



September 3, 2021

Utah Department of Transportation (UDOT)
Little Cottonwood Canyon (LCC)
Draft Environmental Impact Statement (DEIS)
c/o HDR
2825 East Cottonwood Parkway, Suite 200
Cottonwood Heights, Utah 84121

**RE: Little Cottonwood Canyon Draft Environmental Impact Statement
Salt Lake Climbers Alliance (SLCA) Comments**

Dear UDOT Project Team:

The SLCA appreciates the opportunity to comment on this DEIS. UDOT and the Forest Service need to conduct much more analysis on the impacts to recreational resources along S.R. 210 in order to satisfy their respective NEPA obligations. The SLCA's focus in this letter is related to climbing resources; however, inadequate consideration is also given to other forms of recreational resources that will be severely impacted. The current DEIS fails to take a hard look at these impacts.

There are much less impactful solutions to adequately address the transportation problem UDOT aims to address in the DEIS. The SLCA strongly encourages that a new, less impactful alternative be identified as part of this NEPA process and that the two Preferred Alternatives be eliminated from further consideration due to the adverse impacts to 4(f) climbing resources.

Both of UDOT's Preferred Alternatives will have unacceptable impacts to climbing resources, including the elimination of boulders, parking, and trails, as well as significant impacts to the overall climbing experience.

The Salt Lake Climbers Alliance

The Salt Lake Climbers Alliance is the local climbing advocacy 501(c)(3) non-profit in and around Salt Lake City, Utah. The mission of the SLCA is to serve as the unified voice of all climbers in the greater Wasatch region, engaging as an advocate to protect outdoor climbing access and as a steward to maintain sustainable climbing resources in the Wasatch and surrounding regions. The SLCA has invested significant resources in

sustainable recreational infrastructure in LCC—likely the most popular and frequently used climbing destination in the Wasatch, as outlined in our [2021 EIS Relevant Data report](#). SaltLakeClimbers.org

Our comments will address the following points:

- I. Enhanced Bus Peak Period Shoulder Lane (PPSL) Alternative Impacts
 - a. This preferred alternative will result in the unnecessary loss of climbing resources as shown in the SLCA’s impact analysis found below. This loss is unnecessary due to the fact UDOT has not considered a reasonable range of alternatives due to its purpose and need statement being too narrow.
- II. Gondola Alternative Impacts
 - a. This preferred alternative will result in the unnecessary loss of climbing resources as shown in the SLCA’s impact analysis found below. This loss is unnecessary due to the fact that UDOT has not considered a reasonable range of alternatives since its purpose and need statement is too narrow.
- III. Trailhead Parking Access and Improvements Impacts
 - a. The improvements as proposed by UDOT to the Gate Buttress parking lot would result in a loss of parking while threatening roadside climbing resources and access trails.
- IV. Inadequacy of DEIS scope
 - a. The purpose and need statement is too narrowly defined and consequently is unduly constraining the range of alternatives being considered.
- V. United States Forest Service (USFS) specific issues
 - a. The USFS fails to meet its NEPA obligations by making decisions based on a Forest Plan that is nearly 20 years old.
 - b. The USFS’s concurrence on 4(f) designations related to climbing resources is inconsistent with its previous actions related to climbing in lower LCC, 4(f) regulations, and guidance and needs to be reconsidered by the Forest Service.

LCC Climbing History

LCC contains arguably the most important climbing resources in the Wasatch Front—a region that houses one of the most active and influential climbing communities in the United States. As such, the SLCA has invested approximately half a million dollars in sustainable recreation infrastructure projects in LCC since 2014, including construction of the Alpenbock Loop Trail and Gate Buttress climbing area in the lower canyon. This

monetary investment does not account for the hundreds of volunteer labor hours that made such infrastructure improvements possible.

Public access is a requirement of money invested in these projects from the Utah Office of Outdoor Recreation Infrastructure Grant as well as the Recreational Trails Program Grant. The SLCA was awarded the Governor's Office of Economic Development's 2017 Utah Office of Outdoor Recreation Summit Award for the Alpenbock Loop Trail.

This summary illustrates the immense value of LCC climbing resources:

- An estimated 30,000 Wasatch Front climbers likely use LCC climbing resources.
- Ninety-eight percent of surveyed climbers say that access to climbing is important in their decision to live in Utah, with almost one in three rating it as “very” or “extremely” important.
- LCC is likely the most popular climbing destination in the Wasatch, as 88% of surveyed climbers indicate they like to climb there. It is also likely the most frequently used climbing destination in the Wasatch, as more than half of surveyed climbers use it multiple times a month during the climbing season.
- Trail counter data illustrate the popularity of the resources where SLCA has invested much of its time and resources. A total of 50,848 trail uses were logged from early May 2020 to the first few days of July 2021 at the Gate Buttress climbing area, while 41,150 trail uses were logged June 2020—July 2021 on the Alpenbock Loop Trail.

Technical rock and ice climbing in LCC has occurred for over 70 years and is one of the most heavily visited climbing areas in North America. Climbing occurs not only on the rocks faces but also on the numerous “boulders” throughout the canyon, many of which are located in close proximity to SR 210. (Bouldering is a form of rock climbing that is performed on small rock formations but without the use of climbing gear.)

Climbers from all over the world travel to LCC to experience its unique climbing opportunities. In 1988, the first-ever climbing competition was held in LCC at Snowbird. Thirty years later, it was the training grounds for a medal-winning Olympic athlete. In between, numerous other climbers who have gone from local to international prominence began climbing in LCC.

Usage of LCC by climbers continues to increase and is one of the fastest growing recreational sports regardless of social or economic status and brings a significant economic benefit. Climbers use the canyon year-round, ice climbing during the coldest winter months.

I. Impacts Analysis

Enhanced Bus Peak Period Shoulder Lane (PPSL) Alternative

The SLCA does not support roadway widening in LCC as outlined in the Enhanced Bus PPSL Alternative because of the impacts to and elimination of climbing and other recreational resources.

Boulders located within areas of roadway widening would be removed, destroyed, or buried by fill. Newly built trail segments lost to hillside cuts would be rerouted. Roadside parking would be incompatible with the PPSL and would be eliminated throughout the canyon. The lack of roadside would add pressure and congestion in and around an improved, but lower capacity, Gate Buttress parking lot as well as the recently completed Grit Mill parking lot.

While UDOT has made efforts to draft impact areas away from popular bouldering areas and some boulders with historic quarry marks will be afforded cultural resource protections, there is still the risk of proximity impacts to all boulders within 15 feet of impact areas. Further, UDOT has not committed to preserving boulders adjacent to impact areas as the extent of cut and fill may be expanded to stabilize slopes and accommodate infrastructure.

Proximity impacts could make some boulder routes (called “problems”) or descents more dangerous without specific mitigations. Objective hazards, such as piles of construction debris and fill may partially bury boulder problems and block landing areas. And new retaining walls or steep cuts above the roadway could make landings unsafe or impractical.

Temporary impacts over multiple seasons of construction will be significant. The roadway closures, parking and trailhead closures, construction traffic, noise, and dust will coincide with peak climbing seasons in LCC.

The number of climbing boulders impacted by road widening totals 29 boulders and 131 problems, since one boulder can have numerous climbing routes. This is calculated with a 15-foot proximity buffer from the edge of the roadway widening data provided in the DEIS. This data represents known impacts; additional impacts may exist, and further analysis needs to be conducted.

Gondola Alternative

The SLCA does not support the gondola alternative as it does not serve the transportation needs of all users throughout the canyon as defined in the Purpose and Need statement:

UDOT intends to improve the transportation-related commuter, recreation, and tourism experiences for all users of S.R. 210 through transportation improvements that improve roadway safety, reliability, and mobility on S.R. 210.

In addition, the gondola would create unacceptable visual and noise impacts throughout the canyon that negatively affect the climbing experience.

Further, the DEIS lacks analysis on the impacts to dispersed recreational resource elimination and access limitations posed by the easements for the gondola towers. The DEIS lacks analysis on the temporary and permanent construction impacts associated with this alternative. Slope destabilization, erosion, etc. resulting from gondola construction may limit access or otherwise render climbing resources within the gondola alignment unusable by climbers.

Boulders and boulder problems impacted by the gondola plan total 35 boulders and 142 problems. This includes:

- Four boulders and 10 problems inside the lower LCC park & ride station footprint.
- 23 boulders and 79 problems underneath the gondola alignment.
- Eight boulders and 53 problems inside the gondola easement.

This data represents known impacts. Additional impacts may exist, and further analysis needs to be conducted.

Trailhead Parking Access and Improvements

The SLCA supports and has made trailhead improvements to the Gate Buttress parking area as part of its lease with The Church of Jesus Christ of Latter-day Saints, including building the 5-Mile Trail, in an effort to eliminate roadside parking. However, the parking area improvements as proposed for the Gate Buttress parking lot would severely limit parking, while threatening roadside climbing resources and access trails. The SLCA supports modest improvements to this lot with an emphasis on maintaining the current level of parking.

The Gate Buttress, Grit Mill, and Lower LCC Park and Ride parking lots are used year-round by climbers. As such, the DEIS must fully consider dispersed recreation sites and the public transit needs associated with them in the DEIS analysis, especially because climbing is increasing in popularity. These needs include the parking lots being open year-round and plowed during the winter.

Snow Sheds

The SLCA supports snow sheds as an effective means to mitigate avalanche exposure to SR 210. However, this alternative will affect access to a prominent boulder, The Wall.

The SLCA proposes that trails be built from existing trailheads to minimize impact to this resource. See Proposed Solutions below.

Cog Rail

While the SLCA has not included a detailed impact analysis on how a cog rail will impact climbing resources, the SLCA's preliminary assessment is that the cog rail would be more impactful and detrimental to climbing resources than either of the two Preferred Alternatives. Consequently, the SLCA does not support the cog rail as an alternative that should be further considered or implemented.

Summary

The preferred alternatives of road widening, a gondola, and the cog rail will impact the landscape, and therefore overall climbing experience in the canyon. Additionally, trailhead improvements, and snow sheds will impact access by limiting parking and removing existing climbing access trails.

The following list comprises some of the popular boulders that would be at risk of being unclimbable or removed based on current DEIS data.

Roadside Boulder

Copperhead Boulder

Jack's Boulder

Holy Boulder

Split Boulder

Syringe Boulder

Everybody's Boulder

Standard Overhang Boulder

Red Patina Boulder

Between the Boulders

Sean John Boulder

Campus Boulder

The Wall

Proposed Solution: Enhanced Bus Without Roadway Widening

The alternative to consider buses only without roadway widening, which was considered but not analyzed in detail, should be fully considered and include dispersed recreation transit needs.

To note: the current gondola and roadway widening analysis incorrectly requires more private vehicles to be removed from the road than is justified. Typical winter peak hour averages 1150 vehicles per hour. Without justification, UDOT states that travel is compromised at around 900-1000 vehicles per hour. If justified, using a value ~950

vehicles per hour requires reducing ~200 vehicles per hour from the peak hours as shown in Figure 1.4-8 on the DEIS, which can be considered to be representative of the current peak hour traffic flow. A reduction of 200 vehicles per hour is 17% of the traffic for the current peak whereas UDOT arbitrarily proposes a 30% reduction. Even with growth, which will be limited because the parking is already at capacity and the resorts are nearly at skier capacity, the 30% proposed reduction is not justifiable.

Removing 200 vehicles per hour with 2 people per vehicle requires 10–40 person buses per hour which would equate to a 6-minute headway. UDOT deems 5-minute headway being acceptable; therefore, the bus-only alternative should be fully considered.

The SLCA believes that a less impactful alternative that combines enhanced bus service with tolling and other traffic mitigation strategies must first be implemented. Such an alternative could potentially eliminate the need for roadway widening. Increased bus service will also allow for analysis of its impact on peak traffic utilizing an adaptive management approach before permanent changes are made to the canyon's landscape.

While snow sheds do impact access to climbing resources, the SLCA does support this alternative, but requests that access to these resources be maintained by the addition of access trails from the White Pine trailhead.

II. Legal Deficiencies of DEIS and Proposed Decisions to be Implemented by UDOT and Forest Service

Summary

The Forest Service comes nowhere close to meeting its NEPA obligations in seeking to base its decisions related to the proposed action on the DEIS and the 2003 Revised Forest Plan: Wasatch-Cache National Forest (Forest Plan) that is nearly twenty years old. Neither document contains sufficient analysis of the impacts associated with the proposed alternatives in the DEIS for the Forest Service to make an informed decision on alternatives that, if selected and implemented, will have irreversible impacts on the invaluable climbing resources that currently exist in LCC. Furthermore, the Forest Service's proposed approach to adopt amendments to the Forest Plan is in contravention to its statutory responsibilities.

The Purpose and Need Statement is Too Narrow

The purpose and need statement is too narrowly crafted in the DEIS and the result is that the DEIS is an inadequate NEPA document by which a reasonable range of alternatives is considered.

First, the purpose and need statement seeks to address transportation issues on S.R. 210 on peak travel times caused by skier traffic during certain winter peak times. In crafting

the purpose and need statement in such a way, the DEIS fails to give adequate consideration to much less impactful alternatives to address the problem of peak travel times caused by skier traffic. UDOT asserts that in addressing the peak travel problems, the Preferred Alternatives will address transportation issues that exist outside of these peak travel periods. Such a statement is a tautology; of course, implementing an alternative that addresses this very temporal problem will address transportation issues when S.R. 210 is not facing mobility difficulties caused by skier traffic not occurring at those times.

Second, in crafting the purpose and need statement solely to S.R. 210 congestion issues, UDOT fails to adequately consider a full range of alternatives. For example, if the purpose and need statement had a broader geographic scope than S.R. 210, UDOT would appropriately examine other alternatives that may sufficiently eliminate, with much less impact, transportation issues during this very temporal period in the winter. As suggested by the SLCA, increased bus service is an alternative that should first be analyzed and then implemented by UDOT and other stakeholders, like UTA, to assess how such an alternative addresses this problem. Taking such an adaptive management approach is the way in which both UDOT and the Forest Service should approach a decision of the magnitude at issue in this DEIS. Instead, the purpose and need statement along with the geographic scope of the DEIS precludes such a thorough analysis. NEPA requires a much more careful approach that is being taken in the DEIS; UDOT should revise its purpose and need statement and truly reconsider less impactful alternatives after it has produced and provided an opportunity for public comment in a legally defensible purpose and need statement.

Third, the purpose and need statement, by virtue of primarily focusing the problem on skier-caused traffic on S.R. 210, forces a range of alternatives that is wholly unreasonable and will not pass judicial scrutiny. The DEIS identifies two preferred alternatives that will both result in limiting recreational opportunities at the expense of many user groups (not just climbers) while disproportionately benefiting one user group: resort skiers. Identifying the problem to be fixed as the peak skier days on S.R. 210 fails to strike a balance on the actual usage of S.R. 210 on a 365 day basis, and, as result, climbers are disproportionately impacted and severe environmental justice equities arise by fixating on a problem caused by one user group (resort skiers). When we think about the climbing usage in LCC from a sustainability and accessibility standpoint, it is impossible to see that UDOT and the Forest Service are properly evaluating less impactful alternatives. Again, if the purpose and need statement were not so narrowly designed to address a skier-caused transport issue, then an adequate NEPA analysis could be performed to reach a reasonable and legally defensible transportation solution.

Fourth, the need is drafted in such a way to limit the range of acceptable alternatives; this is evidenced in the selection of the two preferred alternatives. These two

alternatives are identified as the preferred alternatives by meeting desired outcomes in 2050 for S.R. 210. While it is understandable to plan for future transport conditions on S.R. 210, there is no accompanying analysis to determine whether the effects on LCC that are likely to occur by improvements associated with the Preferred Alternatives are sustainable for the lands under management by the Forest Service. The DEIS identifies that LCC visitations are estimated to increase from 2.3 million/year in 2013 to an estimated 3.1 million by 2050.¹ Before the Forest Service can make a legally supportable decision related to this DEIS, the Forest Service is legally required to analyze whether such a visitation increase is sustainable on Forest Service resources, including but not limited to skiing and climbing resources, in LCC. The failure to take a hard look at these impacts by the Forest Service is arbitrary and capricious decision-making. Furthermore, when two agencies' independent decisions are required in order to implement a proposed action, such as the alternatives under consideration in the DEIS, the agencies are to coordinate to ensure the NEPA document analyzes the requisite impacts so both agencies can meet their statutory requirements to render a decision. Here, there is deficient analysis for the Forest Service to render a decision, and, again, should the Forest Service fail to undertake a robust analysis on these 2050 impacts, then any Forest Service decision will be arbitrary and capricious and a failure of its NEPA obligations to take a hard look at the proposed impacts of the proposed transport solutions proffered by UDOT.

Environmental Justice Issues Not Adequately Addressed

UDOT has failed to adequately respond to the manners in which its transportation proposals perpetuate environmental marginalization of already vulnerable Wasatch Front residents. In short, UDOT's proposals impose additional barriers to accessing upper LCC during the winter in the form of public transit fare and private vehicle tolling. Such costs disproportionately burden lower income communities, making it harder for them to access popular and valuable environmental amenities. Furthermore, the proposals will negatively impact the types of outdoor recreation most available to lower income and minority community members.

It's important to note that UDOT's LCC transportation plan takes place in a region with documented environmental injustices in the form of increased exposure to environmental hazards and disproportionate barriers to environmental amenities that are experienced daily by lower-income residents, Black, Latino/a/x, Pacific Islander, and Native residents, and other disadvantaged communities. For example, not only do Salt Lake valley neighborhoods of color and/or lower income have less tree cover than their whiter, wealthier counterparts (see Mendoza et al., 2020, *Urban Science*)—they also

¹ DEIS at 1-30.

feature parks characterized by poorer maintenance and fewer desirable amenities (Chen et al., 2019, *Landscape Ecology*).

Importantly, such disparities extend to transportation and public transit. Public transit along the Wasatch Front serves the everyday needs of wealthy residents over those of marginalized communities (Farber et al., 2016, *Travel Behavior & Society*). And Wasatch area residents of color have fewer transportation options to access outdoor recreation destinations, such as state parks and national forests, when compared to white residents (Park et al., 2021, *Urban Forestry & Urban Greening*). UDOT's proposals thus contribute to the environmental injustices which marginalized Utahns already suffer.

The lack of depth in UDOT's consideration of lower income and otherwise disenfranchised residents is evident in three central flawed assumptions or assertions made in the DEIS.

First, UDOT claims that environmental justice concerns are alleviated (at least in part) by the fact that tolling is required only for the upper canyon. The underlying assumption is that lower-income individuals do not wish to access the upper canyon/will not want to in the future. Given that the upper canyon houses not only ski resorts but also the canyon's most popular backcountry areas (e.g., the "Emmas," Grizzly Gulch; see Wasatch Backcountry Alliance trail counter data), this is certainly an incorrect assumption. We should collectively facilitate—not impede—disadvantaged residents' use of the accessible backcountry terrain that the upper canyon offers for lower-cost winter recreation, such as snowshoeing and sledding, as well as backcountry skiing and snowboarding, and (of course) downhill skiing at the resorts.

Second, although the DEIS implicitly recognizes the inequitable impacts of tolling on disadvantaged canyon visitors, it maintains that lower-cost transit options nullify any "adverse impact" to marginalized populations. Simply stated, UDOT's solution to the barrier of tolling for marginalized residents is "they can take the bus/gondola." Of course, this ignores the fact that transit fare remains an imposed burden for under-resourced residents. Perhaps more importantly, it seems to accept that proposals which limit marginalized residents' *de facto* transportation options are inequitable by design. A structurally inequitable transportation solution that narrows the options of disadvantaged residents while increasing the options of the most privileged is a textbook example of environmental discrimination—and would be cited as such.

Third, as we outline throughout these comments, UDOT's preferred LCC transportation alternatives would facilitate transportation to ski areas at the expense of access to, and experience in, dispersed recreation such as hiking, bouldering, snowshoeing—precisely the types of outdoor recreation that empirical evidence shows are more accessible to marginalized residents. In this way, UDOT's DEIS proposals threaten what environmental justice scholars refer to as a "double whammy" for marginalized

residents wishing to recreate in LCC: they impose financial barriers to the valuable environmental amenities of the upper canyon, while negatively impacting the more accessible environmental and recreation options of the lower canyon.

To be clear, SLCA supports traffic mitigation strategies such as tolling, but only when the design of such interventions reflects a thorough and nuanced consideration of the environmental justice implications as they pertain to our most vulnerable community members.

The Forest Plan is an inadequate NEPA document for the Forest Service to make an informed decision.

The Forest Plan was adopted in 2003 and has undergone several amendments since adoption. The Planning Rule adopts a 15-year planning cycle for reviewing Forest Plans. The Forest Service proposes undertaking several Forest Plan amendments in order to implement the Preferred Alternatives; such an approach fails to meet its obligations under the Planning Rule. Specifically, the Forest Service has not adequately assessed the current conditions within the Forest to be able to make an informed decision on how the preferred alternatives will impact the climbing resources.

The Forest Service purports that the analysis in Chapter 28 setting forth proposed amendments to the Forest Plan satisfies its obligations under the Planning Rule. The Forest Service is failing to meet its obligations under the Planning Rule and NEPA. Specifically, the Forest Service is merely looking at the amendments necessary to allow the proposed alternatives to be implemented if selected so doing so is not “inconsistent” with the Forest Plan. Such a shallow approach is not permissible by the Planning Rule or NEPA.

NEPA requires that an agency take a hard look at the proposed action and how it would impact certain resources under its purview. The Multiple Use Sustainable Yield Act requires the Forest Service to assess impacts to recreational resources associated with the proposed actions if implemented. The Forest Service fails to undertake an analysis that meets its NEPA obligations on how climbing resources would be impacted by the two preferred alternatives. In the absence of the Forest Service conducting such analysis, the SLCA has identified the severity of the impacts associated with implementing the preferred alternatives; the Enhanced Bus Alternative will significantly impact 131 bouldering problems while the Gondola Alternative will significantly impact 142 boulder problems. More analysis of the impacts to climbing resources is required in order for the Forest Service to meet its legal obligations under NEPA and the Planning Rule. The tunnel vision approach taken by the Forest Service also demonstrates the failure to assess the cumulative impacts of allowing the preferred alternatives to be implemented.

Cumulative Effects Analysis to Climbing Resources in Wasatch Front is Needed

When the Forest Service is considering the elimination and disturbance of climbing resources associated with the preferred alternatives, a cumulative effects analysis should be conducted to understand what reasonably foreseeable impacts are likely to result from implementing the preferred alternatives. For example, the Forest Service should determine whether climbers will become more reliant on other climbing resources, leading to increased impacts to those resources. Further, the Forest Service should analyze how such impacts should be mitigated. Such an inquiry reveals how the scope of the DEIS is far too narrow, because a credible cumulative effects analysis would carefully examine increasing pressure to adjoining canyons (Big Cottonwood and Parley's canyons, etc.). It is reasonably foreseeable that such impacts will occur if either of the preferred alternatives are implemented—yet no such analysis exists in the DEIS. Moreover, the Forest Service must analyze such impacts in order to understand how other climbing resources will be impacted within the Wasatch-Cache National Forest. The Forest Service's approach of merely adopting amendments to the Forest Plan to accommodate the preferred alternatives falls woefully short of meeting its NEPA obligations—a much deeper analysis of the direct, indirect, and cumulative impacts of the preferred alternatives is required. Meeting its obligations necessitates conducting at the very least a revision to the Forest Plan—not surgical amendments to accommodate UDOT proposed outcomes.

Duty to Examine Less Impactful Alternatives

The Forest Service further fails to meet its NEPA obligations by not analyzing reasonable forms of mitigating impacts to climbing resources by examining less impactful alternatives to the two preferred alternatives. The purpose and need statement too narrowly constrains the range of alternatives. The DEIS really seeks to address a transportation problem that occurs during limited times within the year. To this point, UDOT's purpose and need statement is too narrowly defined and the result is that the range of alternatives is too limited. The Forest Service cannot absolve itself of its NEPA obligations by virtue of UDOT being the lead agency and as lead agency too narrowly constrained purpose and need statement.

The Existing Forest Plan is Inadequate under the Planning Rule and the DEIS Fails to Remedy Any of the Existing Forest Plan's Deficiencies

Under the 2012 Forest Service Planning Rule (Planning Rule), the Forest Service is obligated to follow certain protocols with respect to the Forest Plan to ensure the

continued adequacy and fidelity to use the Forest Plan to make informed decisions. The Forest Service has failed to follow these protocols and consequently cannot rely on the Forest Plan to make any informed decision on the proposed action. Specifically, the Planning Rule requires the Forest Service to approach forest planning utilizing a three-part learning process of (1) assessment; (2) plan development, or plan revision, or amendment; and (3) monitoring.

The Forest Service asserts that it can make surgical and superficial amendments to its Forest Plan to accommodate the Preferred Alternatives. However, the Forest Service has failed to meet its obligation under the Planning Rule to conduct monitoring; more specifically, the Forest Service has not analyzed the current use of climbing resources in the areas impacted by the Preferred Alternatives. The SLCA's monitoring provides a glimpse into how significant these climbing resources are to the local climbing community. As noted in the Impacts Analysis, 50,848 trail uses were logged from early May 2020 to the first few days of July 2021 at the Gate Buttress climbing area, while 41,150 trail uses were logged June 2020—July 2021 on the Alpenbock Loop Trail. While the SLCA appreciates the Forest Service may be resource constrained in its abilities to conduct monitoring, the Forest Service is not absolved of its legal obligations under NEPA to 'look before it leaps' or its obligations under the planning Rule in making a decision of the magnitude at issue with either of the Preferred Alternatives. Until more thorough monitoring is undertaken and analyzed, any decision by the Forest Service on the Preferred Alternatives will be legally deficient.

The Forest Service has Failed to Analyze How the Preferred Alternative May Impact Multiple Use Requirements pursuant to 36 CFR 219.10

The Forest Service has not balanced recreational uses properly given the preferred alternatives seek to address a very temporal problem that will address the needs of resort skiers to the detriment of many other recreational users. There is no evaluation of balancing the impacts to recreational uses in the DEIS. In absence of such balancing, the Forest Service fails to meet its obligations under 36 CFR 219.10.

Forest Service's 4(f) Concurrence is Inconsistent with Regulation and Past Forest Service Decision in LCC

The Forest Service issued a letter on September 15, 2020 (4(f) Letter)² *determining* that certain boulders do not qualify for protection under 4(f) of the U.S. Department of Transportation Act of 1996. The SLCA formally requested that the Forest Service reconsider its determination that these boulders are undeserving of 4(f) protections; no

² Appendix A to Chapter 26A of DEIS (available at: https://littlecottonwoodeis.udot.utah.gov/wp-content/uploads/2021/06/LCC_DEIS_26A_Climbing_Boulders.pdf).

formal response to the SLCA's request for reconsideration was received from the Forest Service.³ The SLCA renews its request that the Forest Service reconsider its determination. For the following reasons, the Forest Service should conclude that these boulders warrant 4(f) protections under the applicable regulations and based on the Forest Service's previous determinations on the significance of these boulders as significant recreational resources.

The Forest Service previously identified the significance of these climbing resources in its *Draft Decision Notice and Finding of No Significant Impact Grit Mill and Climbing Master Plan Project* (Climbing Master Plan FONSI). The Climbing Master Plan FONSI states: “[t]he area surrounding the Grit Mill in lower LCC (LCC) is an invaluable recreational resource on the Wasatch Front and has been actively used by climbers and other recreationists for over fifty years.” The trail envisioned by the Climbing Master Plan FONSI, the Alpenbock Loop Trail, has been constructed after considerable coordination and fundraising by the SLCA in coordination with the Forest Services, grants from the Utah Office of Outdoor Recreation, Recreational Trails Program grants, and other local stakeholders. Notably, the Climbing Master Plan FONSI identified climbing boulders that the Forest Service now says are not deserving of 4(f) protections, such as the Secret Garden.⁴ Meanwhile, the Alpenbock Loop Trail was determined to be deserving of 4(f) protections in the DEIS.

It is logically inconsistent for the Forest Service to have enabled the Alpenbock Loop Trail as part of the Climbing Master Plan FONSI in large part to provide improved and more sustainable access to these boulders and now for the Forest Service to *determine* that a set of boulders such as the Secret Garden are not recreationally significant to deserve 4(f) protections. The Forest Service's 4(f) Letter merely states these boulders are not significant and “are not specifically managed, protected, or otherwise designated in the Forest Plan as a significant recreation resource.” This assertion runs contrary to the Climbing Master Plan FONSI, whereby the Forest Service adopted an amendment to the Forest Plan in order to enable the sustainable and improved management of these “invaluable” climbing resources. Moreover, considerable resources of both the SLCA and Forest Service have been brought to bear in order to make the Alpenbock Loop Trail and these climbing resources that are accessed via the Alpenbock Loop Trail a sustainable and very significant recreational opportunity under the Forest Service's management. The SLCA's trail counter data identifies the usage on the Alpenbock Loop Trail (41,150 trail uses were logged between June 2020-July 2021). Some of the uses

³ A Forest Service representative relayed to the SLCA via a phone call on February 18, 2021 that Forest Staff believed that climbing resources do not meet the requirements for 4(f) protections but no additional supporting rationale has been provided.

⁴ See Figure 1: Alternative 2—Proposed Action (figure identifying Secret Garden and Cabbage Patch bouldering areas).

were surely just hikers utilizing the trail itself while climbers utilize the trail to access boulders throughout the area such as the Secret Garden or the Cabbage Patch.

The Forest Service's *determination* that these bouldering areas do not deserve 4(f) protections while the Alpenbock Loop Trail does deserve 4(f) protections is without support in the Forest Service's previous decision making in the Climbing Master Plan FONSI; its implementation and management of the Climbing Master Plan FONSI; and the actual usage of these bouldering resources based on the data. For these reasons, the Forest Service should rescind its 4(f) letter and the impacts associated with the Preferred Alternatives need to be reconsidered with these climbing resources being afforded their appropriate 4(f) protections.

The Gate Buttress Climbing Area is a 4(f) Resource and Additional 4(f) Analysis is Required under the DEIS

The DEIS fails to correctly identify the Gate Buttress as a 4(f) resource thus fails to do a proper 4(f) analysis to the potential impacts to this resource. The DEIS, in passing, states the Gate Buttress is “located on private land and is not considered a 4(f) resource.”⁵ This passing analysis is insufficient and wrong. Federal Highway Administration guidance does not preclude a 4(f) designation merely based on private land ownership. The Gate Buttress meets the requirement for a 4(f) designation: (1) public ownership; (2) open to the public; (3) major purpose must be for park, recreation, or refuge activities; and (4) significant as a park, recreation area, or refuge.”⁶ The Gate Buttress meets all four criteria. On public ownership, the SLCA and the Church of Jesus Christ of Latter-day Saints have entered into a long term recreational lease agreement for this resources and the SLCA has been managing this climbing area; this parcel of land is free and open to the public and has been managed as a recreation resource—trail improvements and belay areas have been sustainably developed by the SLCA in order for this climbing resource experience to be preserved for future generations. Federal Highway Administration guidance makes clear that “public ownership” for the purposes of a 4(f) designation can be established by a lease agreement such as recreational lease agreement between the SLCA and the Church of

⁵ DEIS Chapter 26; p.26-30.

⁶ Defining criteria for Section 4(f) properties; available at: https://www.environment.fhwa.dot.gov/env_topics/4f_tutorial/properties_parks.aspx; see also *Section 4(f) Policy Paper*, Office of Planning, Environment and Realty Project Development and Environmental Review, July 20, 2012 (Questions 1B **Can an easement or other encumbrance on private property result in that property being subject to Section 4(f)?** and Question 1C: **When does a lease agreement with a governmental body constitute public ownership?**) available at: <https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx>.

Jesus Christ of Latter-day Saints.⁷ The SLCA's trail counting data clearly demonstrates the significance of the Gate Buttress as a recreation resource, and its significance will only continue to grow as climbing's popularity increases due to certain factors like climbing gyms cultivating new interest in the sport as well as climbing's debut in the Olympics this summer. Both of the two Preferred Alternatives will have adverse impacts to this 4(f) resource. The Gate Buttress area, given climbers have frequented this area since the 1930s, is a 4(f) resource by virtue of its historical and cultural significance.

Proper Designation and Analysis of Impacts to 4(f) Climbing Resources Eliminates From Further Consideration the Two Preferred Alternatives

Once the Forest Service has corrected its 4(f) determinations and the Gate Buttress Climbing Area is properly designated as a 4(f) resource, UDOT will need to reanalyze the alternatives under consideration. As illustrated above, the bouldering resources in LCC are 4(f) resources, despite the Forest Service's arbitrary and capricious 4(f) Determination. A reevaluation of the preferred alternatives that takes into consideration these 4(f) resources will eliminate these alternatives as alternatives from further consideration. Such reconsideration, when done correctly, will reveal an adverse impact to these 4(f) resources, because even when climbing boulders have not been destroyed by implementing one of the preferred alternatives, the overall recreational experience will be adversely affected. For the gondola alternative, the bouldering experience will be adversely affected by the viewshed and noise impairment associated with both the construction and operation of the gondola. The law requires that if there is a prudent and feasible alternative then that alternative is to be considered and alternatives, such as the two Preferred Alternatives, with adverse effects to 4(f) resources (the Gate Buttress Climbing Area and boulders connected by the Alpenbock Loop Trail) be eliminated from further consideration.

Conclusion

The SLCA appreciates the opportunity to comment on this DEIS. UDOT and the Forest Service need to conduct much more analysis on the impacts to recreational resources along S.R. 210 in order to satisfy their respective NEPA obligations. The SLCA's focus in this letter is related to climbing resources; however, inadequate consideration is also given to other forms of recreational resources that will be severely impacted. The current DEIS fails to take a hard look at these impacts.

There are much less impactful solutions to adequately address the transportation problem UDOT aims to address in the DEIS. The SLCA strongly encourages that a new,

⁷ *Id.*

less impactful alternative be identified as part of this NEPA process and that the two Preferred Alternatives be eliminated from further consideration due to the adverse impacts to 4(f) climbing resources.

To reiterate aspects of an alternative that the SLCA would support, those aspects are as follows:

Enhanced bus service (including an emphasis on electric bus service);

Enforcement of existing traction laws;

Demand side traffic management;

Tolling (recognizing the SLCA does not believe the DEIS gives adequate consideration to environmental justice issues created by tolling); and

Snowshed construction.

While the SLCA recognizes the DEIS discusses the potential for a phased implementation of certain alternatives, the SLCA does not support the selection of an alternative that will permit the physical alteration of S.R. 210. It is much too soon for such a decision by either UDOT or the Forest Service prior to first selecting a less impactful alternative. Both UDOT and the Forest Service are both legally obligated to take an approach that adheres to principles of adaptive management; whereby, both agencies take careful steps to begin addressing the transport problems on S.R. 210, learn from those initial steps, and carefully reassess before moving forward. UDOT is required by law to select a less impactful alternative as UDOT has not established that an alternative utilizing the above aspects identified by the SLCA will not adequately address the S.R. 210 transportation problem. Furthermore, the Forest Service is legally not permitted to allow for the two Preferred Alternatives to go forward for the reasons discussed herein.

The SLCA sincerely requests that UDOT and the Forest Service reconsider the hasty approach being proffered in the two Preferred Alternatives and eliminate those alternatives as well as the Cog Rail Alternative from further consideration in the next phase of this process.

Sincerely,

Julia Geisler



Executive Director

SLCA

CC: Dave Whittekiend, USFS

Robert Bonnie, USFS
Chris French, USFS
Jennifer Napier-Pearce, Office of Governor Spencer J. Cox

Appendix A

Impacted Resource Map Overlays

Overview: This series of maps shows the potential impact of the EIS draft alternatives on climbing boulders in LCC. Data for the draft alternatives were created by manually digitizing locations from georeferenced screenshots (May 16th, 2021) of UDOT's draft alternatives interactive map. Due to normal inaccuracies associated with this workflow, minor errors in the precise location of these data are expected. These data are also subject to change as the EIS process moves forward. Bouldering data were provided by a private party as a georeferenced image and features were digitized manually. Only boulders within approximately 100-125 meters of the road surface were provided, so these maps do not reflect the full extent of bouldering in the canyon. Additional analysis needs to be undertaken to understand the full impacts to climbing resources.