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October 17, 2022

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

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

Dear UDOT Project Team:

The Salt Lake Climbers Alliance (SLCA) appreciates the opportunity to comment on this Final Environmental Impact Statement (FEIS). Having reviewed the response from UDOT on the SLCA's submitted comments to the Draft Environmental Impact Statement, as well as the newly proposed Phased Approach to the specified gondola alternative, the SLCA maintains that there are critical flaws to the FEIS in total; specifically, that the total scope of the project is too narrow and the purpose and need are not satisfied by the proposed solution.

The SLCA makes the following recommendations and requests of UDOT:

1. In alignment with the Salt Lake County Council that The Gondola Alternative B proposal be eliminated from consideration in its entirety or at minimum be put on hold until the following have been demonstrated.
  - a. The enhanced bus service as recommended by UDOT is in effect and a study on usage occurs;
  - b. SLCA is added as an engaged stakeholder of S.R. 210;
  - c. Updated analysis of S.R. 210 recreational use and impact data, in coordination with the USFS and an updated Management Plan for the area.
2. UDOT releases a timeline and plan for the Enhanced Bus Service without road widening as this has been proposed by UDOT per the FEIS statement.
3. The Trail Head parking issue be decoupled from the FEIS statement and given priority to move forward with independent funding.

**Salt Lake Climbers Alliance's Position**

The Salt Lake Climbers Alliance has and will continue to advocate for enhanced electric bus service, with no roadway widening or large-scale infrastructure, that runs year-round and stops at trailheads, thereby serving all user groups in Little Cottonwood Canyon and satisfying mobility demands.

The purpose outlined in the EIS is incomplete, as there is no statement or requirement to maintain the integrity of the canyon as a natural resource; further, the purpose and need do not account for the diversity of use and demand of the canyon, providing a flawed methodology of analysis that allows for a traffic congestion solution that only serves a percentage of annual canyon users for a fraction of the annual days it is needed. Demand for level of service on S.R. 210 for less than 6% of the year cannot come at the expense of the preservation of Little Cottonwood Canyon as a natural resource.

The FEIS fails to consider in detail the full impacts of the proposed Gondola Alternative B and additional congestion mitigation strategies on regional transportation. The FEIS acknowledges that tolling on S.R. 210 could increase the demand on S.R. 190 yet fails to conduct any analysis on the cumulative impacts, showing again that the narrow purpose and need of the FEIS is insufficient, particularly given the scale of the proposed project, and the cost. Further, the presentation of the FEIS via multiple separate documents without any hyperlinks prevents adequate public review.

Finally, despite claims made in the FEIS that public comment has been taken into consideration and addressed, there is measurable, significant, and widely recognized opposition to the proposed solution. As UDOT planners are aware, the project received a record number of comments on the DEIS<sup>1</sup> and a chapter revision with additional analysis was required in early 2022 based on numerous comments voicing concern for climbing resources<sup>2</sup>. These alone indicate strong public interest in this project and the SLCA is skeptical that UDOT has fully considered and addressed public comment. In addition to the record-breaking public comments, a December 2021 poll by the Deseret News/Hinckley Institute of Politics cited only 20% of respondents in favor of a gondola system to address traffic congestion in Little Cottonwood Canyon.<sup>3</sup> An additional and notable layer of opposition to the project is the recent passage of a resolution by the Salt Lake County Council to condemn the proposed Gondola Alternative B.<sup>4</sup>

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. There are user groups of the natural resource that are unaccounted for in the FEIS

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<sup>1</sup> Kyle Dunphey, "Record breaking number of public comments could delay Little Cottonwood traffic plans," *Deseret News*. 14 September 2021.  
<https://www.deseret.com/utah/2021/9/14/22673766/record-breaking-number-of-public-comments-could-delay-little-cottonwood-traffic-plans-gondola-or-bus>

<sup>2</sup> John Reed, "Climbers help delay UDOT decision on Little Cottonwood Traffic Plan," *KUER News*. 5 April 2022.  
<https://www.kuer.org/news/2022-04-05/climbers-help-delay-udot-decision-on-little-cottonwood-canyon-traffic-plan>; also see S-28

<sup>3</sup> Kyle Dunphey, "Gondola? Buses? New poll asks locals what they think will solve ski traffic woes in one of Utah's most crowded canyons," *Deseret News*. 9 December 2021.  
<https://www.deseret.com/utah/2021/12/9/22822405/poll-little-cottonwood-canyon-bus-system-favored-over-gondola-udot-alta-snowbird-ski-resort-utah>

<sup>4</sup> Jacob Scholl, "Split Salt Lake County Council votes to condemn gondola plan with new resolution," *Salt Lake Tribune*. 4 October 2022.  
<https://www.sltrib.com/news/politics/2022/10/04/salt-lake-county-council-votes/>

proposal, and the comprehensive scope of the impacts unplanned for, unmitigated, and unacceptable.

**Our comments will address the following points:**

**1. New and Substantive Comments**

- a. Inappropriate and Outdated Data Used to Determine Purpose and Need
- b. Lack of Transparency and Detail on Implementation and Evaluation of Enhanced Bus Service
- c. Flawed Logic for Mitigation of Impacts to Climbing Resources
- d. Careless Analysis of Historic Designation of Climbing Resources
- e. Flawed, Inadequate, and Inaccurate Analysis of Viewshed and Scenic Byway Impacts
- f. Inadequate Analysis of Impacts to Neighboring Canyons and Surrounding Transportation Networks
- g. Disingenuous Framing of Coordination and Communication with Stakeholder User Groups
- h. Lack of Detail and Coordination in Plans for Parking and Trailhead Alternatives
- i. The Cost Analysis within the Selection Criteria is Incomplete
- j. The Reliability of the Gondola System Has Not Been Fully Analyzed
- k. The Gondola Does Not Qualify for a Federal Highway Administration (FHWA) Easement
- l. Neglected and Inadequately Addressed Environmental Justice Implications

**2. UDOT's Chapter 32: Response to Comments (Insufficiently Addressed Comments in FEIS and Critique of 4f Analysis)**

**3. Links to SLCA's previously submitted comments during the EIS process**

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**1. New and Substantive Comments**

**Inappropriate and Outdated Data Used to Determine Purpose and Need**

To determine the need of the LCC EIS, UDOT has made assumptions about the timing and seasonality of peak periods by using population growth projections in only two Utah counties and daily or hourly traffic information from a variety of years. UDOT highlights hourly data collected in 2017, traffic volume data from 2010 to 2016, and traffic growth rates from 2003 to 2017. Because UDOT and the USFS have both failed to complete a recent capacity study of LCC, also cited are visitation estimates from 2013.<sup>5</sup> Quality and reliable data is cumbersome to collect, however it is flawed to assume these estimates carry any weight when they are five or more years old and it should be obligatory to collect more recent data to aid in the development of such large-scale and permanent infrastructure.

The SLCA believes this is a necessary step in determining the true purpose and need for this project because the COVID-19 pandemic amplified an already increasing public lands use and visitation, likely altering the true timing and seasonality of peak periods. Several articles demonstrate the influx of visitation seen by public lands, including:

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<sup>5</sup> See 1-28 to 1-30

1. In 2020, unweighted participation in day hiking rose more than any other activity, by 8.4%<sup>6</sup>;
2. Approximately 20% increase in outdoor recreation in the U.S.<sup>7</sup>; and
3. In one survey, 37.7% of respondents said that their outdoor recreation behaviors have been changed as a result of the pandemic long into the future. Primary changes include utilizing local public lands more often and diversifying recreation activities.<sup>8</sup>

In addition, fall traffic congestion in both Cottonwood Canyons was cited in the news in fall of 2021<sup>9</sup> where UDOT's own John Gleason is quoted as saying, "It's an indicator that the Cottonwood canyons, it's not only about skiing and snowboarding. There's a strong interest in getting out and experiencing everything that Big and Little Cottonwood Canyon have to offer year round." This directly contradicts both the purpose and need cited for this EIS, where the purpose mentions making improvements for "all" canyon users and the need suggests that wintertime congestion is the issue to be addressed. UDOT has skirted the facts of public lands visitation by dispersed recreation and current traffic studies to focus on resort users and wintertime traffic alone resulting in the purpose and need as currently stated in the FEIS. SLCA requests a careful re-examination of this purpose and need based on updated and adequate traffic and visitation data.

### **Lack of Transparency and Detail on Implementation and Evaluation of Enhanced Bus Service**

The phased approach proposal outlined in the FEIS describes using some "components" of the Enhanced Bus Service Without Roadway Widening alternative. What is not accounted for in this phased approach is when or how enhanced bus service will be implemented. Funding to accomplish this task is also not accounted for, nor is cost, whereas cost for each alternative has been outlined for each alternative previously. Finally, there is no description of how, or if, the enhanced bus service approach will be evaluated for effectiveness nor how a successful phased approach is defined. In essence, there is inadequate information provided in the FEIS in consideration of the phased approach and the outcome of the partial enhanced bus service alternative. Further, if funding for improved bus service can be acquired, there is no plan provided for oversight of UDOT/UTA coordination, a required component of enhanced bus service. In particular, what level of service is expected to be provided and what entity is responsible for the success or failure of that service? We expect these questions and the concerns outlined here to be addressed in UDOT's Record of Decision (ROD).

In the identification of the phased approach (combined Enhanced Bus and Gondola Alternative B options), the FEIS has not clearly defined the costs or levels of impacts to the environment and dispersed recreation users. With regards to environment and dispersed recreation impacts, the FEIS has not sufficiently estimated the temporal construction impacts of this new phased

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<sup>6</sup> Outdoor Industry Association, *Increase in Outdoor Activities Due to COVID-19*, 13 Aug 2020. <https://outdoorindustry.org/article/increase-outdoor-activities-due-covid-19/>

<sup>7</sup> Taff, Derrick B., William L. Rice, Ben Lawhon, and Peter Newman. Who Started, Stopped, and Continued Participating in Outdoor Recreation during the COVID-19 Pandemic in the United States? Results from a National Panel Study. 17 December 2021. <https://doi.org/10.3390/land10121396>

<sup>8</sup> William L. Rice, Ben Lawhon, B. Derrick Taff, Tim Mateer, Nathan Reigner, and Peter Newman. The COVID-19 Pandemic is Changing the Way People Recreate Outdoors. [https://int.org/wp-content/uploads/2020/10/GeneralPublic-Covid-Phase-I-Survey\\_FINAL.pdf](https://int.org/wp-content/uploads/2020/10/GeneralPublic-Covid-Phase-I-Survey_FINAL.pdf)

<sup>9</sup> Ben Winslow, "Fall colors lead to record traffic in Cottonwood Canyons," *Fox 13 News*. 6 October 2021. <https://www.fox13now.com/news/local-news/fall-colors-lead-to-record-traffic-in-cottonwood-canyons>

approach, including how dispersed recreation user groups and regular traffic in the canyon will be affected as a result of the potentially drawn out timeline for complete implementation. UDOT has stated that because both options, Enhanced Bus and Gondola Alternative B, have been evaluated according to the required NEPA process, no supplemental EIS is warranted. However, a phased approach that takes much longer to implement over time and could result in additional cumulative impacts to the watershed and canyon environment, as well as dispersed recreation user experience. According to the Federal Highway Administration, when there are changes or new information about a project, a supplemental EIS is required. The combination of the Enhanced Bus Alternative and Gondola Alternative B and the potential for cumulative impacts should be regarded as changes to a project, as many questions about the implementation of the phased approach remain unanswered by UDOT.

The details of a fully funded enhanced bus alternative have not been fully articulated in the FEIS, especially given the recent news of cuts to the UTA ski bus service.<sup>10</sup> In a meeting on September 30, 2022 with SLCA, the UDOT planning team said they were unaware of the cuts that were being made to this service and were surprised to hear the news.<sup>11</sup> This is concerning for two reasons:

1. It appears as if UDOT has not sincerely engaged with UTA on the implementation of the enhanced bus service, and
2. without a fully funded enhanced bus service, it is impossible to know the extent to which this alternative alone could be successful in meeting the purpose and need of this EIS.

To that end, it is unclear what the evaluation process might look like as UDOT begins to implement the enhanced bus service because no such structure or metrics for evaluation are suggested in the FEIS. In the same meeting on September 30, 2022 with SLCA, UDOT stated that the FEIS has no process for evaluating whether this alternative alone is meeting the purpose and need of the EIS prior to implementing Gondola Alternative B. The FEIS needs to consider what metrics could and should be used to evaluate this less costly and less impactful alternative before committing to altering the landscape with large-scale infrastructure. These metrics should be determined and introduced for full public transparency.

### **Flawed Logic for Mitigation of Impacts to Climbing Resources**

The SLCA and its public and private partners have invested a large amount of time and resources into recreation infrastructure in lower LCC, including extensive trail and staging area improvements to and at climbing sites. UDOT, in coordination with the USFS, underestimates and grossly lacks detailed plans regarding impacts to the recreation infrastructure that the SLCA carefully planned and implemented on both National Forest lands and privately held land by The Church of Jesus Christ of Latter-day Saints. The ROD needs to detail plans and funding mechanisms for alterations and mitigation of natural resource impacts and the impacts to the recreation infrastructure already in place in the lower canyon climbing areas. SLCA needs to be recognized and consulted as a stakeholder and expert in climbing area infrastructure in these plans.

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<sup>10</sup> Blake Apgar, "In a major move, UTA to sharply cut back bus service in three counties, and it's going to affect skiers," *Salt Lake Tribune*. 28 September, 2022.

<https://www.sltrib.com/news/2022/09/28/major-move-uta-sharply-cut-back/>

<sup>11</sup> UDOT & SLCA Policy Committee FEIS Meeting, September 30, 2022.

The FEIS suggests that the loss of climbing resources can be easily replaced or mitigated.<sup>12</sup> In particular, the FEIS suggests that boulders could be relocated or new opportunities discovered within the Alpenbock Loop and Grit Mill areas and trails built to provide access. These mitigation suggestions make it clear that UDOT has not sincerely engaged with the SLCA on the severity of the impact to these resources. To suggest that boulders can and will be relocated is problematic. Relocating boulders would require extensive vegetation and soil removal, which would likely have water quality impacts to the extent that this action alone should warrant an EIS. In addition to the physical impacts to the canyon, the relocation of boulders, and resulting changes to the experience of those climbing resources forever, and negatively impacts the historical and cultural significance of these resources.

This statement, “If it is not possible to relocate boulders, new trails would be constructed to provide sustainable access to boulders that do not currently have trail access within the Alpenbock Loop and Grit Mill Climbing Opportunities areas.” raises additional questions.<sup>13</sup> It is not clear if the FEIS is suggesting that there are additional climbing resources that could be discovered within the same area or if the existing trail network is simply not comprehensive. Either way, to suggest that historically and culturally significant climbing resources could be easily replaced is incorrect. That is not to say that there are not “undiscovered” climbing opportunities within the area, but that these specific routes and boulders are irreplaceable because of their significance to climbing history and their unique climbing attributes.

### **Careless Analysis of Historic Designation of Climbing Resources**

The FEIS includes analysis of the historic climbing area along the north side of S.R. 210, called Site 42SL968. In reference to *FINAL Third Addendum for the Class III Archaeological Inventory for the Little Cottonwood Canyon Environmental Impact Statement, Salt Lake County, Utah*, the FEIS determined that this site was indeed eligible for the National Register of Historic Places under CFR 36. We agree with the determination of eligibility and appreciate that UDOT addressed the historic significance of Site 42SL968 and its cultural resources. However, we are concerned by the integrity of this analysis and the speed in which it was carried out.

The FEIS determined no adverse effect to this district, with particular regard to the viewshed on the principle statement that “the concept that views were important to early climbers is inferred rather than well documented; the chief focus of the climbers centered around the buttresses and the technical skill required to make first ascents rather than aspects of scenery and viewshed.”<sup>14</sup> There is a well established scholarship that addresses this particular concept, in which the views of natural landscape correspond directly to the outgrowth of outdoor recreation, as well as the link between the Transcendental movement of the 19th century with the development of modern climbing and mountaineering.<sup>15</sup> The notion that the importance of views is merely inferred ignores a background of scholarship, and moreover illustrates a general lack of understanding of particular aspects of this cultural resource, an issue that could have been preemptively addressed had UDOT more intentionally collaborated with the SLCA throughout the NEPA process. For example, the SLCA are experts when it comes to the history of the

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<sup>12</sup> See 26-49

<sup>13</sup> See 26-49

<sup>14</sup> *FINAL Third Addendum for the Class III Archaeological Inventory for the Little Cottonwood Canyon Environmental Impact Statement, Salt Lake County, Utah.*

<sup>15</sup> For more on the importance of views with outdoor recreation historically see Joseph Taylor’s *Pilgrims of the Vertical*, Jared Farmer’s *On Zions Mount*, Nicolson’s *Mountain Gloom and Mountain Glory*, Jeff McCarthy’s *Contact* and “Why Climbing Matters”

climbing resource in the Wasatch and has two professionals in the organization whose work and expertise directly relates to this subject matter. One such professional works at the J. Willard Marriott Library at the University of Utah, which contains numerous important collections of primary source materials pertinent to properly documenting and evaluating the historic significance of this area. In addition, we also contest that the trails included in the area are omitted from evaluation, as portions of the modern trails in the area are maintained original historic trails.

The FEIS found no adverse effect on the historic district, thus not initiating the Section 106 process under CFR 36. However, there remain many questions about the no adverse effect determination. As addressed in the section below (Inappropriate Analysis of Viewshed and Scenic Byway Impacts), there was inadequate research done on the significance of viewsheds in both the primary and secondary literature, and we find that the lack of a Section 106 evaluation is concerning and needed for the ROD.

### **Flawed, Inadequate, and Inaccurate Analysis of Viewshed and Scenic Byway Impacts**

The FEIS has not adequately and appropriately addressed the drastic alteration to the viewshed of Little Cottonwood Canyon that would be caused by Gondola Alternative B and the allowance of this infrastructure to be implemented would directly contradict the U.S. Forest Service's interest in protecting viewsheds. As early as 1979, the U.S. Forest Service found that "landscape scenes exhibiting a high magnitude of man-induced objects or conditions are less preferred than scenes with lower magnitudes--high levels of development detract from the aesthetic view of a landscape."<sup>16</sup>

The FEIS states that travelers on Little Cottonwood Canyon State Scenic Byway (that is, S.R. 210) "are considered to have a high sensitivity rating and concern for aesthetic and scenic values"<sup>17</sup> but goes on to say that "where the gondola infrastructure is visible it would be visually dominant and would demand the attention of visitors, especially where the gondola alignment crosses over the scenic byway. Since views along the scenic byway would be dominated by gondola infrastructure, the visitor experience would be degraded and would therefore limit the U.S. Forest Service's ability to manage the scenic byway to protect scenic vistas and intrinsic scenic qualities."<sup>18</sup>

Moreover, UDOT has determined that "Regarding visual impacts, recreation users are considered to have moderate viewer sensitivity."<sup>19</sup> This determination raises several questions, the FEIS does not fully explain the rationale for this determination. Recent studies have illustrated that, in an index of viewer sensitivity using National Forest visitor data, viewer sensitivity for recreation users is either high or very high, depending on domination recreation practice.<sup>20</sup> The ROD needs to provide a comprehensive and detailed viewshed analysis to

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<sup>16</sup> Nieman, Thomas J.; Futrell, Jane L. 1979. Projecting the visual carrying capacity of recreation areas. In: Elsner, Gary H., and Richard C. Smardon, technical coordinators. 1979. Proceedings of our national landscape: a conference on applied techniques for analysis and management of the visual resource [Incline Village, Nev., April 23-25, 1979]. Gen. Tech. Rep. PSW-GTR-35. Berkeley, CA. Pacific Southwest Forest and Range Exp. Stn., Forest Service, U.S. Department of Agriculture: p. 420-427

<sup>17</sup> See 17-7

<sup>18</sup> See 17-58

<sup>19</sup> See 32-30

<sup>20</sup> Palmer, James F., and Donald B.K. English. "An Index of Viewer Sensitivity to Scenery While Engaged in Recreation Activities on U.S. National Forests." *Landscape and Urban Planning* 189 (2019): 91-98.

determine the full impacts that such large scale infrastructure (Gondola Alternative B) would have on the recreation and traveler experience in LCC.

### **Inadequate Analysis of Impacts to Neighboring Canyons and Surrounding Transportation Networks**

The analysis of impacts to neighboring canyons and surrounding transportation networks within the FEIS is insufficient. The FEIS does not analyze how tolling implemented in LCC will impact Big Cottonwood Canyon, or even other neighboring canyons, which are not within the project's geographic scope. Although mentioned in DEIS Chapter 2 and again in FEIS Chapter 2, a toll implemented for Big Cottonwood Canyon would trigger the NEPA process. Throughout the EIS process for S.R. 210, UDOT has been acting on behalf of the Federal Highway Administration, a federal agency. Pursuant to 40 CFR 1508.18, implementing a toll would be considered a major federal action under (b)(4), thus requiring UDOT to prepare an assessment under NEPA.<sup>21</sup> UDOT has not been transparent in this regard in either the DEIS or FEIS. In addition, tolling in BCC—at any point on S.R. 190—would likely impact how people access the canyon and thus neighboring canyons and surrounding transportation networks. As such the FEIS and ROD must analyze the cumulative and regional impacts.

Several portions of Chapter 7, Traffic and Transportation, in the FEIS were written based on the assumption that the level of service provided by UTA in LCC would be as it has existed in past years, or better. Due to the recent announcement of changes to the service that UTA will provide, we are concerned that some of the assumptions made within this chapter are no longer accurate. Therefore, the issue of impacts that Gondola Alternative B would have to neighboring canyons and surrounding transportation networks still remains unsolved. Additionally, Gondola Alternative B has a single function capability, compared to fully investing in an electric enhanced bus system that could run all year, serve multiple user groups, and infrastructure that could be repurposed and re-used to improve regional transportation. In this regard, the investment in an electric enhanced bus alternative would likely provide the “biggest bang for the buck” as well as have positive regional transit impacts. With this new information in hand from UTA, The FEIS should analyze how the Enhanced Bus Service can be implemented and can be successful.

### **Disingenuous Framing of Coordination and Communication with Stakeholder User Groups**

Throughout the FEIS, it cites that UDOT has and will continue to engage with stakeholders, such as the SLCA, for mitigation and final design plans. Based on previous experience with UDOT projects in LCC, as well as the framing of the level of coordination with SLCA throughout the FEIS, we request a more detailed communication plan be articulated within the ROD.

SLCA's previous experience with transportation projects in LCC took place in July 2020 during UDOT's Merge Lane Project, where UDOT did not communicate with the SLCA about the climbing resource (Cabbage Patch and Secret Garden climbing areas) and created the potential for unsafe conditions for those that were both using and trying to access this recreation area during UDOT construction. In addition to safety concerns, vegetation acting as a buffer at the edges of these climbing areas was removed. The SLCA is concerned about the precedent that this experience has set for how UDOT may communicate with SLCA before and during future construction projects, and especially given that the SLCA is both a stakeholder and holds a lease on private property UDOT wishes to utilize for the gondola.

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<sup>21</sup> See <https://www.law.cornell.edu/cfr/text/40/1508.18>



Should this or other large-scale infrastructure projects move forward, UDOT (and the USFS as a cooperating agency), need to define in the ROD:

1. Clear and agreed upon communication protocols with SLCA and other dispersed recreation stakeholder groups regarding access to trails and climbing resources before and for the duration of construction;
2. The USFS as a cooperating agency needs to have a clear and communicated plan in place for identifying and obtaining funding to mitigate the impacts to the climbing resource (e.g., trails, vegetation rehabilitation, trailheads, staging areas, etc.);
3. The process for which dispersed recreation stakeholder groups, including the SLCA, will be consulted, informed, and engaged in the mitigation and restoration of climbing resources and recreation infrastructure;
4. Protocols for coordination with SLCA, the expert in stewardship of climbing resources, for education of USFS (and other) work crews before infrastructure construction or resource restoration begins.

This degree of coordination is currently not included in the FEIS and, given the previously cited experience of SLCA with UDOT projects, we expect that UDOT will rectify this by more sincerely engaging and communicating with SLCA and other stakeholder groups through the above recommendations. Since the timeline for Gondola Alternative B is currently unknown due to lack of funding availability, the SLCA also expects that UDOT will continue to coordinate well into the future on these matters.

### **Lack of Detail and Coordination in Plans for Parking and Trailhead Alternatives**

The FEIS fails to fully analyze the parking availability and modeling of current and anticipated future demand for the Lower LCC Park and Ride, Grit Mill Parking Lot, and Gate Buttress Parking Lot, as well as roadside parking. The FEIS purpose and need is based on future demand, however observations made of available parking at the LCC Park and Ride, Grit Mill Parking Lot, and Gate Buttress as stated in the EIS are only current, suggesting that there is no plan in place to accommodate future growth and use of these parking areas. It should be anticipated as well, at a minimum, that encouraging public transit use in the canyon would increase the demand for space in common parking areas such that it could outweigh the supply since UDOT has not fully considered this catch-22.

Within the FEIS there will be no wintertime parking on S.R. 210 and no parking below Snowbird Entry 1 within 0.25 miles of improved trailheads for future implementation. Reducing parking spaces as a project goal is counterintuitive to improving public transit when applied to all canyon users, all year round. This serves as another example to show that the purpose and need of the FEIS is too narrow, limited only to the user group of the canyon, as opposed to an equitable solution for all users, which is what the outcome of a project to mitigate congestion using any public funds whatsoever should be.

In addition, SLCA is concerned with the level of coordination and apparently expected level of service that would be provided by UTA. As covered in other sections of this comment, this lack of coordination with UTA does not inspire confidence when it comes to UDOT fully committing to implementing an enhanced bus service. The FEIS states that, "By eliminating roadside parking, fewer private vehicles would use S.R. 210 in Little Cottonwood Canyon, which would improve overall mobility."<sup>22</sup> The plan to remove wintertime roadside parking, and even parking within 0.25

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<sup>22</sup> See 2-21

miles of a trailhead, without providing any other option for accessing the canyon via bus, shuttle, or otherwise is alarming since S.R. 210 serves more than those accessing the upper reaches of the canyons and the ski resorts.

The FEIS correctly states that the Gate Buttriss parking lot is not under the jurisdiction of the USFS or UDOT, as such, long-term plans for maintenance of potential improvements to the Gate Buttriss parking lot need to be established between the USFS, UDOT, The Church of Jesus Christ of Latter-day Saints, and the SLCA before recommendations are made in the ROD. The ROD needs to outline plans for clear communication with stakeholder user groups regarding dispersed use parking lots such as the Gate Buttriss.

### **The Cost Analysis Within the Selection Criteria is Incomplete**

The FEIS uses both capital and yearly operational costs as part of the selection criteria yet fails to provide any substantive justification or analysis of those costs.

The FEIS has estimated costs that have unjustified discrepancies. The two bus service alternatives (with and without the additional lanes) provide the exact same level of service yet the capital (\$68 vs \$96 million, respectively) and yearly operational costs differ (\$11 vs \$14 million, respectively).<sup>23</sup> No other data is available. Further, no details are given for how UDOT arrived at the cost estimate for the phased approach.<sup>24</sup> During the 30-year life cycle, the yearly operational (and capital) costs for buses will increase as demand increases. That is, the needs of today (2020) are much less than those estimated for 2050, yet the FEIS does not provide any details.

There is a discrepancy in proposed costs for the gondola base station and the two mobility hubs. For example, the amount of parking that will be available between the two is the same, 2500 spaces, however, the estimated cost of two mobility hubs is \$99 million and the gondola base station parking is \$56 million. While there are additional costs for two hubs, the FEIS fails to justify this difference in cost between the mobility hubs and base station parking. As the FEIS uses both capital and yearly operational costs as part of the selection criteria it must include a full and detailed analysis of all costs.

The FEIS includes some economic impact analysis of the project alternatives yet fails to analyze the cost recovery and utilization of the project alternatives. Though the project goal is to reduce traffic, the net economic benefit is to two private businesses.<sup>25</sup> Thus the FEIS should analyze the cost recovery and utilization of the project alternatives.

The FEIS fails to analyze how tolling costs combined with gondola fares would achieve the necessary reduction in traffic. That is, if the tolling costs are too low or the gondola fares too high there will be no incentive to use the gondola. More granular and accurate cost analysis is required, especially in light of the FEIS including other economic analysis.

### **The Reliability of the Gondola System Has Not Been Fully Analyzed**

The FEIS states that “The gondola system would not be affected by vehicle slide offs or accidents. Vehicle users could decide to use the gondola system if travel lanes on S.R. 210 are

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<sup>23</sup> See 2G-8

<sup>24</sup> See S-29

<sup>25</sup> See 6-2

closed or congested.”<sup>26</sup> However the FEIS fails to acknowledge that the gondola would be affected by winter storms and high winds which can force planned and unplanned closures. In January 2022 the Sandia Tram became stuck during a winter storm.<sup>27</sup> While such incidents are rare, it took over 16 hours to evacuate just one cabin with 20 riders. The proposed Gondola Alternative B would have some 30 cabins, even if only a few were occupied it would take an incredible amount of time and resources to evacuate each one. The FEIS fails to analyze this reliability.

The FEIS states that “The system would have four stations, each necessary to operate the gondola system. If any part of the gondola system has a mechanical failure, the entire system would stop, stranding users at the base station or the ski resorts. Similar gondola systems are in operation around the world and have shown high overall reliability.”<sup>28</sup> Part of this statement is incomplete: *If any part of the gondola system has a mechanical failure, the entire system would stop, stranding users at the base station or the ski resorts.* The statement fails to take into account users stranded in cabins at the time of the failure. For example, at peak capacity, 18 cabins with 35 users in each cabin would result in 630 stranded users.

The FEIS expects the gondola to have over 95% reliability. Given that UDOT anticipates that the gondola will be needed for the 50 peak days during the year then at least 2 days will have a mechanical failure which could result in 630 stranded users on each day. The FEIS fails to take the stranding of users and the resulting rescue costs into account.

Detailed plans for gondola maintenance and rescue operations need to be included in the ROD.

### **The Gondola Does Not Qualify for a FHWA Easement**

Under 23 U.S. Code Section 317,<sup>29</sup> the FHWA (on behalf of UDOT) would not be permitted to request an easement from the USFS for the required right-of-way for the gondola, as the gondola does not meet the definition of a “highway” under 23 U.S. Code Section 101.<sup>30</sup>

Instead, UDOT would have to request from the Forest Service a special use permit and / or right-of-way, as well as a revision to the Forest Management Plan of 2003. As such, the FEIS fails to acknowledge that the Forest Service would have to do their own NEPA analysis.<sup>31</sup> That is the Forest Service cannot rely solely on the LCC FEIS in its present form to issue its ROD as the LCC FEIS does not consider the full scope of issues and analysis that NEPA requires of the Forest Service.

As the FEIS acknowledges the complexity of funding the gondola and looks towards a phased approach, so too must the FEIS acknowledge that the gondola may never be built because it cannot secure the necessary land. Notwithstanding that private land must also be secured.

### **Neglected and Inadequately Addressed Environmental Justice Implications**

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<sup>26</sup> See 2G-12.

<sup>27</sup> Scott Brown, Jami Seymore, Gabriel Chavez, “All riders rescued from Sandia Peak Tram cars,” KRQE News. 3 January 2022.

<https://www.krqe.com/news/albuquerque-metro/multiple-people-trapped-in-sandia-peak-tram-car-overnight/>

<sup>28</sup> See 2G-7.

<sup>29</sup> See <https://www.law.cornell.edu/uscode/text/23/317>

<sup>30</sup> See <https://www.law.cornell.edu/uscode/text/23/101>

<sup>31</sup> See 28-1.

The FEIS reflects at least six neglected or inadequately addressed environmental injustice concerns that fall under the definition of new (in the context of the EIS) and substantive issues.

First, UDOT has not adequately and in full good faith attempted to analyze or address the transportation equity and environmental justice implications of the FEIS LCC transportation alternatives, seemingly pursuing only limited transportation equity/environmental justice analysis methods. These include statistical and demographic analysis of LCC visitation based on sweeping assumptions, and lacking empirical verification. This is perhaps most evident in a lack of meaningful consultation and/or involvement of representatives from marginalized populations, including those protected from discrimination, such as Title VI of the Civil Rights Act (1964) and Section 504 of the Rehabilitation Act of 1973, which addresses disability discrimination; The Civil Rights Restoration Act of 1987; and The Americans with Disabilities Act (ADA) of 1990. The FEIS appears to reflect the following limitations in particular, which one National Academies of Sciences, Engineering, and Medicine's report explicitly labels analysis "deficiencies" (see pg. 85):<sup>32</sup>

- Little documentation of how public involvement processes were used to inform the identification of affected populations, their needs or concerns, or prospective impacts.
- Insufficient analysis of travel behavior related impacts by income segment, lacking travel related surveys or focus groups to derive findings.
- Little attention given to proportional (to income/resources) financial burden proposed.
- Insufficient limited specificity as to toll schedules (i.e., pricing levels) and toll account management policies and features (e.g., deposit, purchase, monthly fee, minimum balance, replenishment options). Notably, the report notes: "Given the timing of planning and NEPA studies, it may not be possible to fully define all pricing and account management policies; however, the absence of definition appears to undermine the basis for a finding of no significant adverse impacts..." (pg. 86).

Second, the result of inadequate consultation is evident in UDOT's premature dismissal of valid comments made in response to the DEIS. In particular, UDOT dismissed concerns from disabled community proponents regarding gondola inaccessibility by stating that the gondola meets basic ADA compliance requirements. Legal compliance does not guarantee transportation equity.<sup>33</sup>

Third, the purpose and need guiding the FEIS is tailored such that any project resulting from it that receives public funding would be inequitable and contrary to environmental justice principles and objectives. More precisely, following Federal Highway Administration (FHWA) terminology, such a project would exhibit "horizontal market inequities,"<sup>34</sup> wherein, according to the principle of horizontal market inequity, "those who benefit from a project should pay for those

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<sup>32</sup> National Academies of Sciences, Engineering, and Medicine. "Environmental Justice Analyses When Considering Toll Implementation or Rate Changes Final Report." (2018). Washington, DC: The National Academies Press. <https://doi.org/10.17226/24992>

<sup>33</sup> For a discussion of what transportation equity entails and how state departments of transportation can pursue it see: Karner, Alex, PhD., and Kaylyn Levine. "Transportation Equity in Practice: A Review of Public Transit Agencies." Institute of Transportation Engineers. ITE Journal 92.4 (2022): 36-41.

<sup>34</sup> Federal Highway Administration (FHWA). "Guidebook for State, Regional and Local Governments on Addressing Potential Equity Impacts of Road Pricing." (2013). Washington DC: FHWA.

benefits.”<sup>35</sup> Because the FEIS has been structured to specifically address traffic related to ski area visitation for the purposes of skiing, any project that emerges from the FEIS will engender horizontal market inequities, as taxpayers will bare at least some (and possibly most) of the financial burden for a project that principally benefits private businesses (ski resorts) and their users. Because the project involves access to an important and regionally-unique environmental resource, the inequity is not simply an economic one (important as that is); rather, the FEIS and any project resulting from it will constitute environmental injustices by the logic of horizontal market (in)equity.

Fourth, the burden of electricity generation for UDOT’s preferred alternative to address wintertime traffic in LCC (a gondola) would displace the most harmful environmental impacts onto typically minority, low-income, and indigenous populations, which frequently bear a disproportionate burden of environmental harms and adverse health outcomes.<sup>36</sup> To justify that this is the cleaner or more environmentally-friendly option through the displacement of these impacts is disingenuous to the NEPA process.

Fifth, the FEIS indicates that for tolling in LCC to be effective, a similar tolling system will need to be implemented in Big Cottonwood Canyon (BCC). Yet, UDOT has presented no additional analysis regarding the transportation equity and/or environmental justice implications of tolling in both LCC and BCC. The aforementioned “Guidebook and Toolbox” suggests that UDOT’s BCC tolling plans will create and exacerbate at least two types of transportation inequities that amount to environmental justice concerns:<sup>37</sup>

- Horizontal opportunity inequities: UDOT’s preferred LCC transportation alternatives would impose opportunity barriers on already marginalized communities, such as people of color, those of lower incomes, and disabled people, by disproportionately limiting their opportunities to engage in outdoor recreation activities in (some) BCC destinations. The extent and nature of such limits as they pertain to BCC lack analysis in the EIS–UDOT needs to provide as much.
- Vertical/outcome inequities: UDOT’s preferred LCC transportation alternatives would impose disproportionate burdens on already marginalized communities, such as people of color, those of lower incomes, and disabled people, as the proposed tolling would constitute a greater financial/resource barrier for those of limited resources when compared to those who can readily absorb tolling costs. The extent and nature of such barriers as they pertain to BCC lack analysis in the EIS–UDOT needs to provide as much.

Sixth, UDOT continues to dismiss the environmental discrimination created by the preferred LCC transportation alternatives. The simple fact that UDOT seems intent on increasing transportation and access for already privileged people to relatively costly outdoor recreation alternatives, while limiting the transportation options and access for those with fewer material resources and who engage in other forms of recreation constitutes in-and-of itself an unacceptable willingness to impose transportation inequities and environmental discrimination on already marginalized communities that belies UDOT’s public service mandate. As indicated

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<sup>35</sup> National Academies of Sciences, Engineering, and Medicine. “Assessing the Environmental Justice Effects of Toll Implementation or Rate Changes: Guidebook and Toolbox.” (2018). Washington, DC: The National Academies Press. <https://doi.org/10.17226/24991>. See p.26.

<sup>36</sup> See <https://www.epa.gov/airmarkets/power-plants-and-neighboring-communities>

<sup>37</sup> See also Government Accountability Office (GAO). “Traffic Congestion: Road Pricing Can Help Reduce Congestion, but Equity Concerns May Grow.” Report No. 12-119. (2012). Washington, D.C. GAO.

throughout the preceding paragraphs, the FEIS would impose all three major forms of transportation inequities that underlie transportation-driven environmental justice violations:

- Horizontal opportunity inequities: UDOT's preferred LCC transportation alternatives would disproportionately impose opportunity barriers on already marginalized communities, such as people of color, those of lower incomes, and disabled people, by disproportionately limiting their opportunities to engage in outdoor recreation activities in some LCC and BCC destinations.
- Horizontal market inequities: UDOT's preferred LCC transportation alternatives would not impose costs according to benefits received; rather, they would effectively "subsidize" the benefits that UDOT's plans would deliver to LCC ski resorts and ski resort users by imposing costs on all Utah taxpayers, which would disproportionately impact already marginalized communities, such as people of color, those of lower incomes, and disabled people.
- Vertical/outcome inequities: UDOT's preferred LCC transportation alternatives would impose disproportionate burdens on already marginalized communities, such as people of color, those of lower incomes, and disabled people, as the proposed tolling would constitute a greater barrier for those of limited resources when compared to those who can readily absorb tolling costs (or for whom the toll is already covered by their ski passes, removing the barrier altogether).

The FEIS environmental analysis and response to DEIS comments seems to accept limits on access to LCC for marginalized communities as unproblematic. It further discounts the costs/impacts its heavy infrastructure plans (e.g., for gondola construction) would impose on dispersed recreation throughout the Canyon. Despite UDOT's flawed conclusions, dispersed recreation (including the most accessible forms of recreation) are not only not served under the FEIS—the experience of participating in them would be impaired by them.

## **2. UDOT's Chapter 32: Response to Comments**

### **a. The USFS asserts it has met its obligations under NEPA to take a hard look at the impacts to climbing resources affected by the two preferred alternatives.**

The USFS cannot merely state that it has taken a hard look at impacts to climbing resources to satisfy its NEPA obligations. Rather, the USFS must actually do an analysis as to the impacts of affected climbing resources to satisfy its hard look obligation, which it clearly has not. The USFS points to no tangible evidence that demonstrates any type of thoughtful analysis to substantiate its assertion that it has met the standard of a hard look analysis dictated by NEPA. The insufficient analysis by USFS is exhibited by its extremely cursory analysis of the impacts to climbing resources in its 4f letter and the lack of meaningful coordination with the SLCA to truly understand the true nature of the impacts to climbing resources that are likely to occur if either of the preferred alternatives become implemented. Furthermore, it is ironic that the USFS points to its 2003 Revised Forest Plan embracing an adaptive management approach. It is unclear to the SLCA why the USFS points towards this reference as there is no evidence of the USFS adhering to adaptive management protocols in how the USFS has been participating in this EIS process; such a shallow reference without any additional explanation is unfortunately consistent with the inadequacy of the USFS NEPA work in this EIS.

### **b. The Salt Lake Climbers Alliance commented that the EIS should have evaluated less impactful alternatives and that alternatives that had adverse impacts to Section 4(f) climbing resources should have been eliminated.**

The SLCA continues to assert that the two preferred alternatives should be eliminated from further consideration on the basis that there are less impactful alternatives that will meet the transportation needs of Little Cottonwood Canyon. The SLCA, as identified in its previous comments, strongly disagrees with the *de minimis* impact determinations that underlie UDOT's proposal of the two preferred alternatives. UDOT asserts that less impactful alternatives such as the Enhanced Bus Alternative will not meet the purpose and needs; however, UDOT has not clearly demonstrated this to be the case, and the SLCA reasserts that UDOT has attempted to avoid a real analysis by unduly constraining the purpose and need statement, as noted in our previous comments.

- c. The Salt Lake Climbers Alliance commented that 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.**

See SLCA response above in 2.b.

- d. The Salt Lake Climbers Alliance commented that 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 Salt Lake Climbers Alliance will not adequately address the S.R. 210 transportation problem.**

In response to this comment, UDOT states:

It is possible that the enhanced bus service alternatives could be phased and start with the implementation of less impactful options to determine the success before moving forward with construction in Little Cottonwood Canyon. The gondola and cog rail alternatives would require immediate construction in order for the alternative to operate. 32-75.

If it is a true statement that for the gondola and cog rail alternatives to be effective alternatives, meeting the purpose and need statement, that they must be implemented immediately, then these two alternatives should be eliminated from further consideration as part of this EIS. By UDOT's admission, funding for these two alternatives is uncertain and consequently implementation will not happen immediately. The SLCA encourages UDOT to eliminate these alternatives due to funding uncertainty surrounding these two alternatives and given UDOT's assertion that these alternatives must be implemented immediately which is an impossibility.

- e. Commenters stated that the Enhanced Bus Service in Peak-period Shoulder Lane Alternative would have a substantial impact on climbing resources in Little Cottonwood Canyon and would impact other recreation users including their access to the forest. Some commenters felt that the elimination of roadside parking would increase congestion in the lower canyon. The Salt Lake Climbers Alliance commented that 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, might partially bury boulder problems and block landing areas. And new retaining walls or steep cuts above the roadway could make landings unsafe or impractical.**

To meet its hard look NEPA obligations, the USFS should re-examine its 4f analysis. The EIS cannot merely state that if the Enhanced Bus Service Alternative is selected then it will mitigate impacts. The EIS actually must analyze these impacts in order for UDOT and USFS to meet its respective NEPA obligations. As specific evidence on the lack of meaningful engagement and thus the inadequacy of the NEPA undertaken to date, the UDOT asserts the following ‘belief’:

Many of the existing boulders (Stick Rock, for example) are within 15 feet of the roadway and are promoted and used as a climbing resource. UDOT believes that, if existing boulders within 15 feet of the roadway are promoted and used for climbing, the additional boulders that would be within 15 feet of the roadway after the road is widened would also continue to be promoted and used for climbing with negligible impact.  
32-129.

UDOT asserts here that boulders that are removed during the construction process can easily be replaced by other boulders within a certain distance from the roadway. This assertion illustrates a gross lack of understanding within the EIS process of these resources. Put simply, one cannot simply replace another, as each boulder that has a climbing use is unique and a rarity. UDOT does at least acknowledge that their perspective is based on belief and no actual knowledge or reasonable investigation as to how climbers may actually react to these “new” roadside boulders. This faulty logic underscores the flawed NEPA analysis undertaken by UDOT and USFS that somehow the boulders and associated recreational experience of climbing them can just be replicated by destroying the existing boulders located by the existing road and then the same meaningful experience by these new roadside boulders that are currently further from the road. These boulders further from the road may offer a different, more quiet, bouldering experience by virtue of being further from the road. The USFS and UDOT has done zero real analysis on the impacts to the climbing recreational experience and is so bold to offer a shallow conjecture (‘belief’) as to these impacts that fails to meet the hard look NEPA standard.

- f. Some climbers might feel that the gondola system detracts from their scenic views of the canyon or might feel uncomfortable that they could be viewed by gondola passengers. However, serenity and privacy are not attributes that can be expected while climbing because the area is adjacent to the road and is occupied by trails used by other climbers and hikers.**  
32-218.

UDOT cannot reasonably assert that the climbing experience has not been severely diminished. UDOT is unduly parsing as to the limited impacts without any real evidence to support the claim regarding there is no expectation of serenity or privacy. Here, the same sort of faulty logic that UDOT takes to creating new roadside boulders after road widening. UDOT does not understand the climbing experience and has not undertaken the sufficient effort to analyze the true impacts to the climbing experience associated with the two preferred alternatives. What UDOT has done is a cursory analysis and then filled in the important gaps—an actual understanding/analysis as to how the alternatives will impact the recreational climbing experience—by assertion of its ‘beliefs.’ A NEPA hard look analysis requires much more.



**g. USFS assertion that individual boulders do not warrant 4(f) protections as individual boulders.**

The SLCA continues to disagree with the USFS determination that each boulder does not warrant 4(f) protections. The USFS has not provided an adequate rationale for this position. The SLCA continues to assert each boulder and the experience of climbing a particular boulder on said boulder gives rise to such a unique and significant recreational experience that a 4(f) protection would be warranted on an individual boulder basis, not just on the basis of the aggregation of the boulders as the USFS suggests.

**3. Links to SLCA's previously submitted comments during the EIS**

- a. [Little Cottonwood Canyon Draft Environmental Impact Statement Salt Lake Climbers Alliance \(SLCA\) Comments](#)
- b. [SLCA's Comments Regarding Revised Chapter 26 to Little Cottonwood Draft Environmental Impact Statement](#)

Sincerely,



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