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HOUSE OF REPRESENTATIVES
REPORT
112–452

WASATCH RANGE RECREATION ACCESS ENHANCEMENT ACT

APRIL 19, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 3452]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3452) to provide for the sale of approximately 30 acres of Federal land in Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, to permit the establishment of a minimally invasive transportation alternative for skiers, called "SkiLink", to connect two ski resorts in the Wasatch Mountains, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wasatch Range Recreation Access Enhancement Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Canyons Ski Resort and Solitude Mountain Resort and other ski areas are interested in providing direct public access between the Wasatch Range front and back in the State of Utah by linking these ski resorts by means of a transportation connection, such as skier transport, lift, or tramway.

(2) The seven ski resorts in the Wasatch Range in Utah are situated within a 5-mile radius, and the resorts are separated by mountain ridges and other

natural features of the Uinta-Wasatch-Cache National Forest, but currently there is no convenient transportation link between the resorts.

(3) Wasatch Mountains Resorts have proposed a public-access transportation connection through construction of a minimally invasive transportation alternative gondola for skiers, called "SkiLink", which would cross approximately 30 acres of lands managed by the Uinta-Wasatch-Cache National Forest from private land at The Canyons Ski Resort in Summit County, Utah, to private land at Solitude Mountain Resort in Big Cottonwood Canyon, Utah.

(4) The land and resource management plan for Uinta-Wasatch-Cache National Forest prohibits new alpine ski lifts on National Forest System land.

(5) Despite efforts by Utah Department of Transportation, the Wasatch Front Regional Council, and the Utah Transit Authority to increase transit and carpool access in Big Cottonwood Canyon, daily traffic on peak winter weekends ranges between 8,000 and 9,000 vehicles per day. Addressing congested traffic conditions in the Wasatch Canyons is important for the safety, health, and economy of the Wasatch Range front and back.

(6) Studies show that the establishment of the SkiLink would reduce ski-season vehicle traffic between The Canyons Ski Resort and Solitude Mountain Resort by as much as 18,000 cars per year or 1 million fewer miles driven per year, and the amount of the reduction is expected to increase over time.

(7) SkiLink would produce immediate traffic benefits, including a reduction in PM 2.5 and other emissions in Parley's and Big Cottonwood Canyons.

(8) A preliminary environmental review of the proposed SkiLink corridor assessed the potential impact to special-status species, water quality and watershed resources, and visual resources and found that no federally listed species or critical habitat would be affected and that any water, plant, and wildlife issues could be addressed through mitigation.

(9) Minimally invasive, environmentally sound construction techniques would be used to construct SkiLink, including the use of helicopters for concrete placement and tower installations.

(10) The winter sport industry in Utah is a significant contributor to the economy of Utah, with the ski/snowboarding industry bringing $1.26 billion to Utah during the 2009/2010 ski season and resulting in 20,000 jobs.

(11) Economic analysis of SkiLink shows it would infuse another $50,000,000 a year into Utah's economy and create 500 new jobs in the tourism and hospitality industries by creating the largest interconnected ski network in the United States and providing access to more than 6,000 acres of existing ski terrain.

SEC. 3. CONVEYANCE OF NATIONAL FOREST SYSTEM LAND, UINTA-WASATCH-CACHE NATIONAL FOREST, SALT LAKE COUNTY, UTAH.

(a) CONVEYANCE REQUIRED; PURPOSE.—Subject to subsection (e), the Secretary of Agriculture shall convey, by sale, to Canyons-SkiLink, LLC, all right, title, and interest of the United States in and to a parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, consisting of approximately 30 acres, as identified on the map entitled "Wasatch Range Recreation Access Enhancement Act" and dated February 27, 2012, for the purpose of permitting Canyons-SkiLink, LLC, to construct a ski-lift, gondola, or tramway to serve as a public-access transportation interconnection of the Wasatch Front and the Wasatch Back Mountains.

(b) CONSIDERATION.—As consideration for the conveyance of the National Forest System land under subsection (a), Canyons-SkiLink, LLC, shall pay to the Secretary an amount equal to at least the fair market value of the land as of the date of the enactment of this Act. Any funds received by the Secretary under this Act shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) DETERMINATION OF FAIR MARKET VALUE.—The fair market value of the National Forest System land to be conveyed under subsection (a) shall be based on an appraisal acceptable to the Secretary. The appraisal shall be completed no later than 6 months after the date of the enactment of this Act.

(d) ENVIRONMENTAL COMPLIANCE.—The Secretary shall complete all actions that may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable laws in making the conveyance under this section.

PURPOSE OF THE BILL

The purpose of H.R. 3452, as ordered reported, is to provide for the sale of approximately 30 acres of Federal land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, and to

permit the establishment of a minimally invasive transportation alternative for skiers, called "SkiLink", to connect two ski resorts in the Wasatch Mountains.

BACKGROUND AND NEED FOR LEGISLATION

Although the Canyons Ski Resort and Solitude Mountain Resort are within a five mile radius of each other, there is no convenient route between them. The Wasatch Range Recreation Access Enhancement Act (H.R. 3452) would authorize the fair market value sale of a 30-acre parcel of U.S. Forest Service land to Canyons-SkiLink, LLC, to construct the "SkiLink" project (a ski-lift, gondola or tramway) to connect the Wasatch Front and Wasatch Back Mountains, and, accordingly, the two resorts.

As local governments and the State of Utah work to address comprehensive transportation issues in the Salt Lake area and nearby ski resorts, studies show that construction of SkiLink could reduce vehicle traffic between the two resorts by up to 18,000 cars per year. The legislation also specifies that the sale of this parcel would be subject to the National Environmental Policy Act, Endangered Species Act, and all other applicable laws to ensure protection for the Salt Lake area watershed.

COMMITTEE ACTION

H.R. 3452 was introduced on November 17, 2011, by Congressman Rob Bishop (R–UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On December 2, 2011, the Subcommittee held a hearing on the bill. On February 29, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an en bloc amendment to the bill; the amendment was approved by voice vote. Congressman Raul Grijalva (D–AZ) offered an amendment in the nature of a substitute to the bill; the amendment was not adopted by a roll call vote of 16 to 19, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: February 29, 2012 Recorded Vote #: 1

Meeting on / Amendment: **HR 3452** – An amendment in the nature of a substitute offered by Mr. Grijalva was NOT AGREED TO by a roll call vote of 16 yeas and 19 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman		X		*Mr. Heinrich, NM*			
Mr. Markey, MA Ranking	X			**Mr. Benishek, MI**		X	
Mr. Young, AK				*Mr. Lujan, NM*	X		
Mr. Kildee, MI				**Mr. Rivera, FL**			
Mr. Duncan of TN		X		*Mr. Sarbanes, MD*	X		
Mr. Defazio, OR				**Mr. Duncan of SC**		X	
Mr. Gohmert, TX				*Ms. Sutton, OH*	X		
Mr. Faleomavaega, AS				**Mr. Tipton, CO**		X	
Mr. Bishop, UT				*Ms. Tsongas, MA*	X		
Mr. Pallone, NJ	X			**Mr. Gosar, AZ**		X	
Mr. Lamborn, CO				*Mr. Pierluisi, PR*	X		
Mrs. Napolitano, CA	X			**Mr. Labrador, ID**		X	
Mr. Wittman, VA		X		*Mr. Garamendi, CA*	X		
Mr. Holt, NJ	X			**Ms. Noem, SD**		X	
Mr. Broun, GA		X		*Ms. Hanabusa, HI*	X		
Mr. Grijalva, AZ	X			**Mr. Southerland, FL**		X	
Mr. Fleming, LA		X		*Mr. Tonko, NY*	X		
Ms. Bordallo, GU	X			**Mr. Flores, TX**		X	
Mr. Coffman, CO		X		**Mr. Harris, MD**		X	
Mr. Costa, CA				**Mr. Landry, LA**			
Mr. McClintock, CA		X		**Mr. Runyan, NJ**		X	
Mr. Boren, OK	X			**Mr. Johnson, OH**		X	
Mr. Thompson, PA				**Mr. Amodei, NV**			
Mr. Sablan, CNMI	X						
Mr. Denham, CA		X					
				TOTALS	16	19	

The bill was then adopted and ordered favorably reported, as amended, to the House of Representatives by a roll call vote of 20 to 18, as follows:

Committee on Natural Resources
U.S. House of Representatives
112th Congress

Date: February 29, 2012 Recorded Vote #: 2

Meeting on / Amendment: **HR 3452** – Adopted and favorably reported to the House of Representatives, as amended, by a roll call vote of 20 yeas and 18 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Hastings, WA Chairman	X			*Mr. Heinrich, NM*			
Mr. Markey, MA Ranking		X		**Mr. Benishek, MI**	X		
Mr. Young, AK				*Mr. Lujan, NM*		X	
Mr. Kildee, MI				**Mr. Rivera, FL**			
Mr. Duncan of TN	X			*Mr. Sarbanes, MD*		X	
Mr. Defazio, OR		X		**Mr. Duncan of SC**	X		
Mr. Gohmert, TX				*Ms. Sutton, OH*		X	
Mr. Faleomavaega, AS				**Mr. Tipton, CO**	X		
Mr. Bishop, UT				*Ms. Tsongas, MA*		X	
Mr. Pallone, NJ		X		**Mr. Gosar, AZ**	X		
Mr. Lamborn, CO				*Mr. Pierluisi, PR*		X	
Mrs. Napolitano, CA		X		**Mr. Labrador, ID**	X		
Mr. Wittman, VA	X			*Mr. Garamendi, CA*		X	
Mr. Holt, NJ		X		**Ms. Noem, SD**	X		
Mr. Broun, GA	X			*Ms. Hanabusa, HI*		X	
Mr. Grijalva, AZ		X		**Mr. Southerland, FL**	X		
Mr. Fleming, LA	X			*Mr. Tonko, NY*		X	
Ms. Bordallo, GU		X		**Mr. Flores, TX**	X		
Mr. Coffman, CO	X			**Mr. Harris, MD**	X		
Mr. Costa, CA		X		**Mr. Landry, LA**	X		
Mr. McClintock, CA	X			**Mr. Runyan, NJ**	X		
Mr. Boren, OK		X		**Mr. Johnson, OH**	X		
Mr. Thompson, PA				**Mr. Amodei, NV**			
Mr. Sablan, CNMI		X					
Mr. Denham, CA	X						
				TOTALS	20	18	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3452—Wasatch Range Recreation Access Enhancement Act

H.R. 3452 would direct the Secretary of Agriculture to sell 30 acres of National Forest System land to a private entity. The land would be sold at fair market value and used to construct a tramway that would connect two ski resorts in Utah. Based on information provided by the Forest Service regarding the value of the affected lands, CBO estimates that implementing the legislation would increase offsetting receipts by less than $500,000; therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

H.R. 3452 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Forest Service regarding the value of the affected lands, CBO estimates that implementing the legislation would increase offsetting receipts by less than $500,000; therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to provide for the sale of approximately 30 acres of Federal land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, and to permit the establishment of a minimally invasive transportation alternative for skiers, called "SkiLink", to connect two ski resorts in the Wasatch Mountains.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates as defined under Public Law 104–4.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

The Wasatch Range Recreation Enhancement Act provides special access between two ski resorts at the expense of land protections sought by the United States Forest Service, the City of Salt Lake, and the County of Salt Lake. H.R. 3452 gives Canyons Ski Resort monopoly access to Solitude Mountain Resort by conveying 30 acres to be used to construct a gondola between resorts. The legislation overrides a carefully crafted land management plan that balances the need to protect water quality with continued recreation access in a popular ski area. Finally, the bill cloaks this special access as a solution to persistent and real transportation issues currently being addressed by local lawmakers.

A 120-mile corridor framed by the Wasatch Mountains on the East and the Great Salt Lake to the west, the Wasatch Front is home to nearly 80 percent of Utah's population. Within the Salt Lake area of the Wasatch Front, the Cottonwood Canyons are the municipal watershed for over one million residents of Salt Lake Valley. Big Cottonwood Canyon is home to Brighton and Solitude ski resorts. Alta and Snowbird ski resorts are nestled within Little Cottonwood Canyon. The area over the ridge of these mountains to the East is known as the Wasatch Back. Canyons, Park City Mountain and Deer Valley are the three most popular Wasatch Back resorts.

H.R. 3452 would require the Forest Service to convey approximately 30 acres of the Uinta-Wasatch-Cache National Forest to Canyons-SkiLink, LLC, a subsidiary of Talisker Corporation, a global real estate development corporation and owner of Canyons Ski Resort. Currently, there is no access to the Wasatch Front from Wasatch Back ski resorts. The construction of the SkiLink would connect one resort on the Wasatch Back to one resort on the Wasatch Front. This not only provides special treatment for one resort, but creates a dangerous precedent for additional development in this sensitive watershed.

Eighty percent of the Salt Lake City watershed is federal land managed by the Uinta-Wasatch-Cache National Forest. In 2003, after an extensive public process, the Uinta-Wasatch-Cache National Forest developed a management plan focused almost exclusively on providing longterm, high-quality culinary water to the Salt Lake Valley. The management plan expressly prohibits expansion of the existing four ski areas in the Wasatch Front outside of their current boundaries. The lands identified in this legislation are set aside for watershed protection and any new recreational facility development, such as the SkiLink, is prohibited. By legislating the land conveyance, H.R. 3452 overrides the watershed protection plan.

Salt Lake City owns the largest percentage of water rights in the Wasatch Canyons and is congressionally directed to protect water

supply and quality. In testimony before the subcommittee, Salt Lake City Mayor Ralph Becker expressed deep concerns with the legislation's impact on the ability of Salt Lake City to sustain a reliable water supply for a growing Salt Lake Valley population.

Finally, the legislation purports to address transportation issues by arguing that skiers will now access Wasatch Front resorts via SkiLink from the Wasatch Back instead of using surface transportation in the Cottonwood canyons. This is unlikely. The idea that Salt Lake Valley residents will opt to drive from Salt Lake City to Park City to then ski in their backyard resort by taking a gondola from the Canyons resort defies logic. The Salt Lake City Council and Salt Lake County Commission have expressed strong opposition to the legislation in a letter to the Committee. Both the City and County find that addressing transportation issues through this legislation is contrary to local, collaborative planning. The Department of Agriculture did not support the legislation during subcommittee consideration citing with the role of public input when legislation mandates the sale of land to a private entity.

There is universal agreement that the region needs to address transportation issues associated with the Cottonwood Canyons. There is also universal support for the importance of protecting key watersheds that supplies the Salt Lake Valley. To that end, both the City and County have aggressively pursued local collaborative planning efforts to identify alternative canyon transportation methods that are consistent with protecting water quality. The prudent course of action is to allow local officials and local processes to move forward without providing a legislative solution favoring one entity.

EDWARD J. MARKEY, *Ranking Member.*
NIKI TSONGAS.
MADELEINE Z. BORDALLO.
RAÚL M. GRIJALVA.
GRACE F. NAPOLITANO.
GREGORIO KILILI CAMACHO SABLAN.
DALE E. KILDEE.
BEN RAY LUJÁN.
PAUL TONKO.
RUSH HOLT.

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