



State of Utah

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Office of the Governor
PUBLIC LANDS POLICY COORDINATION OFFICE

KATHLEEN CLARKE
Director

August 21, 2014

Scott Mendoza
Weber County Planning Division
2380 Washington Blvd, Suite 240
Ogden, UT 84401 - 1473

Subject: Powder Mountain Resort Development
RDCC Project Number 44900

Dear Mr. Mendoza:

The state favors development projects such as the Powder Mountain Resort as an important addition to the state's economy, while taking prudent steps to protect important environmental values. For more than 7 years, UDWR has provided comments and information to Weber County concerning the Powder Mountain Resort on two separate rezone applications, the Powder Mountain Real Estate Purchase Contract, the Declaration of Covenants, Conditions, Easements, and Restrictions for Summit Eden, and participated in the creation of the Community Wildfire Protection Plan. UDWR reiterates the previous applicable comments¹ to the current decision makers along with new technical comments attached below on the current rezone application.

The State appreciates the opportunity to provide scoping comments on this proposal to rezone the Resort into a new Destination, Recreation, and Resort zone. We look forward to working with Weber County and the Resort as the planning process proceeds. Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordination Office at the address below, or call Sindy Smith at (801) 537-9193.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen Clarke", written over a circular stamp or seal.

Kathleen Clarke
Director

¹ Letter to Sean Wilkinson, Weber County Planning Division, dated March 12, 2013, from Kathleen Clarke, Director of Public Lands Policy Coordination Office.

Technical Comments

- *Domestic livestock.* It is our understanding that an equestrian facility may be developed on the property and area trails would permit horse use. It is unclear if horses (or other domestic livestock) will be allowed on any lots within the development or on the surrounding open spaces/rangeland. Hay bales may become an attractive nuisance by encouraging big game animals to congregate near hay storage and feeding locations, which may create resident/homeowner concern due to the loss of hay and consumption of private landscaping. UDWR suggests that haystacks or other feeding locations be fenced or enclosed to protect them from big game damage (minimum of 7 ½ foot high fence). UDWR also suggests that the use of “weed free hay” (for resident horses and horses brought in for day-use) be considered for the area to reduce the potential influx of noxious and undesirable weed species into this remote location at the top of two watersheds. Waste from any equestrian facility should be properly treated, as excess nitrogen deposition in local wetland and riparian areas will drastically alter those ecosystems. If grazing on surrounding open space lands is permitted, UDWR recommends a grazing plan be developed to rotate livestock around the property to enhance native and wildlife beneficial vegetation, along with stabilizing soils. UDWR is available to suggest site-specific recommendations for a grazing plan.

- *Bear and Cougar:* This area of Weber County supports populations of bear and cougar. In developments similar to this proposal, black bear have become habituated to the easy availability of food from a myriad of sources, such as: pet food, garbage cans, hummingbird and seed-filled bird feeders, coolers, refrigerators, and barbecues.

UDWR requests that all homeowners are made aware of the potential for human/bear conflicts and interactions, and be instructed to secure all food so that **no** food sources are left outside of homes, cabins, and/or development areas. All garbage cans should be “bear proof” to further discourage bear use of the area. If homeowners take precautions to protect themselves and their property from attracting bears, it will reduce the number of bears that may need to be removed from the area. Cougars also frequent the area and while most cougars will avoid areas of high human activity, residents should be made aware of the potential for cougar/human interactions. This interaction may include the loss of pets and at least the harassment of domestic livestock.

- *Lighting.* Given the proximity of portions of the development to sensitive wildlife habitats, UDWR requests that any lighting on buildings or streets be directed downward to prevent excess light from affecting wildlife. In addition, other strategies to reduce light pollution should be considered; this could include motion sensors or “bug yellow” lights.
- *Fertilizers and de-icing compounds.* It is our understanding that some ski resorts utilize additives or chemicals to enhance their snow making capabilities and to keep roads clear of ice. In addition, during the annual maintenance of lawns and during the seeding of disturbed habitats, fertilizers may be utilized. UDWR is concerned that some of these

chemicals and nutrients may flow into area wetlands and the headwaters of stream channels, and may negatively impact Bonneville cutthroat trout populations within both Cache and Weber Counties. UDWR recommends that compounds harmful to fish and amphibian populations not be used within the proposed development or that all runoff from roads, streets, and ski areas be collected and not permitted to flow into natural channels where they could be detrimental to downstream aquatic wildlife.

- *Fences*: UDWR recommends that any fences installed on the property be either a standard fence height of 42" (or less) to provide for big game animal movements across the fence, or be at least 7 ½ ft. tall to preclude animals from crossing the fence (such as around livestock food-storage facilities). UDWR recommends that where the 42" fences are built, they be designed as "wildlife friendly" to reduce the chance of wildlife being restricted, injured, or killed. UDWR can recommend suggestions for standardized fence designs which are "wildlife friendly."
- *Aspen Habitats*: Aspen occupy less than 4% of the land area within Utah, and this habitat type has also been identified by UDWR as one of the top ten habitats of concern (Utah Comprehensive Wildlife Conservation Strategy-2005). These habitats have been primarily lost or degraded from direct loss of stands due to development, fire cycle alteration, and conifer encroachment. In Utah, aspen provides critical habitat for a complex diversity of over 174 wildlife species, including game (mule deer, elk and grouse), non-game (including Northern Goshawk and Williamson's Sapsucker) and watchable wildlife. To protect wildlife in this area, UDWR recommends that development activities within or adjacent to aspen habitats should minimize fragmentation and the direct loss of stands. Aspen stands are of high value to wildlife as elk calving habitat, foraging by many bird species which feed upon the aspen catkins, and the soft wood allows for the creation of cavities which many bird species use for nesting. The current application calls for development to be placed within aspen habitats and other forested stands which will reduce this important habitat for wildlife. UDWR supports efforts to enhance and expand these habitats, and is available to work with the Resort to both recommend development designs to reduce threats to wildlife and to increase the value of these stands for wildlife.
- *Riparian Habitats*: Mountain riparian habitats are considered rare in Utah and occupy less than 1% of the land area within the state. This habitat type has also been identified by UDWR as one of the top ten habitats of concern in Utah (Utah Comprehensive Wildlife Conservation Strategy, 2005). These habitats have been lost or degraded through activities such as stream channelization which increases water velocity and sedimentation. In Utah, riparian plant communities provide critical habitat for a complex diversity of approximately 350 vertebrate wildlife species, including 21 species of concern. Similar to our comments above for aspen habitats, UDWR recommends that development activities within or adjacent to riparian habitats should minimize fragmentation and the direct loss of stands. The creation of upland buffers around these habitats where little to no disturbances are permitted will provide better habitat for wildlife. We recommend that the current DRR-1 application be updated to include the location of riparian habitats in relation to planned developments and infrastructure, and

that upland buffers be established. UDWR supports efforts to enhance and expand these habitats, and is available to work with the Resort to both recommend development designs to reduce threats to wildlife and to increase the value of these habitats for wildlife.

- *Potential big game mortality on SR-158.* The main entrance road to the Powder Mountain ski resort (SR-158) and the project area travels through mule deer, elk and moose winter habitats where animals congregate during the fall, winter, and spring months. UDWR notes that the Powder Mountain Resort Transportation Master Plan (Draft Submitted: June 6, 2014) does not include any discussion of current wildlife mortality occurring on SR-158. In addition, other roads in the general vicinity will be used to access SR-158 and the Resort, with the subsequent increase in traffic on these roads. Over the past 2 years, the following big game highway mortality has occurred:
 1. SR-158; from the four-way stop to Powder Mountain: 10 mule deer
 2. SR-158; from Pineview Dam to the four-way stop: 24 mule deer
 3. Accessing SR-158 from the North Ogden Divide: 16 mule deer
 4. SR-39; from the junction with SR-167 to the four-way stop: 20 mule deer

With a projected increase in vehicle travel during the fall, winter and spring months, it is anticipated that an increase in wildlife/vehicle collisions is likely, especially with mule deer. UDWR recommends that the transportation plan address potential impacts to big game animals and other wildlife species that could occur with the projected increase in traffic to the Resort. UDWR is available to work with Weber County, the Resort, and the Utah Department of Transportation to help develop strategies to reduce wildlife-vehicle collisions and protect public safety.

- *Wet Meadow:* Mountain wet meadow habitats are also considered rare in Utah, and occupy less than 1% of the land area within the state. This habitat type has been identified by UDWR as one of the top ten habitats of concern in Utah (Utah Comprehensive Wildlife Conservation Strategy-2005). These habitats have been primarily lost or degraded through activities such as direct loss of habitat, habitat fragmentation, draining, water development, drought, improper grazing, improper OHV uses, and loss of adjacent upland habitats. In Utah, wet meadow plant communities provide critical habitat for a complex diversity of approximately 201 vertebrate wildlife species, including 4 species of concern. Similar to our comments above for riparian habitats, UDWR recommends that development activities within or adjacent to wetlands and wet meadow habitats should minimize fragmentation and the direct loss of habitats. In addition, UDWR recommends that upland buffers should be established around these habitats wherein no disturbances are permitted. UDWR recommends that the current DRR-1 application be updated to include the location of wetland habitats in relation to planned developments and infrastructure, and that upland buffers be established. UDWR supports efforts to enhance and expand these habitats, and is available to work with the Resort to both recommend development designs to reduce threats to wildlife and to increase the value of these habitats for wildlife.

- Under the Fire Protection section (page 17), no mention is made of the Community Wildfire Protection Plan that has been developed for the property. Along with including the Plan information in the rezone application, this section could suggest additional strategies for reducing the possibility of wildfire.
- Under the Energy section (page 17), reference is made to a “solar garden.” UDWR supports efforts to use sustainable energy sources, but notes that large solar arrays can impact wildlife through the removal of habitat and the increase in associated infrastructure. UDWR would like to evaluate subsequent solar array proposals to address potential impacts to wildlife and wildlife habitat. Specific siting decisions are critical in such proposals.
- Previous discussions with Weber County and maps within the DRR-1 application package have referenced a possible secondary access road which could be used for emergency, administrative and possible public use. The main route discussed is a current dirt road which exits the north-east portion of Powder Mountain property in Weber County, and travels east along the ridgeline, on the Weber County-Cache County boundary. Depending upon the exact location, a section of this road may cross the UDWR Middle Fork Wildlife Management area (MFWMA). If any secondary access roads will cross the MFWMA and/or any road improvements are necessary, easements may need to be sought from UDWR.
- The Summit Powder Mountain Village map (page 29) appears to show the proposed Mary’s Lift on the MFWMA. UDWR has not entered into any discussions with the Resort regarding the placement of a ski lift on state property and is not currently supportive of placing such development in this location.
- The Open Space with Trails Plan (page 42) identifies two trails which are proposed to travel from the Resort property, onto the MFWMA.
 1. The trail along the north-east portion of the Resort within Weber County is proposed to follow a dirt trail down into the MFWMA. Although the MFWMA is open for non-motorized public access and use during certain periods of the year, UDWR has not established a formal public access trail in this location. If desired by the Resort, UDWR may be interested in working with the Resort to identify and develop trails in this and other appropriate locations.
 2. The Geertsen Canyon trail is not currently a contiguous trail between the UDWR-owned portions of the MFWMA and the Resort. A small section of United States Forest Service (USFS) land (also within the MFWMA) is found within a steep section of Geertsen Canyon wherein any such trail will need to be developed to accommodate public use. If the Resort is interested in developing this trail, UDWR is available to work with the Resort and the USFS to develop a trail in this location.

- As identified on the Sensitive Land Areas: Wildlife Habitat map (page 13), the majority of the Resort property is located outside of the sensitive/critical wildlife habitat areas which have been mapped for Ogden Valley. This map broadly identifies sensitive wildlife habitats along the foothills including some wetlands along the valley floor. The three habitats identified above (aspen, riparian and wet meadow) are also important as they support a wide diversity and abundance of wildlife species. Given the scattered location of these sensitive habitats throughout the mountain areas of Ogden Valley, it was not feasible to identify in this letter all the locations. However, UDWR requests to see these habitats retain their wildlife value through time.