

March 31, 2010

Cache County Planning and Zoning Commission
179 North Main St.
Logan, UT 84321

Re: Request for Conditional Use Permit by Rainey Ranch Ski Resort

Dear Commissioners,

Thank you for taking the time to read our letter of concern regarding the Rainey Ranch Ski Resort proposal for the mouth of Cherry Creek Canyon.

Bridgerland Audubon Society (BAS) is a non-profit 501(c)(3) and a chapter of the National Audubon Society. Our mission is to conserve, enhance, and enjoy the natural environment with special emphasis on birds and their habitats for the benefit and education of humanity and for the biological diversity of the Earth.

Because the Rainey Ranch Ski Resort proposal could have impacts to the watershed and wildlife, our board felt the need to add our voice to the process.

As you're aware this parcel of private property is squeezed between the Forest Service Mount Naomi Wilderness and the Division of Wildlife Resources winter wildlife habitat. Because of this unique situation and character of these adjacent lands this proposal in our opinion isn't eligible for a Conditional Use Permit under Cache County's Standards and Criteria, item #3:

Compatibility of the proposed use with the *character of the site, adjacent properties* and other existing and proposed development;¹ [emphasis added]

Because the compatibility of the proposed use with the adjacent public properties is counter to those properties' intended purpose therefore not meeting the standards and criteria for a Conditional Use Permit, the commission should deny the permit per item #6:

If the planning commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the planning commission may deny the request for a conditional use permit.²

¹ 17.06.070: Cache County Standards And Criteria For Conditional Use: (Ord. 2004-10, 8-10-2004)

² Ibid.

However if the commission decides to continue, we would ask they review the issues listed below. Please note, we have read many of the letters already submitted and feel the issues below have not been addressed or asked for a review.

Wetlands

If there is a possible impact to wetlands or other water resources as classified as the Clean Water Act, a delineation is required. This will determine where wetlands and uplands are located and the possible jurisdiction of the U.S. Army Corps of Engineers. This study needs to be forwarded to the Corps for their verification. If within this proposal it is determined that a disturbance to wetlands or other water resources would occur, the developers would need to apply for §404 permit under the Clean Water Act.

Until this process is complete and the Corps has verified that water resources aren't being adversely impacted the commission should not approve the Conditional Use Permit.

Stormwater Management

With the vegetation and rocks cleared for ski slopes and the additional snowpack from snowmaking runoff patterns will likely be altered.

A stormwater management plan for controlling runoff to reduce downstream erosion, water quality degradation, and flooding should be in place to mitigate any adverse effects of changes in land use on the aquatic environment.

Vegetated Buffer

A plan needs to be included that will protect the aquatic habitat down slope of the proposed resort including but not limited to the parking area. This could include a vegetated buffer established by maintaining the existing vegetated area or planting native trees, shrubs, and herbaceous plants.

Snowmaking

It is already established that snowmaking can have serious environmental consequences if not done correctly. The Environmental Protection Agency expressed concern over harmful runoff in summary for a proposed expansion of a ski resort in Montana as shown in the following citation:

EPA expressed environmental concerns regarding the lack of information to support expansion of the ski area; inadequate analysis and disclosure of indirect effects of induced development; and effects of additional snowmaking and increased wastewater pollutant loadings to area ground water. EPA requested additional information in the final document to assess and mitigate potential environmental impacts of the management actions.³

³ ERP No. D-AFS-J61103-MT Rating EC2, Discovery Ski Area Expansion, Implementation, Special-Use-Permit

For your information, snowmaking is not a method for storing water and is a consumptive use. As an example, we include information from a report by the New Mexico State Engineer for the Santa Fe Ski Area where it was determined that the amount of water lost was substantial.

0.29 acre-ft.	lost by sublimation and evaporation in the fall
0.34 acre-ft.	lost by evaporation from the snowmaking machine
.74 acre-ft.	lost by sublimation and evaporation in the spring
1.37 acre-ft.	lost by the artificial snowmaking process

The consumptive use was 9.8% of the initial diversion of 14.03 acre-ft. for snowmaking. Of these losses, sublimation and evaporation in the spring accounted for most of the loss (54%), evaporation from the machine was 25% of the loss, and sublimation and evaporation in the fall was 21%. On a per acre basis, the loss for the 25.6 acre area was 0.053 acre-ft./acre.⁴

Air Quality

The proposal states that the resort will provide power for snow making machines, lifts and the lodge facilities by using diesel generators. Diesel generators are major contributors to air pollution as they produce large amounts of nitrogen oxides (NOx) and particulate matter (PM 2.5). “These ultrafine particulates, which are small enough to penetrate the cells of the lungs, make up 80-95% of diesel soot pollution.”⁵ The amount of power needed to run this facility will contribute significantly to Cache Valley’s already troubled air quality.

We believe a conditional use permit could be applied to limit the use of these generators during “red air day” inversions much the same way wood burning stoves are currently restricted. This is simply a common sense approach needed to prevent further deterioration of Cache Valley’s already-impaired air quality.

Room for Summer Growth?

In a 2005 report to the ski industry Jeff Coy, president of JLC Hospitality Consulting based in Rochester MN said that “nationally there are about 40 million skier visits annually for the last four years—with no signs of growth.” With this in mind he stated in his report that:

and COE Section 404 Permit, Beaverhead-Deerlodge National Forest, Pintler Ranger District, Rumsey Mountain, Granite County, MT. July, 2000.

⁴ *Consumptive Water Use In Artificial Snowmaking Santa Fe Ski Area, New Mexico*, New Mexico Engineer Office Technical Report #45 June 1985 by Alan W. Smart United States Forest Service and William M. Fleming New Mexico State Engineer Office

⁵ Union of Concerned Scientists Web site, http://www.ucsusa.org/clean_vehicles/vehicle_impacts/diesel/diesel-engines-and-public.html

More and more ski resorts will expand summer recreation. Most resorts are highly seasonal, which means they generate revenues for only about 100 days or less and have expenses for 365 days. The secret to financial success is to work toward becoming a four-season resort by adding recreation in the non-peak seasons.⁶

It can only be assumed that Rainey Ranch Ski Resort will need to pursue summer activities to be financially successful. The commission should insist that those activities be disclosed and how they will impact the public lands adjacent the proposed resort.

Insurance

There are many safety and liability issues that will accompany this proposal and we would like to suggest an affidavit from the developer's insurance carrier that they are satisfied with all provisions provided in the plan(s). Some of our concerns are:

Emergency Services Support?

Are Richmond City and the county's emergency services adequate to meet the insurance carrier's requirements? Or do things like a paramedic response need upgraded?

Avalanche Control?

Even though a majority of the proposed ski runs are on slopes not likely to avalanche there are some that have a very high potential. A plan that meets the insurance carrier's requirements needs to be in place for professional avalanche control measures. It also appears some avalanche control might be needed above the wilderness boundary. Please be advised that a permit would be required for such activity.

Ski Patrol?

A plan for a professional ski patrol organization needs to satisfy the insurance carrier's requirements.

Thank you for your time in this matter.

With sincere regards,

C. Val Grant, President
Bridgerland Audubon Society

⁶ Jeff Coy and Bill Haralson, JLC Hospitality Consulting Inc., January 2005. http://www.hotel-online.com/News/PR2005_1st/Jan05_SkiResortPredictions.html