

Utah Inland Port Authority Board 2024

DRAFT MEETING MINUTES

Utah Inland Port Authority Board Meeting Minutes
Wednesday January 10, 2024
3:00 pm
Utah State Capitol, Room 445
350 State Street, Salt Lake City, UT 84103

Board Members Present: Ryan Starks, Abby Osborne, Jerry Stevenson, Jonathan Freedman, Jefferson Moss

Non-Voting Board Members Present: Victoria Petro

Board Members Absent: Bill Wyatt

UIPA Staff: Ben Hart, Benn Buys, Larry Shepherd, Lynne Mayer, Stephen Smith, Carol Watson, Amy Brown Coffin, Max Ivory, Mona Smith, Dain Maher, Scott Wolford, Danny Stewart, Kaitlin Felsted, Allen Evans, Stephanie Pack, Diana Gardner

Others in Attendance: Abbie Nistler, Alan Ernsten, Andrea Stensaas, Ann Floor, Ariel Erickson, Brianne Anderson, Brooke Larsen, Carlene Coombs, Colette Mabey, Deeda Seed, Erin Chatterton, Jackie Larson, Jaxon Persch, Kathy Van Dame, Katie Pappas, Keri Bryant, Lana Neilson, Maria Archibald, Mike Croley, Patti Hobfoil, Peter Nielson, Pete Williams, Roberta Fletcher, Sandy Cody, Sarah Buck, Sherry Stevens, Susan Corth, Tim Vandernack, Xochi Stensaas, Joel Ferry, Stephanie Russel, Chris Roybal, Randy Giordano, Joseph Giordano, Tussy King, Kirk Mendenhall, Jim King, Shannon Bond, Liz Rideout, Paul Sullivan, Brice Wallace, Leia Larsen, Jen Robison, Camille Knudson, Andy Hulka, Maria Mamaril, Jaime Hernandez, Daniel Stephens, Dallin Curriden, Joan Gregory, Alan Ernsten

1. Welcome

UIPA Board Vice Chair, Abby Osborne, welcomed the board members, staff and public to this Utah Inland Port Authority Board Meeting.

2. Executive Director Report

UIPA Executive Director Ben Hart provided an executive director's report, providing some detail and context to the port's activities and purposes in the creation and management of project areas across the state. Inland port project areas are established at the invitation of and with a supporting resolution from local governments. UIPA does not proactively market the creation of project areas to communities around the state. Upon the invitation of the local government, step one is to

identify the area that has been designated for industrial development. Land use authority, zoning, entitlements, and permitting remain the purview of the local government, UIPA does not have any land use authority in the project areas. UIPA project area designation offers tools for promoting economic growth and smart implementation of logistics in a region. UIPA's logistics efforts aim to reduce dependence on truck transportation of goods by optimizing use of rail, air cargo, and other modes. As appropriate, rail access and other logistics enhancement will be included in project area development, which offers the benefit of reducing the amount of cargo that must move through the Northwest Quadrant of Salt Lake City. UIPA's intent is to build better access points for rail cargo, creating a more efficient rail system, taking trucks off the road, reducing pollution, and providing more economic opportunities to communities across the state of Utah. UIPA staff provided a detailed look at each of the eight project areas around the state, noting key logistics, notable new businesses, key accomplishments over the past year, and focus for optimizing the area in the coming year. [A summary is available here.](#)

UIPA Environmental Engineer, Mona Smith, discussed efforts to protect wetlands and wildlife. She noted the board's approval in November 2023 of a wetlands policy which echoes federal policy for protection of wetlands and allocates at least 1% of tax differential funds toward wetland mitigation. UIPA is working with landowners, local government officials, the Great Salt Lake Commissioner, and the Utah department of Natural Resources to coordinate wetland mitigation efforts above and beyond what is required in federal wetland regulations.

Director Hart noted that the owners of two small residential properties exercised their right to have their parcels removed from the Tooele Valley project area. He also mentioned efforts to find tenants for two leased properties that UIPA controls in the Salt Lake Jurisdictional Area. He also discussed the Salt Lake City interlocal agreement and the required community impact, traffic, and health assessments. At the request of Salt Lake City, UIPA has not released the request for proposals for bids on completing those studies. The city and UIPA are working together to determine the correct timing and focus of the studies. He also noted environmental monitoring that is ongoing in the Northwest Quadrant by the State of Utah Department of Environmental Quality.

Board member Petro thanked UIPA staff for working collaboratively with Salt Lake City on the required studies and emphasized the importance of using economic incentives to bolster clean energy usage and generation on the west side of Salt Lake City.

Board member Stevenson commented on the legislature's creation of 23 land-use authorities in the state, including UIPA, and their role in helping and controlling growth in the state.

Board Vice Chair Starks commented on growth in Utah and recognizing the need for smart economic development, recruiting the right types of industries that don't overuse limited resources, like water, in the state.

3. Oath of Office - New Board Members

Johathan Freedman and Jefferson Moss were sworn in as new members of the Utah Inland Port Authority Board of Directors. Carol Watson, Notary, administered the oath.

4. Election of New Board Chair and Vice Chair

Board member Stevenson moved that Abby Osborne be named as chair of the Utah Inland Port Authority Board. Board member Moss seconded the motion.

Vote:

Ryan Starks – yes

Jerry Stevenson – yes

Jefferson Moss – yes

Jonathan Freedman – yes

Abby Osborn – yes

Board member Stevenson moved that Ryan Starks be named as vice chair of the Utah Inland Port Authority Board. Board member Freedman seconded the motion.

Vote:

Ryan Starks – yes

Jerry Stevenson – yes

Jefferson Moss – yes

Jonathan Freedman – yes

Abby Osborn – yes

5. Approval of Minutes, December 5, 2023 Board Meeting

Board member Starks moved to approve the minutes from the December 5, 2023 board meeting. Board member Moss seconded the motion. The motion was approved unanimously.

6. Presentation: 2023 Financial Audit

Bertha Lui and Caleb Tindall of the State Auditor’s office presented the audit of UIPA’s fiscal year 2023 financial statement and thanked UIPA staff for their cooperation. They began by recognizing that the audit issued an unmodified or “clean” opinion for the financial statements for the fiscal year ending June 30, 2023. They noted several findings, or recommendations on how to strengthen controls and recording of financial documentation.

Director Hart thanked the auditors for giving UIPA good recommendations for improvements that will be made.

6. Presentation: Proposed Zenith-Bolinder Public Infrastructure District

Benn Buys, UIPA Deputy Director and Chief Financial Officer, provided a review of this application for the creation of a PID in Tooele County. He noted that Utah Code gives UIPA and certain other land-use authorities the ability to sponsor public infrastructure districts. The PID creates a new taxing entity with approval of all landowners that can be used to issue bonds for public improvements. For this request, UIPA is the sponsoring entity but will not be involved in the governance of the PID. The proposal includes a 3 mill tax levy to provide public infrastructure to the industrial park. Only infrastructure that will be county owned can be paid for with public financing.

7. Presentation: Introducing the Draft West Weber County Project Area Plan

Scott Wolford, UIPA Vice President of Business Services, and Stephanie Pack, UIPA Associate Vice President of Regional Project Area Development, presented the project area plan and budget for the West Weber Project Area.

Weber County Economic Development Director, Stephanie Russel, detailed the process and local support for the creation of the project area. Some of the included areas have been zoned for industrial development for 50 years. All development in the proposed project area is inline with the county’s general plan. The county’s vision for the area is smart growth, with a focus on advanced manufacturing, renewable energy, and sustainability.

Chris Roybal of the Northern Utah Economic Alliance noted the opportunity for needed additional rail activity in the area.

Utah Department of Natural Resources Executive Director, Joel Ferry, discussed the state’s investment and interest in protecting wildlife habitat lands to the north and south of the proposed project area, emphasizing the need for sustainability in development in the region. He called for and believes it possible for smart development to occur in the area over the next 50 years in ways that are minimally invasive and impactful to the Great Salt Lake and migratory areas.

This presentation is informational only, with potential board action at a future meeting.

8. Presentation of Amendments to Verk Industrial Park Inland Port Project Area

Scott Wolford, UIPA Vice President of Business Services, reviewed the proposed amendment to the Verk (Spanish Fork) Project Area. Spanish Fork city has requested via resolution the inclusion of an additional 418 additional acres to the project area. Wetlands mitigation will be added to allowable uses of tax differential collected in the project area and the project area budget will be updated to reflect the new boundaries.

9. Policy Presentations

UIPA Chief Compliance Officer Amy Brown Coffin discussed three UIPA policies:

BP-07 - Procurement Policy

Policy governing purchasing that benefits UIPA and complies with statutory requirements.

BP-10 - Records Retention

Policy on record management, preservation, sharing, and disposal.

BP-12 - Segregation of Duties

Policy on dispersal of critical processes and transactions to prevent fraud and error.

10. Public Comment

Board Chair Osborne opened up the public comment period and invited those in the room to submit comment cards for an opportunity to speak. She reminded all that the port welcomes written public comment anytime via the UIPA website at <https://inlandportauthority.utah.gov/contact/>.

Comments made included concern for protecting multi-generational family agricultural lands in Spanish Fork, pollution from development in the Northwest Quadrant of Salt Lake City, support for the West Weber Project Area creation, questioning local land use control in the jurisdictional area, opposition to the use of public resources to encourage growth and the subsidizing of development with public monies.

11. Approval of BP-07 - Procurement Policy

Board member Stevenson moved to approve BP-07 - Procurement Policy as presented. Board member Moss seconded the motion.

Vote:

Jerry Stevenson – yes

Jefferson Moss – yes

Jonathan Freedman – yes

Abby Osborn – yes

Ryan Starks left the meeting prior to this vote.

12. Approval of Resolution 2024-01, Amending the Verk Industrial Park Inland Port Project Area Plan

Board member Freedman moved to approve Resolution 2024-01, Amending the Verk Industrial Park Inland Port Project Area Plan. Board member Moss seconded the motion.

Vote:

Jerry Stevenson – yes

Jefferson Moss – yes

Jonathan Freedman – yes

Abby Osborn – yes

Ryan Starks left the meeting prior to this vote.

13. Adjourn

Board Chair Osborne adjourned the meeting.

Board Chair, Abby Osborne

Written Public Comments submitted during and after the meeting:

Heather Dove - Millcreek, UT - 1/11/2024

Wetlands Destruction

I continue to be ever more shocked at the staggering loss of wetlands and uplands that we face if UIPA and their various county partners are allowed to proceed with this proliferation of inland ports around and on the shores of Great Salt Lake and Utah Lake.

We all know how important those wetlands are to the birds, to the health and functioning of Great Salt Lake and to our air quality. The state has appropriated many millions of dollars towards saving Great Salt Lake, yet the permitting and indeed encouragement and stimulation of these port developments seems utterly counterproductive and disingenuous.

UIPA has formulated a Wetlands Policy to purportedly conserve wetlands and restore or mitigate affected wetlands within the port areas. Indeed, they claim they will put 1% of the tax differential toward conservation, restoration and mitigation of wetlands. 1% by the way is utterly inadequate to get such a job done.

But it appears that UIPA only considers ponds as wetlands and discounts the need to preserve marshes, mudflats, playas, seasonal wetlands and floodplains. And that does not even include all the upland habitat being destroyed. Bald eagles, burrowing owls, several species of hawks and many species of songbirds lost habitat when UIPA opened the floodgates of development on the south shore of Great Salt Lake. The same thing will happen at the Weber County, Box Elder County and Spanish Fork port project areas.

Wetlands, especially mudflats and playas, are created over hundreds, perhaps thousands of years. They cannot be recreated. Once they are gone, they are gone forever.

We need our state leaders to call a halt to this unbridled destructive growth. We need the state to reconsider its support of these projects that only further enrich a very select few ultra-wealthy developers. We need a fundamentally healthy environment, not more warehouses and industry, and not more growth for growth's sake.

B Spears - Salt Lake City, UT - 1/12/2024

Lies from the board

Can someone explain how paving 30,000 acres of wetland wont harm them? I call BS. We loose habitat, and will dump microplastics from tires. If a private citizen dumped a quart of oil it would be a crime.

What your doing is genocide to Utahs population. I hope your children develop crippling asthma from the additional pollution. Disgusting lies.

Janice Gardner - Cottonwood Heights - 1/22/2024

Opposition to the West Weber Project Area

I am writing on behalf of myself, a concerned Utah citizen and taxpayer, about the proposed West Weber Project Area. I have a Master of Science in Ecology and I am a Certified Wildlife Biologist® from The Wildlife Society with over 20 years of experience. My expertise is resource conservation and environmental permitting including the National Environmental Policy Act and Endangered Species Act. I have been engaged in management and conservation of Utah's natural resources for 15 years, including the Great Salt Lake ecosystem.

General Comments

It is extremely alarming to me that the Utah Inland Port Authority has proposed the West Weber Project Area. This proposed project area is in direct opposition of the following Utah Inland Port Authority's Statutory Objectives (U.C.A. 11-58-203):

- c) respect and maintain sensitivity to the unique natural environment of areas in proximity to the authority jurisdictional land and land in other authority project areas.
- d) improve air quality and minimize resource use.

I also find that the proposed the West Weber Project Area is in opposition to the Utah Inland Port Authority's statement on Low Impact Development which states that "...land planning, site design and construction practices that aim to conserve and protect natural resource systems, while reducing infrastructure costs. This land use development framework focuses on protecting areas of habitat connected by corridors of water or native vegetation, which are valuable to Utah's environment." If the Utah Inland Port Authority follows their Low Impact Development policy, the proposed the West Weber Project Area will not advance for consideration. The proposed West Weber Project Area is 50% wetlands, part of the Great Salt Lake ecosystem, and directly between the Ogden Bay and Howard Slough Waterfowl Management Areas. This proposed project will destroy the habitat that connects wetlands on the eastern boundary of Great Salt Lake, which are of hemispheric importance to entire populations of shorebirds in the western hemisphere.

I find this proposed project is not in line with the statement "Utah Inland Port Authority collaborates with its partners and stakeholders to incorporate highly sustainable strategies to mitigate any potential adverse impacts on land use, air quality, water and other natural resources, as well as the transportation system within the jurisdictional area." Due to the significant natural resources found in this project area, the impacts of the West Weber Project cannot be successfully mitigated, no matter how "highly sustainable" the strategies you're your partners and stakeholders at the Utah Department of Natural Resources were not collaborated with regarding this proposed project.

I agree that "Limiting negative developmental impacts on the natural environment and local communities is as essential to Utahns as it is to the long-term success of the project area." However, I find this proposed project to be in direct opposition to the Utah Inland Port Authority's statement "...land use strategies will encourage dense and diverse development that creates an efficient Port with minimal

ecological impact.” The West Weber Project will create significant, adverse ecological impacts with maximum ecological impact. Because the project is within the Great Salt Lake ecosystem and contains thousands of acres of wetlands, the impact of this project goes beyond the State of Utah. Loss of these wetlands and disturbance to the surrounding areas will impact entire populations of birds throughout our entire region and the western hemisphere.

The Initial Natural Resources Report

The Initial Natural Resources report in the “West Weber A Utah Inland Port Project Area Draft Project Area Plan & Budget” is woefully deficient and does not make clear statements about the type of impacts to natural resources. It does not provide the Board with proper information to make decisions about significant impacts to Utah’s public natural resources.

Wetlands

Based on my visual study of Figure 4 in the “West Weber A Utah Inland Port Project Area Draft Project Area Plan & Budget” dated January 10, 2024, approximately 50% or 4,300 acres of the entire project area is wetland. Based on the current federal and state wetland mitigation policies and lack of sufficient wetland banks, it is not feasible to mitigation for the wetlands that will be impacted by this project. It is also not feasible that the allowable “1% of tax differential” would generate sufficient funding to mitigate the enormous wetland loss from this project. Therefore, this project cannot “fund protections for these critical wetlands along the banks of Great Salt Lake”, as is stated in the document.

We simply cannot create new wetlands, especially in the Great Salt Lake ecosystem, which are wetlands of hemispheric importance. Ensuring there is water supply to the Great Salt Lake’s protected wetlands is already deeply challenging. Finding new sources of water to supply any new wetland mitigation sites is not realistic.

Wildlife

I was pleased to see in your report that in order to avoid and minimize impacts to breeding birds, any construction activities related to inland port projects will be completed outside of the Birds of Conservation Concern breeding season which was listed as March 1 to August 31. The public will be expecting adherence to this. Should ground disturbance take place between these season, Appendix A outlines species of birds will be killed and “take” will occur.

As the Utah Inland Port Authority needs to add more allowable uses and more tax differential to include mitigation for: 1) loss of wildlife habitat that are listed as Utah Species of Greatest Conservation Need, 2) direct take of wildlife, and 3) cumulative impacts to natural resources the result from additional the development this project generates.

Avoidance, minimization, and mitigation needs to occur for all wildlife listed as Utah Species of Greatest Conservation Need and their habitats. All state entities have a stake in conserving wildlife, as is outlined in great detail in Utah’s Wildlife Action Plan. For example, this site is a known breeding area for Burrowing Owl. Utah Species of Greatest Conservation Need that will be directly impacted through loss of habitat and/or direct mortality and take on this proposed project, include:

- Ute ladies' tresses

- Monarch Butterfly
- Little Brown Myotis
- Long-eared Myotis
- Long-legged Myotis
- Fringed Myotis
- Spotted Bat
- Western Red Bat
- Townsend's Big-eared Bat
- American Bittern
- American White Pelican
- Bald Eagle
- Burrowing Owl
- Caspian Tern
- Ferruginous Hawk
- Golden Eagle
- Peregrine Falcon
- Snowy Plover
- White-faced Ibis

Without proper avoidance, minimization, and mitigation, state-sponsored projects like this support wildlife species becoming federally listed under the Endangered Species Act. Listings under the Endangered Species Act are a sign we have failed to properly manage and conserve our public wildlife species and will impose federal regulations on local and state activities.

Ecological Zones

Please provide more information on how and where this proposed projection area will integrate “preservation of ecological zones surrounding jurisdictional areas.”

Conclusion

As such, it is my conclusion that the Utah Port Authority does not value the objectives to respect Utah’s natural resources. By proposing projects like the West Weber Project Area, it signifies this entity is not respecting Utah’s public resources and tax dollars.

Please do not advance the proposed West Weber Project Area.

Sincerely,

Janice Gardner

Cottonwood Heights, Utah

janicegardner@gmail.com