

Subcommittee on Federal Lands  
Tom McClintock, Chairman  
Hearing Memorandum

November 14th, 2016

**To:** All Subcommittee on Federal Lands Members

**From:** Majority Staff – Brent Blevins  
Subcommittee on Federal Lands, x 6-7736

**Hearing:** Legislative hearing on H.R. 5718 (Rep. Jason Chaffetz), to direct the Secretary of Agriculture to acquire and to convey certain lands or interests in lands in Utah, and for other purposes.

**November 15, 2016 at 10:00 AM; 1324 Longworth HOB**

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**H.R. 5718 (Rep. Jason Chaffetz), “*Central Wasatch National Conservation and Recreation Area Act*”**

**Bill Summary**

H.R. 5718, introduced by Representative Jason Chaffetz (R-UT), is a comprehensive land management bill affecting the Central Wasatch Mountains in Utah. The bill would designate nearly 80,000 acres of Forest Service land as the Central Wasatch National Conservation and Recreation Area while preserving several existing uses and promoting recreation in designated areas. The legislation is a compromise among a variety of entities comprising the Mountain Accord.<sup>1</sup>

**Cosponsors:**

Rep. Chris Stewart [R-UT-2] and Rep. Mia Love [R-UT-4].

**Invited Witnesses**

**PANEL I**

*The Honorable Jason Chaffetz* (R-UT-02)  
Member of Congress

**PANEL II**

*Mr. Glen Casamassa*  
Deputy Chief for the National Forest System.

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<sup>1</sup> <http://mountainaccord.com/>

U.S. Forest Service  
Washington, DC

*Mr. Tom Dolan*  
Mayor  
Sandy City, Utah

*Mr. Bob Bonar*  
President and CEO  
Snowbird Ski and Summer Resort  
Snowbird, Utah

*Ms. Jayme Blakesley*  
General Counsel  
Utah Transit Authority  
Salt Lake City, Utah

*Mr. Carl Fisher*  
Executive Director  
Save Our Canyons  
Salt Lake City, Utah

## **Background**

The Central Wasatch Mountain Range is a 160 mile stretch of mountains in Utah running from the Idaho border to the southern part of the state. The range is home to some of the largest ski resorts in the United States, including Snowbird, Alta, Brighton, and Solitude resorts in Cottonwood Canyons. Beyond skiing, there are a variety of outdoor recreation opportunities including hiking and biking trails, climbing, and camping sites. In recent years, the population in the Wasatch has grown quickly causing a variety of transportation and land-use issues in the area. Additionally, several local groups have been involved in litigation in recent years over the use of land in the range.<sup>2</sup>

Mountain Accord (MA) was formed in February 2014 to address these issues. MA is “a public process committed to preserving the mountains for future generations, to addressing immediate concerns, and to realizing a long-term vision for the future.”<sup>3</sup> The Mountain Accord is a group of local governments, business, and non-profit entities based in central Utah whose purpose is to collaborate on future management of the Wasatch Mountains. These individuals worked for more than two years to reach a compromise on a legislative package to address conservation and transportation issues in the region. The result of this is HR 5718, introduced by Rep. Jason Chaffetz in July 2016.

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<sup>2</sup> <http://www.deseretnews.com/article/865657823/Rep-Jason-Chaffetz-introduces-bill-to-manage-central-Wasatch-Mountains.html?pg=all>

<sup>3</sup> <http://mountainaccord.com/accord-background/>

The legislation includes several elements, including the creation of a 79,000 acre National Conservation and Recreation Area within the Wasatch-Cache National Forest, several wilderness area adjustments resulting in a net increase of approximately 8,000 acres of new wilderness, creating permanent boundaries for four ski areas within the designated area, and authorizing new transportation projects in the Cottonwood Canyons. The legislation specifies that all existing uses of the affected land will be allowed to continue.

## **Major Provisions/Section-by-Section Analysis of H.R. 5718**

### Section 1: Short title; table of contents

### Section 2: Definitions

### Section 3: Central Wasatch National Conservation and Recreation Area

- Establishes a 79,109 acre National Conservation and Recreation Area in the Wasatch-Cache National Forest.
- Specifies that a management plan must be developed in three years.
- Lays out criteria for consideration in developing the management plan, including emphasis on conservation, recreation, and watershed health.
- Dictates that all current licensed activities are allowed to continue.

### Section 4: Wilderness

- Removes 117 acres from the Mount Olympus Wilderness
- Removes two acres from the Twin Peaks Wilderness
- Adds 2,563 acres to the Lone Peak Wilderness
- Adds 6,158 acres to the Grandeur Peak-Mount Aire Wilderness

### Section 5: White Pine Special Management Area

- Creates a 1,800 acre Special Management Area which prohibits motorized access except for emergencies. No new structures may be created. Additionally, timber harvesting is prohibited.

### Section 6: General provisions

- Forbids the creation of a protective or buffer zone around the Conservation and Recreation area
- Nothing in the Act shall affect private land within the boundary
- Limits vehicular access to areas designated by the management plan
- Limits acquisition to land to exchange, donation, and purchase from a willing seller.
- Allows vegetation management consistent with the CRA's management plan
- Makes permanent the existing boundaries for the ski areas within the CRA. Allows for adjustments for Brighton, Solitude, and Alta Ski Resorts based on the permitting process at the time of enactment.
- Allows for the expansion and maintenance of existing facilities

- Specifies that the Act has no effect on existing water rights. Allows for vehicular access to work on infrastructure.

#### Section 7: Land Ownership

- Allows Snowbird, Alta, Brighton, and Solitude Ski Resorts to exchange non-federal land for federal land
- Specifies the land exchanges must be of equal value, but allows the above ski resorts to offer cash in exchange for land if the value is unequal

#### Section 8: Maps and Legal Descriptions

- Directs the Secretary to prepare maps as soon as practicable after enactment of the Act

#### Administration Position

The Administration position on H.R. 5718 is unknown at this time.

#### Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

#### Effect on Current Law

### **Showing Current Law as Amended by H.R. 5718**

[new text highlighted in yellow; text to be deleted bracketed and highlighted in blue]

#### Utah Wilderness Act of 1984 (Public Law 98-428)

Sec. 102. (a) In furtherance of the purpose of the Wilderness Act (78 Stat. 890), the following national forest system lands in the State of Utah are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

\* \* \* \* \*

(3) certain lands in the Wasatch-Cache National Forest which comprise approximately [sixteen thousand acres] fifteen thousand eight hundred and eighty-three acres as generally depicted on the map entitled "Mt. Olympus Wilderness—Proposed" [ , dated August 1984 ] and dated XXX, and which shall be known as the Mount Olympus Wilderness.

(4) CERTAIN LANS IN THE Wasatch-Cache National Forest which comprise approximately [thirteen thousand one hundred acres] thirteen thousand and ninety-eight acres as generally depicted on a map entitled "Twin Peaks Wilderness-Proposed" [ , dated June 1984 ] and dated XXX, and which shall be known as the Twin Peaks Wilderness.

\* \* \* \* \*

(11) certain lands in the Dixie National Forest which comprise approximately fifty thousand acres as generally depicted on a map entitled “Pine Valley Mountain Wilderness-Proposed”, dated June 1984, and which shall be known as the Pine Valley Mountain Wilderness; [and]

(12) certain lands in the Wasatch National Forest which comprise approximately twenty-five thousand five hundred acres as generally depicted on a map entitled “Deseret Peak Wilderness-Proposed”, dated June 1984, and which shall be known as the Deseret Peak Wilderness[.]; and

(13) certain lands in the Uintah-Wasatch-Cache National Forest comprising approximately 6,158 acres as generally depicted on a map entitled “Proposed Central Wasatch National Conservation and Recreation Area Map” and dated XXX, which shall be known as the Grandeur Peak-Mount Aire Wilderness.

Endangered American Wilderness Act of 1978 (Public Law 95-237)

Sec. 2. In furtherance of the purposes of the Wilderness Act, the following lands (hereinafter referred to as “wilderness areas”), as generally depicted on maps appropriately referenced, dated January 1978, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

\* \* \* \* \*

(i) certain lands in Wasatch and Unita {sic?} National Forests, Utah, which comprise about [twenty-nine thousand five hundred and sixty-seven acres] thirty-two thousand one hundred and thirty acres, are generally depicted on a map entitled “Lone Peak Wilderness Area-Proposed” and dated XXX, and shall be known as the Lone Peak Wilderness: *Provided*, That the Forest Service is directed to utilize whatever sanitary facilities are necessary (including but not limited to vault toilets, which may require service by helicopter) to insure the continued health and safety of the communities serviced by the Lone Peak watershed; furthermore, nothing in this Act shall be construed to limit motorized access and road maintenance by local municipalities for those minimum maintenance activities necessary to guarantee the continued viability of whatsoever watershed facilities currently exist, or which may be necessary in the future to prevent the degradation of the water supply in the Lone Peak area;