might be induced changes to channel width. A monitoring site will be established if visual observations detect induced bank instability along Little Cottonwood Creek.

29. All rock, soil and other material extracted from the drilling operation for the Cecret Lake water withdrawal shaft will be removed from the Ski Area and transported to a certified disposal area.

30. All lift towers not accessible by roads or in other approved ground disturbed areas will be installed with helicopters. No ground equipment will be allowed except that a backhoe will be allowed, where practical, to clear brush and dig holes for lift towers and terminals. All routes will be designated by the Forest Service ahead of any work.
Transportation

Little Cottonwood Canyon Highway is currently at, and often exceeds, its highway and parking capacity during peak winter weekends and holiday periods. We have seen that peak period grow in past years. The daily peaks have also grown. Highway capacity exceedence inconveniences users and increases their exposure to public safety risks from winter driving conditions and potential avalanches. Traffic problems persist despite the use of mass transit and the cooperation of the ski resorts.

I applaud Alta for its policy of limiting ticket sales based upon its parking capacity, but nevertheless, traffic problems continue to grow. Mitigation measures such as offering incentives to increase vehicle occupancy, increasing mass transit use, and implementation of a public information system may help reduce traffic problems. Alta and the Forest Service have limited ability to implement these measures and must be proactive in working with other agencies such as Salt Lake County, the State Department of Transportation, and Utah Transit Authority to procure adequate park-n-ride lots, devise efficient mass transit routes and schedules, and enforce county and state highway and parking regulations.

The only proposed project that would directly affect transportation was the proposal to add 28 parking spaces to recoup parking lost to mass transit. During the analysis, Alta proposed an alternative to this based on responses to public scoping and their need to make some changes to their gasoline tanks and vehicle maintenance shop area. In order to facilitate the new access road and vehicle maintenance area improvements and to eliminate any further transportation impacts, I opted to approve the access road/vehicle shop related projects and did not approve the increased parking alternative. The following site-specific mitigation measures will minimize traffic and parking impacts:

1. Alta will continue to encourage mass transit use by the public, through continued financial support to Utah Transit Authority.

2. Intelligent Transportation Information System (ITIS), could be very useful in the SR 210 corridor. ITIS which would consist of electronic message signs could allow motorists to select in advance the most convenient parking locations and access routes to avoid excess circulation/congestion due to full or nearly full facilities (park-n-ride lots, ski area parking lots). The Ski Area along with other ski areas in Big and Little Cottonwood Canyons will be encouraged to work with Salt Lake County to implement such a system.

3. A wide range of incentives to encourage people to use mass transit will be considered. Alta currently pays for bus passes for resort employees and season pass holders.

Record of Decision
4. Alta will continue to provide transportation for a percentage of its employees to and from the resort.

5. On days that parking resources are maximized, Alta will continue to deny parking of passenger vehicles (until other vehicles leave parking lots), and buses will be allowed into parking areas with reservations only or to drop off passengers (exceptions would be UTA buses which would continue to drop off and pick up passengers). In addition, Alta will continue to warn potential guests when parking lots are full, by using the electronic sign at the bottom of Little Cottonwood Canyon and with radio messages used by the Canyon radio station.

6. The ski areas will be encouraged to continue to work with UTA, UDOT, Salt Lake County, Utah Division of Air Quality, and the Forest Service to implement the goals and direction of the Wasatch Canyons Master Plan.

Visual Quality and Recreation

Visual quality and recreational experience vary greatly dependent upon an individual’s perception. They are also strongly related. We all see and feel things differently. To some, implementation of the Alta’s MDP Update may constitute a visual intrusion, while others may notice little, if any change.

Although the visual quality mitigation measures will reduce impacts, I understand that some people will be disturbed by the changes that will take place. Alta will utilize the best management practices (BMPs) available to ensure that all revegetated areas will recover their natural appearances as soon as practical. Improvements to buildings will utilize architectural designs and natural materials to help them blend in with their surrounding environment.

As with visual quality, recreation experiences are, on a large degree, dependent upon the setting. Changes to the setting may affect the visitor’s experience. I, like many of you, have experienced and enjoyed the natural beauty of Albion Basin. I have enjoyed skiing, as well as hiking and other summertime recreational pursuits in and around this special place, and agree that it needs to be protected.

I do realize that many of the actions I am approving may be disruptive to some and no matter how well Alta is able to revegetate disturbed areas, there will be impacts. I am confident that with the required mitigation measures that I have imposed, the areas in and around Alta will still provide the setting for high quality recreational experiences for present and future users.

The projects that may create the greatest visual impact and related impact to summer recreational experiences have not been approved at this time. However, I did consider the cumulative effects from these projects which have been analyzed and documented in the FEIS. Of the projects
approved at this time, none will have significant impacts in the long term. There will be short-term disruptions from ongoing construction activities as well as small scale revegetation projects.

I believe that the mitigation measures that I have imposed will be very effective in preserving a setting that will, for the short and long-term, present opportunities for high quality recreational experiences. As mentioned above, Alta will be required to utilize BMPs to ensure that ground disturbed sites are revegetated quickly. Alta has been a leader in the industry in its revegetative practices and has worked with the Forest Service in developing and testing native-seed mixes. The following site-specific mitigation measures will minimize visual impacts and help maintain quality recreational experience opportunities:

1. Tree removal will occur in a manner in which Visual Quality Objectives for the Ski Area are met. Forest Service staff will be involved in designating any trees to be removed.

2. Ten new native trees will be replanted to replace each tree that is removed.

3. As much as possible, linear openings in forested vegetation will be avoided by feathering the edge of ski trails.

4. Architectural styles and design details will be employed to blend facilities in with existing landform characteristics and/or existing architectural themes. Use of reflective materials will be avoided.

5. Ski lifts should blend with non-snow season's color pattern. Forest Service landscape architects will review and approve color design for chairlift chairs, towers, and terminals before ordering.

6. All lift towers not accessible by roads or in other approved ground disturbed areas will be installed with helicopters. No ground equipment will be allowed except that a backhoe will be allowed, where practical, to clear brush and dig holes for lift towers and terminals. All routes will be designated by the Forest Service ahead of any work.

7. Disturbed ground areas will be revegetated with native plants as soon as practical after construction to avoid high color and texture contrast with existing ground layer vegetation.

8. Cut slopes and other earth/rock disturbance areas will be graded to resemble adjacent natural land forms.
Wetland and Riparian Areas

Wetland and riparian areas provide valuable functions to the ecosystem and receive special protection by law. Impacts to wetland and riparian areas from the approved projects will be minimal, one-tenth acre or less. If any impacts occur, they will be along the base transfer line, an area with previous modifications.

The remaining unapproved projects could potentially impact other areas. The effects of these projects and future actions in the Canyon are addressed in the FEIS and were considered in my decision. The following mitigation measures will further minimize impacts to wetland and riparian areas:

1. Wetland losses will be avoided. Adverse riparian and wetland effects will be mitigated by minimizing grading activities.

2. Alta will coordinate with the Army Corps of Engineers and Forest Service and develop a Wetlands Mitigation Plan, if any wetlands are disturbed. Areas used for wetlands mitigation will be either onsite or offsite at previously degraded National Forest System wetland/riparian areas. Mitigation will be considered only after avoidance and minimization steps have been taken.

3. Any disturbed riparian/wetland areas will be revegetated with wetland seed mix containing native species and approved by the Forest Service.

4. Alta will obtain a Section 404 Permit from the Army Corps of Engineers for wetland fill activities (if fill is required).

Vegetation Resources

Vegetation patterns at Alta provide a scenic array of wildflowers and alpine forests, as well as watershed protection and habitat for numerous wildlife species. Approved projects will have minor short-term impacts to wildflowers and ground cover vegetation in various areas. These areas, using the mitigation measure required in this decision, will fully revegetate. In other localized areas, such as the new Watson Shelter and Germania Patrol building, the vegetation will be lost, but the original buildings will be removed and the sites rehabilitated to equal a zero net loss.

The Vegetation Management Plan has not been approved at this time and no proposed clearing or glading recommended in the Plan may take place without approval of the Plan at a later date or without written permission from the Forest Service. As with the Vegetation Management Plan, other projects that would likely have the greatest impacts (short-term) upon vegetation have not
been approved at this time however, the cumulative effects have been analyzed and disclosed in the FEIS. The following mitigation measures will further minimize impacts to vegetation and forest resources.

1. The Douglas-fir tree located on skiers left of the Albion Basin summer access road project will be left.

2. Seed mixes will be approved by the Forest Service before application. Seed mixes will include grasses and forbs, have a minimum of 50% native seed, and be certified noxious weed free.

3. Ten trees will be planted and protected for every tree removed. Trees planted will be native to the area and planting sites will be approved by the Forest Service.

4. Seeds will be collected from existing native species to be used in addition to the required revegetation seed mixes. This will provide for faster succession of native plant species in revegetated areas.

5. The Forest Service will survey all revegetated areas on a yearly basis to assess rehabilitation efforts. If at the end of five years a site is not revegetated to the satisfaction of the Forest Service the area will be reevaluated and new revegetation methods applied.

6. Carpets that can be rolled out over disturbed areas to reestablish wildflower populations at a quicker rate than current procedures will be tested.

7. The large Englemann spruce tree at the bottom center of the Blitz trail may NOT be removed.

Compatibility with Canyon Management Plans

Little Cottonwood Canyon is managed under the direction of numerous management plans including the Wasatch-Cache National Forest Land and Resource Management Plan, the Wasatch Canyons Master Plan, and the Salt Lake City Watershed Management Plan. These plans provide us management direction and define our priorities. Each of these plans was approved only after extensive public participation. Jointly, they define a clear vision of what the public desires of the canyons. As with any complex multi-jurisdictional problem, it will be a challenge for all involved agencies to work together to tackle the transportation problems.
Other Non-Significant Issues

Beyond the significant issues described above, seven other issues were raised by the public and the Forest Service Interdisciplinary team. These are included and evaluated to disclose the effects on the environment. These issues include the conversion to a new long term Special Use Permit, air quality, heritage resources, universal access, noise, soils and geology, and wildlife and fisheries. I have instituted the following mitigation measures to ensure that any impacts resulting from my decision are minimized.

New Long Term Special Use Permit

Requiring Alta to convert to a new long-term Special Use Permit will not have any direct environmental impacts. Therefore, I am not requiring any specific mitigation measures relative to this issue. However, a conversion to this type of permit will continue to dedicate this land to downhill skiing for up to 40 years and with that will be the associated impacts of normal ski operations similar to those described under the No Action Alternative in the FEIS.

Air Quality

Although air quality in Alta is generally well within established standards, Alta does lie within Salt Lake County which is considered an impaired airshed. Therefore, I am requiring the following mitigation measures to be employed to reduce the potential for dust and other emissions.

1. The area disturbed by clearing, earth moving, or excavation activities will be kept to a minimum and improvements will be carried out in sections.

2. All major grading areas, including roadways and building and lift terminal areas will be watered to prevent excessive amounts of dust. Lacking natural precipitation, watering of these areas will occur at least twice daily with complete coverage, preferably in the late morning and after work is completed for the day.

3. Slash piles for burning will be constructed by hand and will not exceed 10 feet in height or 15 feet in diameter. A Forest Officer will periodically inspect the piles for placement and size.

4. Before any burning is allowed, a burn permit will be obtained from the Forest Service. The burn permits will contain requirements that specify emergency actions in case of fire escape.

5. Where thinning occurs, slash will be scattered to increase ground cover and reduce soil loss unless it can be chipped.
6. On-site vehicle speed will be limited to 15 mph to reduce impacts associated with dust. Any dust nuisances will be reduced by acceptable dust control procedures.

7. Where feasible, slash from removal of trees will be chipped and scattered on site.

8. If slash cannot be chipped and scattered due to steep and/or inaccessible terrain, then disposing by open burning will be allowed but limited to five tons per year. The Utah Air Quality Board has approved an open ended burning variance for each of the ski resorts in Salt Lake County. This open burning variance contains eight conditions that must be met before any burning is allowed. This variance is outlined in two letters from the State of Utah Division of Air Quality, dated September 13 and October 11, 1991.

9. Construction and permanent on-site equipment engines will be maintained in good operating condition.

Heritage Resources

The Old Watson Shelter is the only identified site at the Ski Area with historical or cultural significance. Built in 1939 by the Civilian Conservation Corps, the building is eligible for the National Register of Historic Places. I believe that the historical value of the building can be preserved under both Alternative 2 and 3. However, I chose to keep it a stand alone building as described in Alternative 3 in order to better preserve its historical integrity. Alta will be required to preserve and maintain the building in accordance with "The Secretary of the Interior's Standards for Rehabilitation and Guidelines of Historic Buildings". We have consulted with the Utah State Historical Preservation Officer and he concurs with my decision regarding this structure.

Universal Access

In accordance with the Americans with Disabilities Act (ADA), all new or renovated buildings that provide public access must meet ADA codes. Approved facility construction and renovations will improve access for year-round users.

Noise

Implementing the approved projects will have short-term noise impacts to the areas surrounding the site-specific project. Once these projects are completed, noise and noise levels will be similar to that generated by existing Ski Area operations. The following mitigation measures will further minimize noise intrusions:
1. Construction activities will be limited to the daytime period, unless otherwise approved by the Forest Service.

2. All construction equipment will be fitted with adequate muffler systems.

3. As a safety measure, all blasting will be supervised by an experienced blaster.

Soils and Geology

All ground disturbing activities must follow the mitigation measures previously described under Water Resources. Projects I am approving at this time will have less potential for erosion than either Alternative 2 or 3 described in the FEIS. This is due to my deferring a decision on three projects with the highest soil erosion potential. However, even if these projects were later approved, the anticipated soil loss would be well within established tolerance levels and long-term soil productivity would not be impaired. These projects were included in the analysis and their effects disclosed in the FEIS.

Since the DEIS was distributed for public review, we have learned the area surrounding Alta is used for geological education and research. In reaching my decision, I considered that only about one of the 67 acres of glacially polished rock in the area would be impacted. However, even this might be very important to some. Therefore, I am requiring Alta to inform the University of Utah Geology Department of any exposed glacially polished rock that will be removed. This will provide an opportunity to reduce the loss of valuable research and teaching opportunities.

Wildlife and Fisheries

Although no viable fish populations were found within the permit area boundary, I am requiring a minimum stream flow of at least 1.3 cubic feet per second (cfs) be left in Little Cottonwood Creek. This will maintain and possibly improve fish habitat. Other mitigation measures relative to fisheries are incorporated into the mitigation measures previously described for Water Resources.

Wildlife habitat will be disturbed and some species may be affected in the short-term until the habitat is revegetated. I have deferred a decision on three of the projects which would have the most impact on wildlife. As a result, impacts to wildlife will be minimal. The cumulative effects of the excluded projects were analyzed and their effects disclosed in the FEIS. The following mitigation measures will further minimize impacts to wildlife:

1. Any blasting required to implement approved projects will be coordinated with a Forest Service wildlife biologist.
2. Thinning and glading activities in Greeley Bowl will be done as late into the fall as possible to avoid disturbing nesting birds.

3. Where possible, the snowmaking corridor will follow the road along the transfer tow area (between the Wildcat and Albion base areas).

4. The removal of aspen and standing dead trees will be minimized to the extent practical. Where safety concerns can be addressed, snags 18" in diameter and greater will be left to provide habitat for raptors and cavity nesters like woodpeckers.

IV. PUBLIC INVOLVEMENT

Federal agencies need to listen to various interest groups and individuals to provide good public service and meet the intent of NEPA. I have heard very clearly that Alta, and especially Albion Basin, is a special place for all its visitors, summer and winter. Whether enjoying the "greatest snow on earth", or the magnificent alpine scenery and wildflowers, visitors to Alta share a common goal - this area must be managed to protect the opportunities for future generations of skiers, hikers, campers, and outdoor enthusiasts of all kinds so they can enjoy the splendor that all present users have come to know and love.

Not only did I hear sentiments to preserve Albion Basin, I also heard that people wanted to be involved in the NEPA process. Numerous respondents requested a delay in this decision to allow for a summer field review of some ground disturbing activities. From this request, and a request from Save Our Canyons and Alta, I have decided to delay three projects so that those who are concerned about the impacts of implementing these projects will have an opportunity to review them in the field and engage in further discussion.

Efforts were made throughout the Alta Ski Area MDP Update to secure a broad range of meaningful input from interested parties. Public involvement for this environmental analysis is documented in Volume I, Chapter II and Volume II of the FEIS. A brief description of that process follows.

Initial scoping for issues and concerns:

- Circulating approximately 600 copies of Alta's 3-year plan scoping document - 9/24/93
- Circulating approximately 600 copies of Alta's MDP Update - 4/5/96
- Notice of Intent (NOI) to prepare an EIS was published in the Federal Register - 4/9/96
- Open House at Alta Ski Area - 4/23/96
Discussions of the 3-year/MDP Update plans have appeared in the Wasatch-Cache National Forest's Quarterly Status newsletter (circulation of approximately 700) since winter/spring issue 1993.

Approximately 40 written comments were received during the two initial scoping processes.

Public involvement between DEIS and Final EIS:

- Mailing of DEIS and requests for comment - 10/10/96
- Public comment period was extended from 12/2/96 to 12/17/97 (15 days)
- Meeting with Environmental Coalition - 2/18/97

Approximately 271 written and oral comments were received during the public involvement process between the DEIS and the FEIS.

V. ALTERNATIVES CONSIDERED

The National Environmental Policy Act requires the Forest Service to study, develop, and describe appropriate alternatives to the proposed action for use-of National Forest System lands. When developing alternatives, the objective is to develop a reasonable range of different and feasible alternatives. I considered a range of alternatives in arriving at my decision, including not allowing Alta to implement any of its proposed improvements. In addition to the three alternatives that were developed and considered in detail, six alternatives were considered, but eliminated from further detailed study. These alternatives are listed below:

1. Eliminate the Sunnyside Chairlift and Replace the Albion Lift as a Quad,
2. Replace the Germania Ski Patrol Building in Its Present Location,
3. Construct the Germania Ski Patrol Building on the south side of Germania Pass,
4. Trail Modifications Using Fill Instead of Cut,
5. Snowmaking and Water Storage Above Ground, and
6. Alternative D from the Draft EA.

These alternatives were eliminated from further study because they proved to be impractical, unresponsive to issues, did not meet the purpose and need, or were redundant with other...
alternatives considered in detail. Detailed descriptions of all alternatives can be found in Chapter II of the FEIS. Following is a brief description of the alternatives considered in detail.

**Alternative 1: No Action**

The No Action Alternative is required by CEQ regulations implementing NEPA. It serves as baseline from which to measure all other action alternatives, is a mechanism to analyze the effects of no future development at Alta, and is also a reasonable alternative. Under this alternative, replacement of and/or minor improvements to lifts, trails, buildings, and other support facilities could occur, as approved under its current operating plan and Special Use Permit (SUP).

Development activities on private land within the project area boundary could be undertaken by Alta. Although the Forest Service has no jurisdiction over development on private land, this alternative was analyzed assuming that no development would occur except previously approved Ski Area changes.

**Alternative 2: Proposed Action**

The Proposed Action alternative is the proposal for actions included in Alta’s MDP Update. The skier-at-one-time (SAOT) capacity limit would remain at 5,725, although uphill capacity would increase by 600 PPH (from 4,902 to 5,502 PPH), with the replacement of the Sunnyside and Albion lifts. Other improvements include additional snowmaking capacity with underground reservoirs, trail modifications, skier service facility improvements, and infrastructure improvements. All alpine skiing improvements would be limited to the area within the existing Special Use Permit boundary. The Forest Plan would be amended as described in Section VI of this ROD.

**Alternative 3: Preferred Alternative**

Alternative 3 was developed to address important issues such as water resources, visual quality in Albion Basin, historical values and transportation. Alternative 3 is identical to Alternative 2 except for the elimination of the Grizzly parking lot expansion in favor of an access road and maintenance vehicle storage area and ski-way access trail; trail modification areas would be more specific, targeting site specific problem areas; Sunnyside lift would be replaced in its current location rather than the proposed new alignment, and underground water storage space would be reduced. The Forest Plan would be amended as described in Section VI of this ROD.

**VI. FINDINGS REQUIRED BY OTHER LAWS**

The Forest Plan has been reviewed and a determination made that this decision is not consistent with the Forest Plan. The actions in this project comply fully with the goals of the Forest Plan,
the Management Direction, and the Forest-wide standards and guidelines (see Chapter IV of the Wasatch-Cache Land and Resource Management Plan).

However, as noted in the FEIS, the Forest Plan established VQO for areas viewed from campgrounds is retention. The VQO established in the Forest Plan for ski area base facilities is modification and for ski slopes is retention. Since the slopes and base of the Ski Area can be viewed from Albion Basin Campground, this direction is not congruent.

Similarly, the VQO for the interior of campgrounds is modification but the VQO for ski slopes is partial retention. Because of this, the existing Albion Basin Campground, which meets a VQO of modification, does not currently meet the Forest Plan VQO of partial retention for ski slopes.

As a result, I have decided to amend the Forest Plan to eliminate this incongruency. I am amending the Forest Plan as follows:

1. Adding a provision to the visual quality objective that views from campgrounds of permitted ski areas must meet the VQO established for the ski area (i.e. partial retention for the slopes and modification for the base facilities).

2. Adding a provision to the visual quality objective for ski slopes that the interior of developed recreation sites must meet the visual quality objective established for those sites (i.e. the interior of the site must meet a VQO of modification).

Specific changes made are documented in the attached plan amendment. This is a nonsignificant amendment to the Forest Plan.

Floodplains, wetlands, prime lands, threatened and endangered species, minerals, and cultural resource management implications have been considered and these resources will not be adversely affected.

VII. ENVIRONMENTALLY PREFERRED ALTERNATIVE

In accordance with CEQ regulations, I am required to identify the alternative(s) which could be considered to be environmentally preferable. The environmentally preferable alternative is defined by CEQ as (1) The alternative that causes the least damage to the biological and physical environment, and (2) as the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

Based only on the definition described above in item (1), the environmentally preferred alternative would be Alternative 1, "No Action." This alternative proposes no new facilities and does not
increase environmental impacts over current levels. This alternative is the environmentally preferred alternative. Implementation of this alternative could still result in some ground disturbing activities. Previously approved projects, projects located on privately-owned land, and replacement of existing facilities (after review by the FS) could be undertaken. However, based upon the analysis in the FEIS, Alternative 1 does not best protect and enhance historical values, water resources or maintain the skiing experience. Alternative 1 does not fully protect the historical integrity of the Old Watson Shelter as it would continue to be used as storage while its physical condition continues to deteriorate, and fails to protect stream flows in Little Cottonwood Creek. Also, without some level of mountain and facility improvements, the quality of the skiing experience, particularly in the early season would diminish.

Based on the definition described above in item (2) Alternative 2 and 3 could also be considered environmentally preferred as defined by CEQ guidelines if all mitigation measures were implemented as described in Chapter II. This is because “action” as opposed to “no action is required to mitigate current impacts to historic and natural resources.

VIII. IMPLEMENTATION DATE AND APPEAL OPPORTUNITIES

This decision is subject to appeal pursuant to 36 CFR 215.7. A written Notice of Appeal must be postmarked within 45 days after the date this notice is published in the Salt Lake Tribune, Salt Lake City, Utah. The Notice of Appeal should be sent to: USDA, Forest Service, Intermountain Region, ATTN: Appeals Deciding Officer, 524 25th Street, Ogden, Utah, 84401.

Appeals must meet content requirements of 36 CFR 215.14. For further information on this decision, contact Rob Cruz, EIS Project Manager at the Salt Lake Ranger District, 6944 South 3000 East, Salt Lake City, UT 84121 or by phone at (801) 943-9433.

If no appeal is received, implementation of this decision may occur on, but not before 5 business days from the close of the appeal filing period. If an appeal is received, implementation may not occur for 15 days following the date of the appeal disposition.

Bernie Weingardt 4/10/97
Forest Supervisor
Wasatch-Cache National Forest

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The following projects are not approved at this time:

1. Trial modifications and snowmaking lines on Roller Coaster, Devils Elbow and Crooked Mile ski Trails, except as described under item 15-13-4 (Snowmaking - Sunnyside) of the ROD,
2. Implementation of the Vegetation Management Plan, and
3. Realignment of Sunnyside Lift.

Figure 1
Alta Ski Area EIS
Wasatch - Cache National Forest

PROPOSED PROJECTS
1. ALBION PATROL BUILDING, REMODELED
2. SUPREME PATROL BUILDING, REMODELED
3. SUPREME GENERATOR BUILDING
4. ALBION LIFT REPLACEMENT
5. SUNNYSIDE LIFT REPLACEMENT
6. DEVIL'S ELBOW RUN MODIFICATIONS
7. ROLLER COASTER RUN MODIFICATIONS
8. CROOKED MILE RUN MODIFICATIONS
9. REMODELED ALBION TICKET OFFICE
10. REMODELED ALBION DAY LODGE
11. BLITZ RUN MODIFICATION
12. WATSON SHELTER REPLACEMENT
13. RELOCATION OF GERMANA PATROL BUILDING
14. ALBION GENERATOR BUILDING
15. N A
16. SUGARLOAF SNOWMAKING PUMP BLDG.
17. HILLSIDE REHABILITATION
18. NEW ACCESS ROAD / SKI CORRIDOR
19. GENERAL OFFICE BUILDING
20. OLD WATSON SHELTER S
21. SNOWMAKING COOLING TOWER

SNOWMAKING:
EXISTING
NEW
SURFACE ROCK REMOVAL
GLADE SKIING
EXISTING TRAIL
AREAS TO BE REGRADED
RESERVOIRS:
A ALPENGLOW
B WATSON
C WILDCAT

Scale: 1" = 1000'

April 11, 1997