

CENTRAL WASATCH COMMISSION MEETING AGENDA
WEDNESDAY, JUNE 20, 2018—2:30 P.M.
COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS
2277 East Bengal Boulevard, Cottonwood Heights, Utah

A. OPENING

- i. Commissioner Chris McCandless will conduct the meeting as Chair of the CWC.

B. PUBLIC COMMENT. Comments to the Commission are taken on any item not scheduled for a public hearing, as well as on any other CWC business. Comments are limited to three minutes.

C. COMMISSIONER COMMENT

D. DISCUSSION OF POSSIBLE ANNUAL MEETING SCHEDULE

- i. The Commission will discuss the feasibility of adopting a meeting schedule listing the date, time and place of its meetings for the balance of 2018. If agreed, a future resolution will adopt such a meeting schedule.

E. DISCUSSION AND POSSIBLE APPOINTMENT OF ADDITIONAL MEMBERS

- i. The Commission will discuss amending its criteria and process for adding additional members in order to expand the CWC to a maximum of ten members and ten Commissioners.
 - (a) Consideration of **RESOLUTION 2018-13** amending and restating the CWC's criteria and process for adding additional members to allow a maximum of ten members and ten Commissioners.
- ii. Consideration of **RESOLUTION No. 2018-14** offering membership in the CWC to Park City.
- iii. Consideration of **RESOLUTION No. 2018-15** offering membership in the CWC to Millcreek City.

Appointment is subject to approval of the legislative body of each of the current Members and the new Member's approval of and entry into the CWC interlocal agreement, and is effective on the date that the last of such conditions is completed.

F. GENERAL ADMINISTRATION MATTERS. The Commission will discuss hiring of new staff and staffing of a CWC executive committee to formulate meeting agendas, etc.

- i. The Commission will discuss hiring of new staff for the CWC.
- ii. The Commission will consider **RESOLUTION No. 2018-16** amending the CWC's bylaws to empanel and delegate certain authority to an Executive Committee and to designate the initial members of the Executive Committee.

G. DISCUSSION OF THE CWC RETREAT AND FUTURE CWC MEETINGS

H. PUBLIC COMMENT ON THE CENTRAL WASATCH NATIONAL CONSERVATION AND RECREATION AREA ACT.

I. ADJOURNMENT

CERTIFICATE OF POSTING

On or before 5:00 p.m. on Friday, June 15, 2018, the CWC does hereby certify that the above notice and agenda and agenda was 1) posted at either the CWC's principal office or at the building where the meeting is to be held; 2) posted on the Utah Public Notice Website created under Utah Code Section 63F-1-701; and 3) provided to The Salt Lake Tribune and/or Deseret News and to a local media correspondent.

Final action may be taken in relation to any topic listed on the agenda, including but not limited to adoption, rejection, amendment, addition of conditions and variations of options discussed.

Members of the Commission may participate electronically. Meetings may be closed for reasons allowed by statute.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder, at (801) 944-7021 at least 24 hours prior to the meeting. TDD number is (801) 270-2425 or call Relay Utah at #711.

ADDITIONAL MEMBERS

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: June 20, 2018

RE: Motion to adopt Resolution No. 2018-13.

Motion 1

I move that the commission adopt Resolution No. 2018-13, amending and restating the CWC's criteria and process for adding additional members to allow a maximum of ten members and ten commissioners.

Motion 2

I move that the Commission (provide alternative).

CENTRAL WASATCH COMMISSION

RESOLUTION NO. 2018-13

A RESOLUTION AMENDING AND RESTATING THE CRITERIA AND PROCESS FOR ADDING ADDITIONAL MEMBERS TO THE COMMISSION

WHEREAS, Article V of the “Central Wasatch Commission Interlocal Agreement” (the “*ILA*”) provides that additional members (“*Additional Members*”) may be added to the Central Wasatch Commission (the “*CWC*”) following (a) the affirmative vote of a majority of all of the commissioners (“*Commissioners*”) then serving on the CWC’s board (the “*Board*”) of Commissioners; (b) approval by the legislative body of all of the then members (“*Members*”) of the CWC; (c) approval of the ILA by resolution of the governing body of the proposed new Additional Member (the “*new Additional Member*”); and (d) the new Additional Member’s entry into the ILA; and

WHEREAS, pursuant to Article VI of the ILA, the CWC is empowered to adopt, amend and repeal bylaws, resolutions, rules and regulations with respect to its powers and functions not inconsistent with the Interlocal Cooperation Act (UTAH CODE ANN. 11-13-101 et seq.) or the ILA; and

WHEREAS, at its 5 February 2018 meeting, the Board enacted its Resolution 2018-04-B adopting criteria and a process for adding Additional Members to the CWC; and

WHEREAS, on 20 June 2018, the Board met to consider, among other things, amending and restating the criteria and process for adding Additional Members to the CWC in order to expand the CWC to a maximum of ten Members and ten Commissioners; and

WHEREAS, after careful consideration, the Board finds that it is in the best interests of the CWC, its members and its constituents to amend and restate the criteria and process for adding Additional Members to the CWC in order to expand the CWC to a maximum of ten Members and ten Commissioners;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central Wasatch Commission that the CWC hereby adopts the following amended and restated criteria and process for adding Additional Members to the CWC:

1. **Minimum Criteria**. The minimum criteria for adding Additional Members to the CWC are as follows:

(a) The total number of all Members (including both original Members and Additional Members) shall not exceed ten (10). The total number of all Commissioners (including both Member Commissioners and Appointed Commissioners) also shall not exceed ten (10); and

(b) Each Additional Member must be a governmental entity located in Salt Lake County or Summit County; and

(c) Each Additional Member must have a common border with the boundary of the CWC specified in the ILA or have legal jurisdiction within such boundary of the CWC; and

(d) Except for Salt Lake County, which the ILA permits to have two Commissioners, no Member shall have more than one individual representing it on the Board.

2. **Process.** The process for adding Additional Members to the CWC is as follows:

(a) Upon receipt of a written application from the governing body of a proposed new Additional Member which complies with the minimum criteria specified in section 1 above (the "*Minimum Criteria*"), the Board may consider such application in public meetings occurring over such timeframe as the Board, in its sole discretion, may deem reasonable and appropriate under the circumstances.

(b) The Board's consideration of the application of such proposed new Additional Member shall be based on the the Minimum Criteria and such additional criteria as the Board, in its sole discretion, may deem reasonable and appropriate under the circumstances.

(c) Following such consideration, the Board shall vote whether to offer CWC membership to the proposed new Additional Member. If a majority of the Board does not affirmatively vote to offer CWC membership to the proposed new Additional Member, then the proposed new Additional Member's application for membership shall be deemed denied and that proposed new Additional Member shall be barred from re-applying for membership for a period of three years after such denial.

(d) If a majority of the Board affirmatively votes to offer CWC membership to the proposed new Additional Member, then the proposed new Additional Member's application for membership shall be deemed provisionally approved, subject to:

(i) Approval of the proposed new Additional Member by the legislative body of all of the Members; and

(ii) Approval of the ILA by resolution of the governing body of the proposed new Additional Member; and

(iii) The proposed new Additional Member's entry into the ILA.

This Resolution, assigned no. 2018-13, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the Commission's secretary, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 20th day of June 2018.

ATTEST:

CENTRAL WASATCH COMMISSION

By _____
Ben McAdams, Secretary

By _____
Chris McCandless, Chair of the Board

VOTING OF THE BOARD:

Andy Beerman	Yea ___ Nay ___
Jackie Biskupski	Yea ___ Nay ___
Carlos Braceras	Yea ___ Nay ___
Jim Bradley	Yea ___ Nay ___
Michael J. Peterson	Yea ___ Nay ___
Ben McAdams	Yea ___ Nay ___
Chris McCandless	Yea ___ Nay ___

DEPOSITED in the office of the Secretary this 20th day of June 2018.

FILED AND RECORDED this 20th day of June 2018.

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: June 20, 2018

RE: Motion to adopt Resolution No. 2018-14 offering CWC membership to Park City

Motion 1

I move that the Commission adopt Resolution No. 2018-14 offering CWC membership to the Park City, subject to approval of the legislative body of each of the Members as provided in the ILA establishing the CWC, Park City executing and delivering a counterpart of the interlocal agreement forming the CWC, and full compliance with any other requirements for membership.

Motion 2

I move that the Commission (provide alternative).

CENTRAL WASATCH COMMISSION

RESOLUTION NO. 2018-14

A RESOLUTION OFFERING MEMBERSHIP IN THE CENTRAL WASATCH COMMISSION TO PARK CITY

WHEREAS, the Central Wasatch Commission (the “*CWC*”) is an interlocal entity created effective 29 June 2017 pursuant to the “Central Wasatch Commission Interlocal Agreement” dated 30 May 2017 (the “*Agreement*”) among Salt Lake County, Salt Lake City, Sandy City and the city of Cottonwood Heights as the initial members of the CWC; and

WHEREAS, the governing body of the CWC is its board of commissioners (the “*Board*”), each of which commissioners represents either a member (a “*Member*”) of the CWC or a non-Member interested party (such as the so-called “Wasatch Back” geographic area or the Utah Department of Transportation); and

WHEREAS, pursuant to Subsection V(A)-(B) of the Agreement, additional Members of the CWC may be appointed upon (a) a majority vote of the Commissioners then serving on the Board, and (b) approval by the legislative body of each of the Members; and

WHEREAS, pursuant to its Resolutions 2018-04-B and 2018-13, the Board has adopted additional criteria and procedures (the “*New Member Procedures*”) for adding additional Members to the CWC; and

WHEREAS, Park City (“*Park City*”) has filed an application to become an additional Member of the CWC; and

WHEREAS, at a meeting of the Board on 20 June 2018, the Board considered offering membership in the CWC to Park City, subject to compliance with the New Member Procedures; and

WHEREAS, after careful consideration, the Board has determined that it is in the best interest of the CWC to offer membership in the CWC to Park City as proposed;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central Wasatch Commission that the Board hereby offers membership in the CWC to Park City, subject to approval by the legislative body of each of the Members, execution and delivery by Park City to the CWC of a counterpart original of the Agreement, and full compliance with any further New Member Procedures.

This Resolution, assigned no. 2018-14, shall take effect immediately upon passage as provided herein.

PASSED AND APPROVED this 20th day of June 2018.

ATTEST:

CENTRAL WASATCH COMMISSION

By: _____
Ben McAdams, Secretary

By: _____
Chris McCandless, Chair of the Board

VOTING OF THE BOARD:

Andy Beerman	Yea	___	Nay	___
Jackie Biskupski	Yea	___	Nay	___
Carlos Braceras	Yea	___	Nay	___
Jim Bradley	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Ben McAdams	Yea	___	Nay	___
Chris McCandless	Yea	___	Nay	___

DEPOSITED in the office of the Secretary this 20th day of June 2018.

FILED AND RECORDED this 20th day of June 2018.



Office of the Mayor

June 14, 2018

Central Wasatch Commission
c/o Chris McCandless
Chair, Central Wasatch Commission

Dear Members of the Central Wasatch Commission,

I write on behalf of Park City to apply for membership on the Central Wasatch Commission (CWC). Specifically, Park City meets all four membership criteria established within Resolution 2018-04b. As follows:

- The total number of members shall not exceed nine (9);
- Additional Member must be a governmental entity located in Salt Lake County or Summit County;
- Additional member must have a common border with the Boundary of the Commission; and
- No Member shall have more than one individual representing it on the Board.

Perhaps more importantly, however, Park City is an original member of the Mountain Accord, and now, the CWC. In both efforts, Park City has devoted considerable time, effort, and financial resources. In particular, Mayor Beerman served on the Management Team and Executive Board of the Accord and currently as a commissioner on the CWC, dedicating countless hours of personal time. In addition, Park City staff co-chaired the Accord's Environmental Dashboard, co-chaired the "Valley to Mountain Transit Alternatives Analysis Study," and supported the CWC throughout its incorporation process.

Park City's investments in first the Accord, and now, the CWC, demonstrate our commitment to the health of the Wasatch Mountains. We firmly believe in the power of collaborative planning and environmental stewardship among the Wasatch Front & Back. Further, given our common jurisdictional boundaries, we share watershed, recreational experiences, transportation improvements, and the underlying mission of protecting our shared mountains for future generations.

Finally, while Park City meets the minimum criteria and remains an ardent supporter of the Accord and CWC, the intent of our application is to resolve representation concerns from Summit County via the Wasatch Back Seat. Likewise, in order to demonstrate collaboration and coordination, Summit County has agreed to rescind their application for membership if Park City's application is accepted.



Thank you for your consideration of this request. Please let me know if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Andy Beerman". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Andy Beerman
Mayor,

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: June 20, 2018

RE: Motion to adopt Resolution No. 2018-15 offering CWC membership to Millcreek City

Motion 1

I move that the Commission adopt Resolution No. 2018-15 offering CWC membership to the Millcreek City, subject to approval of the legislative body of each of the Members as provided in the ILA establishing the CWC, Millcreek City executing and delivering a counterpart of the interlocal agreement forming the CWC, and full compliance with any other requirements for membership.

Motion 2

I move that the Commission (provide alternative).

CENTRAL WASATCH COMMISSION

RESOLUTION NO. 2018-15

A RESOLUTION OFFERING MEMBERSHIP IN THE CENTRAL WASATCH COMMISSION TO CITY OF MILLCREEK

WHEREAS, the Central Wasatch Commission (the “*CWC*”) is an interlocal entity created effective 29 June 2017 pursuant to the “Central Wasatch Commission Interlocal Agreement” dated 30 May 2017 (the “*Agreement*”) among Salt Lake County, Salt Lake City, Sandy City and the city of Cottonwood Heights as the initial members of the CWC; and

WHEREAS, the governing body of the CWC is its board of commissioners (the “*Board*”), each of which commissioners represents either a member (a “*Member*”) of the CWC or a non-Member interested party (such as the so-called “Wasatch Back” geographic area or the Utah Department of Transportation); and

WHEREAS, pursuant to Subsection V(A)-(B) of the Agreement, additional Members of the CWC may be appointed upon (a) a majority vote of the Commissioners then serving on the Board, and (b) approval by the legislative body of each of the Members; and

WHEREAS, pursuant to its Resolutions 2018-04-B and 2018-13, the Board has adopted additional criteria and procedures (the “*New Member Procedures*”) for adding additional Members to the CWC; and

WHEREAS, City of Millcreek (“*Millcreek*”) has filed an application to become an additional Member of the CWC; and

WHEREAS, at a meeting of the Board on 20 June 2018, the Board considered offering membership in the CWC to Millcreek, subject to compliance with the New Member Procedures; and

WHEREAS, after careful consideration, the Board has determined that it is in the best interest of the CWC to offer membership in the CWC to Millcreek as proposed;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central Wasatch Commission that the Board hereby offers membership in the CWC to Millcreek, subject to approval by the legislative body of each of the Members, execution and delivery by Millcreek to the CWC of a counterpart original of the Agreement, and full compliance with any further New Member Procedures.

This Resolution, assigned no. 2018-15, shall take effect immediately upon passage as provided herein.

PASSED AND APPROVED this 20th day of June 2018.

ATTEST:

CENTRAL WASATCH COMMISSION

By: _____
Ben McAdams, Secretary

By: _____
Chris McCandless, Chair of the Board

VOTING OF THE BOARD:

Andy Beerman	Yea	___	Nay	___
Jackie Biskupski	Yea	___	Nay	___
Carlos Braceras	Yea	___	Nay	___
Jim Bradley	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Ben McAdams	Yea	___	Nay	___
Chris McCandless	Yea	___	Nay	___

DEPOSITED in the office of the Secretary this 20th day of June 2018.

FILED AND RECORDED this 20th day of June 2018.

Millcreek Council
Jeff Silvestrini, Mayor
Silvia Catten, District 1
F. Dwight Marchant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4



Millcreek Offices
3330 South 1300 East
Millcreek, Utah 84106
801-214-2700
www.millcreek.us

April 16, 2018

Honorable Commissioners:

Re: Application for Membership in the Central Wasatch Commission

The City of Millcreek hereby applies for membership in the Central Wasatch Commission. Millcreek meets the application and membership criteria established for membership in Resolution 2018-04b. Millcreek was incorporated as a city in December 2016, and thus meets the requirement of being a governmental entity in Salt Lake County. It is the only municipal jurisdiction contiguous to Mill Creek Canyon, and thus it has a common boundary with the boundary of the Commission, as required for membership.

Millcreek has a population approaching 60,000 residents. As such, it represents a significant number of canyon users. Millcreek has always had a special relationship with Mill Creek Canyon. Our city is named after the stream which cut the canyon. Mill Creek runs through our city from the Forest Service boundary to 700 East. Our residents depend upon the creek for clean irrigation water and recreation. The canyon on our doorstep is a haven for recreation and relaxation for our residents. Before incorporation, Mill Creek Canyon was within our township boundary and we had planning responsibility for the privately-owned land in the canyon. We continue to be concerned stewards as, although Mill Creek Canyon was removed from our municipal boundary by the County Council prior to our vote to incorporate, strong public sentiment was expressed against that move, reflecting Millcreek residents' continuing concern for the canyon. There is no better advocate for Mill Creek Canyon than the City of Millcreek.

Mill Creek Canyon is different from the Cottonwood Canyons. It's more densely wooded. It's less developed. Its roadway is narrower. It has different transportation needs and challenges. It deserves an effective advocate on the Commission representing its unique characteristics and needs. Given Millcreek's position as the 10th largest city in the state by population, and our unique location and interest in Mill Creek Canyon, the City of Millcreek would be a valuable contributor to the Central Wasatch Commission. We urge you to consider our request for membership on the CWC.

Respectfully,

Jeff Silvestrini, Mayor

EXECUTIVE COMMITTEE

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: June 20, 2018

RE: Motion to adopt Resolution No. 2018-16

Motion 1

I move that the Commission adopt Resolution No. 2018-16, amending the CWC's bylaws to empanel and delegate certain authority to and Executive Committee and to designate the initial members of the Executive Committee.

Motion 2

I move that the Commission (provide alternative).

CENTRAL WASATCH COMMISSION

RESOLUTION NO. 2018-16

A RESOLUTION AMENDING THE CWC BYLAWS
TO INCLUDE NEW SECTION 4.14, "EXECUTIVE COMMITTEE"

WHEREAS, the Central Wasatch Commission interlocal entity (the "*CWC*") was created on 29 June 2017 pursuant to the "Central Wasatch Commission Interlocal Agreement" (the "*ILA*") dated 30 May 2017 among Salt Lake County, Salt Lake City, Sandy City and the city of Cottonwood Heights; and

WHEREAS, Section VI(B)(7) of the *ILA* authorizes the *CWC* to adopt, amend and repeal bylaws with respect to its powers and functions not inconsistent with the *ILA* or applicable law; and

WHEREAS, pursuant to its Resolution 2017-03, the board of commissioners (the "*Board*") of the *CWC* adopted bylaws ("*Bylaws*") for the *CWC*; and

WHEREAS, at its 20 June 2018 meeting, the Board considered, among other things, amending the Bylaws to include a new Section 4.14 ("*Section 4.14*") concerning the creation and operation of an executive committee (the "*Executive Committee*") of the Board; and

WHEREAS, the Board has reviewed the proposed Section 4.14, a copy of which is annexed hereto; and

WHEREAS, after careful consideration, the Board has determined that it is in the best interest of the *CWC* to approve amending the Bylaws to include Section 4.14 as proposed;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Central Wasatch Commission that the Bylaws are hereby amended to include Section 4.14 and that the Bylaws, as amended, are hereby approved and adopted for the *CWC*, effective immediately.

This Resolution, assigned no. 2018-16, shall take effect immediately upon passage.

PASSED AND APPROVED this 20th day of June 2018.

ATTEST:

CENTRAL WASATCH COMMISSION

By: _____
Ben McAdams, Secretary

By: _____
Chris McCandless, Chair of the Board

VOTING OF THE BOARD:

Andy Beerman	Yea	___	Nay	___
Jackie Biskupski	Yea	___	Nay	___
Carlos Braceras	Yea	___	Nay	___
Jim Bradley	Yea	___	Nay	___
Michael J. Peterson	Yea	___	Nay	___
Ben McAdams	Yea	___	Nay	___
Chris McCandless	Yea	___	Nay	___

DEPOSITED in the office of the Secretary this 20th day of June 2018.

FILED AND RECORDED this ___ day of June 2018.

Proposed Addition to CWC Bylaws

4.14 EXECUTIVE COMMITTEE

- A. General. There shall be an executive committee (the “Executive Committee”) of the Governing Board which may exercise such powers as the Governing Board may properly delegate to it. The Executive Committee shall implement and act consistent with the Governing Board’s plans and policies, engaging in decision making between meetings of the Governing Board and in circumstances that involve more timely decisions. The Executive Committee also shall act as the primary liaison between the Executive Director and the Governing Board. The members of the Executive Committee shall serve without compensation, but their reasonable out-of-pocket expenses may be reimbursed in accordance with the Commission’s policies from time to time.
- B. Membership. The Executive Committee shall include the Chairman of the Governing Board, who shall be the chairman of the Executive Committee, and such additional members of the Governing Board as the Governing Board may select from time to time. [Members shall serve [REDACTED]-year terms, with the membership of approximately [REDACTED] of the members expiring every year. Members may serve no more than [REDACTED] consecutive terms. A member of the Executive Committee may be removed, with or without cause, at any time upon a majority vote of the Governing Board.]

Membership of the Executive Committee shall be limited to a number of members that is less than one-half of the number of commissioners then sitting on the Governing Board. In compliance with the Open and Public Meetings Act, UTAH CODE ANN. 52-4-101 *et seq.*, in no event may membership of the Executive Committee or attendance of commissioners at a meeting of the Executive Committee constitute a majority of the members of the Governing Board without full compliance with the noticing, recording, minutes and other requirements of such Act.

The Commission’s Executive Director shall be an *ex officio*, non-voting member of the Executive Committee, with the right to participate in all discussions of the Executive Committee except those concerning the Executive Director’s qualifications, performance or compensation.

- C. Meetings. Meetings of the Executive Committee shall occur on the call of the Chairman or the written request of a quorum of the Executive Committee. E-mail or other written notice of the time and place of meetings, and the subjects for discussion, shall be provided by e-mail or other written means at least [REDACTED] business days before the proposed meeting date. The members of the Executive Committee which constitute at least a majority of the Executive Committee’s current membership shall constitute a quorum for purpose of conducting the business of the Executive Committee.
- D. Responsibilities. The Executive Committee is responsible for implementing the will and assisting to advance the priorities of the Governing Board, consistent with the direction of the Board. The Executive Committee’s key responsibilities which are hereby delegated by the Governing Board include:

1. Meeting regularly with the Executive Director and his/her designated staff on behalf of the Governing Board to provide support, counsel, and approval on administrative decisions.
2. Acting on behalf of the Governing Board between board meetings and in situations requiring immediate decisions in order to provide general day-to-day supervision of the conduct of the Commission's affairs.
3. Assisting the Executive Director and the Chairman to establish agendas for meetings of the Governing Board.
4. Facilitating cohesive communications, feedback loops, decision-making and alignment between and among the Governing Board, the Executive Committee and staff.
5. Monitoring and evaluating progress toward the Commission's strategic goals and initiatives and providing support and counsel to the Executive Director regarding the same, including timely presentations to the Governing Board.
6. Overseeing day-to-day implementation of the Governing Board's goals and policies, ensuring that appropriate governance systems are established and maintained.
7. Directing the process of selection, supervision and evaluation of the Executive Director, provided that decisions concerning hiring and separation of the Executive Director are subject to the Governing Board's approval.
8. Acting as the initial advisory body to the Executive Director and gatekeeper to the Governing Body concerning (a) staffing, (b) salaries and benefits of the Executive Director and staff, and (c) proposed contracts between the Commission and third parties to the extent that such contracts involve a term longer than [REDACTED] years, a cumulative expenditure by the Commission in excess of \$ [REDACTED], and/or other perceived material liability to the Commission
9. Advise and assist the Executive Director in preparation of the Commission's annual budget and amendments thereto.
10. Undertaking on behalf of the Governing Board routine matters affecting the Commission and such additional matters as may be properly delegated by the Governing Board to the Executive Committee.
11. Ensuring that minutes of Executive Committee meetings are provided to the Governing Board, and that all material dealings of the Executive Committee are disclosed to the Governing Board, in a timely manner.

FEDERAL DESIGNATION

114TH CONGRESS
2D SESSION

H. R. 5718

To direct the Secretary of Agriculture to acquire and to convey certain lands or interests in lands in Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2016

Mr. CHAFFETZ (for himself, Mr. STEWART, and Mrs. LOVE) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To direct the Secretary of Agriculture to acquire and to convey certain lands or interests in lands in Utah, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Central Wasatch National Conservation and Recreation
6 Area Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Central Wasatch National Conservation and Recreation Area.

- Sec. 4. Wilderness.
- Sec. 5. White Pine Special Management Area.
- Sec. 6. General provisions.
- Sec. 7. Land ownership.
- Sec. 8. Maps and legal descriptions.

1 **SEC. 2. DEFINITIONS.**

2 (a) DEFINITIONS.—In this Act:

3 (1) CONSERVATION AND RECREATION AREA.—

4 The term “Conservation and Recreation Area”
5 means the Central Wasatch National Conservation
6 and Recreation Area established by section 3(a).

7 (2) FOREST PLAN.—The term “forest plan”
8 means the Revised Forest Plan: Wasatch-Cache Na-
9 tional Forest, dated February 2003, as amended.

10 (3) MANAGEMENT PLAN.—The term “manage-
11 ment plan” means the management plan for the
12 Central Wasatch National Conservation and Reere-
13 ation Area developed under section 3(c).

14 (4) CONSERVATION AND RECREATION AREA
15 MAP.—The term “Conservation and Recreation Area
16 map” means the map entitled “Proposed Central
17 Wasatch National Conservation and Recreation Area
18 Map” and dated _____.

19 (5) MOUNTAIN ACCORD.—The term “Mountain
20 Accord” means the Mountain Accord agreement
21 dated July 13, 2015.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of Agriculture.

1 (7) STATE.—The term “State” means the State
2 of Utah.

3 **SEC. 3. CENTRAL WASATCH NATIONAL CONSERVATION AND**
4 **RECREATION AREA.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—Subject to valid existing
7 rights, there is established the Central Wasatch Na-
8 tional Conservation and Recreation Area in the
9 State.

10 (2) AREA INCLUDED.—The Conservation and
11 Recreation Area shall be comprised of approximately
12 79,109 acres of Federal land in the Wasatch-Cache
13 National Forest as generally depicted on the Con-
14 servation and Recreation Area map as “Central
15 Wasatch National Conservation and Recreation
16 Area”.

17 (b) PURPOSES.—The purposes of the Conservation
18 and Recreation Area are to—

19 (1) conserve and protect the ecological, natural,
20 scenic, wilderness (within wilderness areas), cultural,
21 historical, geological, and wildlife values within the
22 Conservation and Recreation Area;

23 (2) protect, enhance, and restore the water
24 quality and watershed resources in the Conservation
25 and Recreation Area;

1 (3) facilitate a balanced, year-round recreation
2 system with a wide variety of opportunities for resi-
3 dents and visitors; and

4 (4) facilitate and accommodate improved access
5 to the Conservation and Recreation Area for a grow-
6 ing number of users.

7 (c) MANAGEMENT PLAN.—

8 (1) IN GENERAL.—Not later than 3 years after
9 the date of enactment of this Act and in accordance
10 with this subsection, the Secretary shall develop a
11 comprehensive plan for the long-term management
12 of the Conservation and Recreation Area.

13 (2) CONSULTATION.—In developing the man-
14 agement plan required under paragraph (1), the
15 Secretary shall consult with—

16 (A) appropriate State, tribal, and local
17 governmental entities; and

18 (B) the public.

19 (3) INCORPORATION OF PLANS.—In developing
20 the management plan required under paragraph (1),
21 to the extent consistent with this Act, the Secretary
22 may incorporate any provision of—

23 (A) the forest plan;

24 (B) Mountain Accord; and

25 (C) local plans.

1 (4) MANAGEMENT PLAN GUIDELINES.—The
2 Management Plan shall—

3 (A) conserve, protect, and enhance the re-
4 sources of the Conservation and Recreation
5 Area;

6 (B) ensure protection of water quality and
7 watershed resources;

8 (C) ensure protection of environmentally
9 sensitive areas, including evaluating these areas
10 for special designations such as Albion Basin
11 Special Botanical Area;

12 (D) not allow ski area permit boundary ex-
13 pansion on Federal land beyond what is de-
14 scribed in section 6(a)(10) and as depicted on
15 the Conservation and Recreation Area map;

16 (E) provide for adaptive management of
17 resources and restoration of damaged resources;

18 (F) promote public safety, including ava-
19 lanche control;

20 (G) facilitate year-round, outdoor recre-
21 ation;

22 (H) not allow lifts or people movers for the
23 purpose of skiing outside of ski area permit
24 boundaries as depicted on the map or outside

1 the transportation corridors established in sec-
2 tion 6(a)(8)(B); and

3 (I) provide access to the Conservation and
4 Recreation Area for residents, visitors, and
5 businesses.

6 (d) MANAGEMENT.—

7 (1) IN GENERAL.—The Secretary shall manage
8 the Conservation and Recreation Area—

9 (A) consistent with the management plan;
10 and

11 (B) in accordance with—

12 (i) the laws (including regulations)
13 and rules applicable to the National Forest
14 System; and

15 (ii) this Act.

16 (2) USES.—The Secretary shall only allow uses
17 of the Conservation and Recreation Area that the
18 Secretary determines would further the purposes de-
19 scribed in subsection (b).

20 (3) PERMITTED AND LICENSED ACTIVITIES.—

21 (A) IN GENERAL.—Nothing in this Act af-
22 fects existing permits or licensed activities au-
23 thorized as of the date of enactment of this Act.

24 (B) PROCESS.—Nothing in this Act affects
25 the process by which activities authorized by

1 permit or license as of the date of enactment of
2 this Act may be authorized or reauthorized.

3 (e) EFFECT.—

4 (1) IN GENERAL.—The establishment of the
5 Conservation and Recreation Area shall not change
6 the management status of any area within the
7 boundary of the Conservation and Recreation Area
8 that is—

9 (A) a wilderness area;

10 (B) the White Pine Special Management
11 Area; or

12 (C) ski area special use permit for Alta,
13 Brighton, Snowbird, and Solitude.

14 (2) CONFLICT OF LAWS.—If there is a conflict
15 between the laws applicable to the areas described in
16 paragraph (1) and this subtitle, the more restrictive
17 provisions shall control.

18 **SEC. 4. WILDERNESS.**

19 (a) MOUNT OLYMPUS WILDERNESS BOUNDARY AD-
20 JUSTMENT.—Section 102(a) of the Utah Wilderness Act
21 of 1984 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C.
22 1132 note) is amended in paragraph (3), as generally de-
23 picted on the Conservation and Recreation Area map,
24 by—

1 (1) striking “sixteen thousand acres” and in-
2 serting “fifteen thousand eight hundred and eighty-
3 three acres”; and

4 (2) striking “, dated August 1984” and insert-
5 ing “and dated _____”.

6 (b) TWIN PEAKS WILDERNESS BOUNDARY ADJUST-
7 MENT.—Section 102(a) of the Utah Wilderness Act of
8 1984 (Public Law 98–428; 98 Stat. 1658; 16 U.S.C. 1132
9 note) is amended in paragraph (4), as generally depicted
10 on the Conservation and Recreation Area map, by—

11 (1) striking “thirteen thousand one hundred
12 acres” and inserting “thirteen thousand and ninety-
13 eight acres”; and

14 (2) striking “, dated June 1984” and inserting
15 “and dated _____”.

16 (c) LONE PEAK WILDERNESS ADDITION AND
17 BOUNDARY ADJUSTMENT.—Section 2(i) of the Endan-
18 gered American Wilderness Act of 1978 (Public Law 95–
19 237; 92 Stat. 42; 16 U.S.C. 1132 note) is amended, as
20 generally depicted on the Conservation and Recreation
21 Area map, by—

22 (1) striking “twenty-nine thousand five hundred
23 and sixty-seven acres” and inserting “thirty-two
24 thousand one hundred and thirty acres”; and

1 (2) inserting “and dated ____” after “on a map
2 entitled ‘Lone Peak Wilderness—Proposed’”.

3 (d) GRANDEUR PEAK–MOUNT AIRE WILDERNESS.—
4 Section 102(a) of the Utah Wilderness Act of 1984 (Pub-
5 lic Law 98–428; 98 Stat. 1657; 16 U.S.C. 1132 note) is
6 amended by—

7 (1) striking “and” from the end of paragraph
8 (11);

9 (2) striking the period at the end of paragraph
10 (12) and inserting “; and”; and

11 (3) adding at the end the following: “(13) cer-
12 tain land in the Uinta-Wasatch-Cache National For-
13 est comprising approximately 6,158 acres, as gen-
14 erally depicted on the map entitled ‘Proposed Cen-
15 tral Wasatch National Conservation and Recreation
16 Area Map’ and dated _____, which shall be known
17 as the Grandeur Peak–Mount Aire Wilderness.”.

18 **SEC. 5. WHITE PINE SPECIAL MANAGEMENT AREA.**

19 (a) DESIGNATION.—Subject to valid existing rights,
20 certain Federal land in the Wasatch-Cache National For-
21 est comprising approximately 1,800 acres, as generally de-
22 picted on the Conservation and Recreation Area map, is
23 designated the White Pine Special Management Area (re-
24 ferred to in this section as the “special management
25 area”).

1 (b) MANAGEMENT.—

2 (1) IN GENERAL.—The Secretary shall manage
3 the special management area established by sub-
4 section (a) to maintain the natural state of the spe-
5 cial management area.

6 (2) MECHANIZED OR MOTORIZED VEHICLES.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B) and the landing of heli-
9 copters, the use of motorized and mechanized
10 vehicles is prohibited in the special management
11 area.

12 (B) EXCEPTION.—Nothing in subpara-
13 graph (A) prevents the Secretary from—

14 (i) authorizing the use of motorized
15 vehicles and equipment for administrative
16 purposes; or

17 (ii) responding to an emergency.

18 (3) STRUCTURES AND FACILITIES.—New, per-
19 manent structures and facilities are prohibited with-
20 in the special management area.

21 (4) TIMBER HARVESTING.—Timber harvesting
22 is prohibited within the special management area.

1 **SEC. 6. GENERAL PROVISIONS.**

2 (a) GENERAL PROVISIONS.—For Federal lands with-
3 in the Conservation and Recreation Area the following
4 general provisions shall apply, consistent with section 3(e):

5 (1) ADJACENT MANAGEMENT.—

6 (A) IN GENERAL.—The designation of the
7 Conservation and Recreation Area shall not cre-
8 ate a protective perimeter or buffer zone around
9 the Conservation and Recreation Area.

10 (B) ACTIVITIES OUTSIDE CONSERVATION
11 AND RECREATION AREA.—The fact that an ac-
12 tivity or use on land outside the Conservation
13 and Recreation Area can be seen or heard from
14 areas within the Conservation and Recreation
15 Area shall not preclude the activity or use out-
16 side the boundary of the Conservation and
17 Recreation Area.

18 (2) NON-FEDERAL LAND.—

19 (A) NO EFFECT ON NON-FEDERAL LAND
20 OR INTERESTS IN NON-FEDERAL LAND.—Noth-
21 ing in this Act affects ownership, management,
22 use, improvement, or other rights relating to
23 non-Federal land or interests in non-Federal
24 land.

25 (B) ACCESS.—Nothing in this Act modifies
26 any laws or regulations that require or allow

1 the Secretary to provide the owners of private
2 property within the boundary of the Conserva-
3 tion and Recreation Area access to their prop-
4 erty.

5 (3) **MOTORIZED AND MECHANIZED VEHI-**
6 **CLES.—**

7 (A) **IN GENERAL.—**Except as provided in
8 subparagraph (C), the use of motorized and
9 mechanized vehicles in the Conservation and
10 Recreation Area shall be permitted only on
11 roads, trails, and areas designated for use by
12 such vehicles by the management plan.

13 (B) **NEW OR TEMPORARY ROADS.—**Except
14 as provided in subparagraph (C), paragraph
15 (2)(B), and paragraph (8), no new or tem-
16 porary roads shall be constructed within the
17 Conservation and Recreation Area.

18 (C) **EXCEPTION.—**Nothing in subpara-
19 graph (A) or (B) prevents the Secretary from—

20 (i) authorizing roads or the use of mo-
21 torized vehicles for administrative pur-
22 poses; or

23 (ii) responding to an emergency.

1 (4) WITHDRAWAL.—Subject to valid existing
2 rights, all Federal land located in the Conservation
3 and Recreation Area is withdrawn from—

4 (A) all forms of entry, appropriation, and
5 disposal under the public land laws;

6 (B) location, entry, and patenting under
7 the mining laws; and

8 (C) disposition under the mineral leasing,
9 mineral materials, and geothermal leasing laws.

10 (5) ACQUISITION OF LAND.—

11 (A) IN GENERAL.—The Secretary may ac-
12 quire land or interests in land within the
13 boundary of the Conservation and Recreation
14 Area only through exchange, donation, or pur-
15 chase from a willing seller. The Secretary may
16 not acquire any land by condemnation.

17 (B) INCORPORATION OF ACQUIRED LAND
18 AND INTERESTS.—Any land or interest in land
19 that is located in the Conservation and Recre-
20 ation Area that is acquired by the United
21 States shall—

22 (i) become part of the Conservation
23 and Recreation Area;

24 (ii) be managed in accordance with—

25 (I) the management plan;

1 (II) the laws and rules applicable
2 to the National Forest System; and
3 (III) this Act; and
4 (iii) be withdrawn according to para-
5 graph (4) on the date of acquisition of the
6 land.

7 (6) VEGETATION MANAGEMENT.—Nothing in
8 this Act prohibits the Secretary from conducting
9 vegetation management projects within the Con-
10 servation and Recreation Area—

11 (A) subject to—

12 (i) such reasonable regulations, poli-
13 cies, and practices as the Secretary deter-
14 mines appropriate; and

15 (ii) all applicable laws (including regu-
16 lations); and

17 (B) in a manner consistent with the pur-
18 poses described in section 3(b).

19 (7) WILDLAND FIRE.—Nothing in this section
20 prohibits the Secretary, in cooperation with other
21 Federal, State, and local agencies, as appropriate,
22 from conducting wildland fire operations in the Con-
23 servation and Recreation Area, including but not
24 limited to operations using aircraft or mechanized
25 equipment.

1 (8) TRANSPORTATION.—

2 (A) IN GENERAL.—This paragraph pro-
3 vides for future transportation infrastructure,
4 including but not limited to roadway improve-
5 ments, public transportation, bus stops, sta-
6 tions, and public amenities, such as restrooms,
7 trails, trailheads, bike lanes, and pedestrian in-
8 frastructure, within the Conservation and
9 Recreation Area that are in accordance with—

10 (i) the management plan;

11 (ii) all applicable laws; and

12 (iii) the purposes described in section
13 3(b) of this Act.

14 (B) CORRIDORS.—Transportation corridors
15 are reserved consistent with 23 CFR 774(11)(i)
16 and 49 U.S.C. 5323(q) within the easements,
17 rights-of-way, and areas of established use (in-
18 cluding cut and fill slopes) on Little Cotton-
19 wood Canyon Road (State Road 210) and Big
20 Cottonwood Canyon Road (State Road 190).

21 (i) ADJUSTMENTS.—Adjustments to
22 the corridors may be made through a pub-
23 lic engagement process in accordance with
24 the National Environmental Policy Act of
25 1969 (42 U.S.C. 4321 et seq.) if applicable

1 and consistent with the purposes described
2 in section 3(b).

3 (ii) EXISTING SECTION 4(f) PROP-
4 ERTIES.—Section 4(f) (23 U.S.C. 138 and
5 49 U.S.C. 303) shall only apply to existing
6 properties within the corridors that would
7 have been determined to be section 4(f)
8 properties before the enactment of this
9 Act.

10 (C) FEDERAL ACTION.—To the extent fu-
11 ture transportation infrastructure requires Fed-
12 eral action, the Secretary of Agriculture and
13 the Secretary of Transportation shall coordinate
14 and give priority to actions in the Conservation
15 and Recreation Area when fulfilling their obli-
16 gations under the National Environmental Pol-
17 icy Act of 1969 (42 U.S.C. 4321 et seq.).

18 (D) UTAH DEPARTMENT OF TRANSPOR-
19 TATION.—Nothing in this Act is intended to—

20 (i) limit the Utah Department of
21 Transportation from providing avalanche
22 control, maintenance, and safety improve-
23 ment activities on current and future
24 transportation facilities;

1 (ii) diminish or otherwise affect any
2 easement, right-of-way (including those es-
3 tablished by historic use or construction),
4 or other property rights held by or for the
5 benefit of the Utah Department of Trans-
6 portation;

7 (iii) add to the Utah Department of
8 Transportation's permitting process for
9 maintenance or improvement of any exist-
10 ing transportation facilities; or

11 (iv) affect existing or future appro-
12 priations authorized by 23 U.S.C. 107(d),
13 204(f), and 317.

14 (9) AVALANCHE CONTROL.—The Secretary
15 shall allow access and avalanche control devices, ex-
16 cluding ski lifts, to be installed and maintained with-
17 in or adjacent to the Conservation and Recreation
18 Area to protect public health and property and in
19 accordance with the management plan.

20 (10) SKI AREA PERMIT BOUNDARIES.—Ski area
21 permit boundary expansion is precluded on Federal
22 land within the Conservation and Recreation Area
23 beyond what is described below and as depicted on
24 the Conservation and Recreation Area map.

1 (A) PERMANENT BOUNDARIES.—Resort
2 Area Permit Boundaries on Federal land within
3 the Conservation and Recreation Area as de-
4 picted on the Conservation and Recreation Area
5 as “Resort Area Boundary, Permanent” map
6 shall be permanent as of the date of enactment
7 of this Act.

8 (B) BRIGHTON.—If a realignment of the
9 Brighton Resort Area Permit Boundary is pro-
10 posed within the “Resort Boundary Adjustment
11 Area” as depicted on the Conservation and
12 Recreation Area map, the proposed realignment
13 is subject to the permitting process as of the
14 date of enactment of this Act. After completion
15 of the full permitting process and permit ap-
16 proval by the U.S. Forest Service, the Brighton
17 Resort Area Boundary shall be permanent.

18 (C) SOLITUDE.—If a realignment of the
19 Solitude Resort Area Permit Boundary is pro-
20 posed within the Solitude “Resort Boundary
21 Adjustment Area” as depicted on the Conserva-
22 tion and Recreation Area map, the proposed re-
23 alignment is subject to the permitting process
24 as of the date of enactment of this Act. After
25 completion of the full permitting process and

1 permit approval by the U.S. Forest Service, the
2 Resort Area Boundary shall be permanent.

3 (D) ALTA.—

4 (i) If a realignment of the Alta Resort
5 Area Permit Boundary is proposed on the
6 “Resort Area Boundary, Subject to Per-
7 mitting Process” as depicted on the Con-
8 servation and Recreation Area map, the
9 proposed realignment is subject to the per-
10 mitting process as of the date of enactment
11 of this Act. After completion of the full
12 permitting process and permit approval by
13 the U.S. Forest Service, the Alta Resort
14 Area Boundary shall be permanent. The
15 Secretary may restrict resort skier access
16 beyond the realigned Alta Resort Area
17 Boundary.

18 (ii) If the Alta Ski Lifts Company
19 conveys the non-Federal land to the United
20 States in exchange for the Federal land as
21 described in section 7 of this Act and as
22 identified on the map entitled “Preliminary
23 Conceptual Map for Proposed Land Ex-
24 change between The U.S. Forest Service
25 and certain Utah Ski Areas”, the Alta Re-

1 sort Area Boundary as of the date the land
2 exchange is completed shall be permanent
3 and any future Alta Resort Area Boundary
4 realignment shall be precluded. The land
5 exchange may be completed in multiple
6 phases.

7 (11) FACILITIES.—

8 (A) DEFINITION.—In this subsection, the
9 term “facility” means authorized facilities, such
10 as water resource, water treatment, flood con-
11 trol, utility, pipeline, or telecommunications fa-
12 cilities.

13 (B) EXISTING FACILITIES.—Nothing in
14 this section affects the operation or mainte-
15 nance of an existing facility located within the
16 Conservation and Recreation Area.

17 (C) EXPANSION AND NEW FACILITIES.—
18 Nothing in this section prohibits the Secretary
19 from authorizing the expansion of an existing
20 facility or the construction of a new facility
21 within the Conservation and Recreation Area
22 subject to—

- 23 (i) the management plan;
24 (ii) all applicable laws; and

1 (iii) in a manner consistent with the
2 purposes described in section 3(b).

3 (12) WATER RIGHTS.—

4 (A) DEFINITION.—In this subsection, the
5 term “water resource facility” means irrigation
6 and pumping facilities, reservoirs, water con-
7 servation works, aqueducts, canals, ditches,
8 pipelines, wells, hydropower projects, trans-
9 mission, and other facilities ancillary thereto,
10 and other water diversion, storage, and carriage
11 structures.

12 (B) EFFECT OF ACT.—Nothing in this
13 Act—

14 (i) shall constitute either an express
15 or implied reservation by the United States
16 of any water or water rights with respect
17 to the Conservation and Recreation Area;

18 (ii) affect any water rights in the
19 State existing on the date of enactment of
20 this Act, including any water rights held
21 by the United States; or

22 (iii) establish a precedent with regard
23 to any future Conservation and Recreation
24 Area designations.

1 (C) UTAH WATER LAW.—The Secretary
2 shall follow the procedural and substantive re-
3 quirements of State law to obtain and hold any
4 water rights not in existence on the date of the
5 enactment of this Act with respect to the Con-
6 servation and Recreation Area.

7 (D) EXISTING WATER INFRASTRUC-
8 TURE.—Nothing in this Act shall be construed
9 to limit motorized access and road maintenance
10 by local municipalities, water districts, or utili-
11 ties for those maintenance activities necessary
12 to guarantee the continued viability of water re-
13 source facilities that currently exist or which
14 may be necessary in the future to prevent the
15 degradation of the water supply in the Con-
16 servation and Recreation Area designated by
17 this Act.

18 (13) FISH AND WILDLIFE.—Nothing in this Act
19 affects the jurisdiction of the State with respect to
20 fish and wildlife.

21 **SEC. 7. LAND OWNERSHIP.**

22 (a) IN GENERAL.—This section provides for the po-
23 tential exchange of specific National Forest System land
24 for specific non-Federal land.

25 (b) LAND EXCHANGE.—

1 (1) DEFINITIONS.—In this subsection—

2 (A) FEDERAL LAND.—The term “Federal
3 land” means the National Forest System land
4 identified as “Federal Land To Be Evaluated
5 for Private Ownership” on the map entitled
6 “Preliminary Conceptual Map for Proposed
7 Land Exchange between The U.S. Forest Serv-
8 ice and certain Utah Ski Areas”.

9 (B) NON-FEDERAL LAND.—The term
10 “non-Federal land” means the private land list-
11 ed below.

12 (i) Private land owned by Snowbird
13 Ski and Summer Resort identified as “Pri-
14 vate Land To be Evaluated for Public
15 Ownership - From Snowbird” on the map
16 entitled “Preliminary Conceptual Map for
17 Proposed Land Exchange between The
18 U.S. Forest Service and certain Utah Ski
19 Areas”.

20 (ii) Private land owned by Alta Ski
21 Lifts Company identified as “Private Land
22 To be Evaluated for Public Ownership -
23 From Alta” on the map entitled “Prelimi-
24 nary Conceptual Map for Proposed Land

1 Exchange between The U.S. Forest Service
2 and certain Utah Ski Areas”.

3 (iii) Private land owned by Brighton
4 Mountain Resort identified as “Private
5 Land To be Evaluated for Public Owner-
6 ship - From Brighton” on the map entitled
7 “Preliminary Conceptual Map for Pro-
8 posed Land Exchange between The U.S.
9 Forest Service and certain Utah Ski
10 Areas”.

11 (iv) Private land owned by Solitude
12 Mountain Resort identified as “Private
13 Land To be Evaluated for Public Owner-
14 ship - From Solitude” on the map entitled
15 “Preliminary Conceptual Map for Pro-
16 posed Land Exchange between The U.S.
17 Forest Service and certain Utah Ski
18 Areas”.

19 (C) SKI RESORTS.—The term “ski resorts”
20 means Snowbird Ski and Summer Resort, Alta
21 Ski Lifts Company, Brighton Mountain Resort,
22 and Solitude Mountain Resort, respectively.

23 (2) MAP; LEGAL DESCRIPTION.—

24 (A) ADJUSTMENTS.—The Secretary and
25 the ski resorts may, by mutual agreement, cor-

1 rect minor or typographical errors in any maps,
2 acreage estimate, or description of any land to
3 be exchanged under this Act.

4 (B) MAP AVAILABILITY.—The maps de-
5 picting the Federal and non-Federal lands to be
6 exchanged under this Act shall be available for
7 public inspection in the Office of the Super-
8 visor, Wasatch-Cache National Forest and Of-
9 fice of the Regional Forester, Intermountain
10 Region.

11 (3) CONVEYANCE OF LAND.—Subject to the
12 provisions of this subsection, if the ski resorts offer
13 to convey to the United States all right, title, and
14 interest of the ski resorts in and to the non-Federal
15 land, the Secretary shall evaluate the non-Federal
16 lands and Federal lands and initiate a public en-
17 gagement process. Pending the public engagement
18 process, the Secretary shall convey to the ski resorts
19 all right, title, and interest of the United States in
20 and to the Federal land, subject to valid existing
21 rights and these will be reiterated in the conveyance
22 deed.

23 (4) CONDITIONS ON ACCEPTANCE.—

24 (A) TITLE.—As a condition of the land ex-
25 change under this subsection, title to the non-

1 Federal land to be acquired by the Secretary
2 under this subsection shall be acceptable to the
3 Secretary based on Department of Justice Title
4 Standards.

5 (B) TERMS AND CONDITIONS.—The con-
6 veyance of the Federal land and non-Federal
7 land shall be subject to—

8 (i) all applicable laws, including the
9 National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.) and section
11 206 of the Federal Land Policy Act of
12 1976 (43 U.S.C. 1716); and

13 (ii) such terms and conditions as the
14 Secretary may require.

15 (C) PUBLIC ENGAGEMENT PROCESS.—As
16 part of the public engagement process, existing
17 private and public access to and uses of the
18 land involved in the exchange shall be evalu-
19 ated.

20 (D) ALTA EXCHANGE.—If Alta Ski Lifts
21 Company offers to convey non-Federal land to
22 the United States in exchange for Federal land
23 within the Town of Alta under this section, the
24 exchange shall be accompanied by a commit-
25 ment from Alta Ski Lifts Company to work

1 with the Town of Alta, existing base area prop-
2 erty owners, and the public to maintain access
3 to public lands for ski area use, trails, business
4 operations, parking, and other existing private
5 uses, even if the resort and transit facilities are
6 reconfigured.

7 (5) APPRAISALS.—

8 (A) IN GENERAL.—As soon as practicable
9 after the date of enactment of this Act, the Sec-
10 retary and the ski resorts shall select an ap-
11 praiser to conduct an appraisal of the Federal
12 land and non-Federal land.

13 (B) REQUIREMENTS.—An appraisal under
14 subparagraph (A) shall be conducted in accord-
15 ance with nationally recognized appraisal stand-
16 ards, including—

17 (i) the Uniform Appraisal Standards
18 for Federal Land Acquisitions; and

19 (ii) the Uniform Standards of Profes-
20 sional Appraisal Practice.

21 (C) COSTS.—The responsibility for the
22 costs of appraisal and any associated adminis-
23 trative costs of appraisal conducted under sub-
24 paragraph (B) for purposes of carrying out the

1 land exchange shall be covered by the ski re-
2 sorts.

3 (6) SURVEYS AND TITLE WORK.—

4 (A) IN GENERAL.—As soon as practicable
5 after the date of enactment of this Act, the Sec-
6 retary and the ski resorts shall select surveyors
7 to conduct surveys of the Federal land and non-
8 Federal land.

9 (B) REQUIREMENTS.—The exact acreage
10 and legal description of the Federal land and
11 non-Federal land shall be determined by bound-
12 ary surveys of the lands to be exchanged. The
13 boundaries will be surveyed and monumented as
14 required by the Secretary.

15 (C) COSTS.—The responsibility for the
16 costs of any surveys conducted under subpara-
17 graph (A), any title work including but not lim-
18 ited to any abstracts, title reports, escrow or
19 closing fees, deed preparation, preparation of
20 NEPA documents, and any other administrative
21 costs of carrying out the land exchange, shall be
22 covered by the ski resorts.

23 (7) VALUATION AND EQUALIZATION.—

1 (A) IN GENERAL.—The value of the Fed-
2 eral land and non-Federal land to be exchanged
3 under this subsection—

4 (i) shall be equal, as determined by
5 appraisals conducted in accordance with
6 paragraph (5); or

7 (ii) if not equal, may be equalized by
8 a cash equalization payment in the manner
9 provided in section 206(b) of the Federal
10 Land Policy and Management Act of 1976
11 (43 U.S.C. 1716(b)); or

12 (iii) if not equal, the acreage of the
13 Federal land or the non-Federal land may
14 be reduced to achieve equalization, as ap-
15 propriate.

16 (8) DISPOSITION OF PROCEEDS.—

17 (A) IN GENERAL.—The Secretary shall de-
18 posit in the fund established under Public Law
19 90–171 (commonly known as the Sisk Act; 16
20 U.S.C. 484a) any amount received by the Sec-
21 retary as the result of any cash equalization
22 payment made under paragraph (6)(A)(ii).

23 (B) USE OF PROCEEDS.—Amounts depos-
24 ited under subparagraph (A) shall be available
25 to the Secretary, without further appropriation

1 and until expended, for the acquisition of lands
2 and interests in lands in the Conservation and
3 Recreation Area.

4 (9) REVOCATION OF ORDERS; WITHDRAWAL.—

5 (A) REVOCATION OF ORDERS.—Any public
6 order withdrawing the Federal land from entry,
7 appropriation, or disposal under the public land
8 laws is revoked to the extent necessary to per-
9 mit the conveyance of the Federal land to the
10 ski resorts.

11 (B) WITHDRAWAL.—On the date of enact-
12 ment of this Act, if not already withdrawn or
13 segregated from entry and appropriation under
14 the public land laws (including the mining and
15 mineral leasing laws) and the Geothermal
16 Steam Act of 1970 (30 U.S.C. 1001 et seq.),
17 the Federal land is withdrawn until the date of
18 the conveyance of the Federal land to the ski
19 resorts.

20 (10) HAZARDOUS MATERIALS.—

21 (A) IN GENERAL.—In any conveyance of
22 land under this Act, the Secretary shall meet
23 disclosure requirements for hazardous sub-
24 stances, pollutants, or contaminants, but shall
25 otherwise not be required to remediate or abate

1 such substances. Furthermore, any party de-
2 scribed in paragraph (1)(C), which acquires
3 property conveyed under this Act must agree to
4 indemnify and hold harmless the United States
5 for any costs associated with remediating or
6 abating any hazardous substances, pollutants,
7 or contaminants located on, or being released
8 from, the land conveyed under this Act, and re-
9 store any injured or lost natural resources.

10 (B) ENVIRONMENTAL SITE ASSESS-
11 MENT.—The Secretary and, as a condition of
12 the exchange, the State, shall make available
13 for review and inspection any record relating to
14 hazardous materials on the land to be ex-
15 changed under this Act. Prior to the conveyance
16 of Federal or non-Federal lands, the ski resorts
17 shall conduct an Environmental Site Assess-
18 ment of the lands proposed for conveyance, that
19 meets the requirements set forth in ASTM
20 E1527–13, for both land to be conveyed to or
21 from the United States, and provide such re-
22 ports to the Secretary.

23 (C) COSTS.—The costs of any response ac-
24 tion or restoration of injured natural resource
25 relating to hazardous materials on land ac-

1 quired under this Act shall be paid by those en-
2 tities listed in paragraph (1)(C). No claim shall
3 be made against the United States by any party
4 listed in paragraph (1)(C) for any costs associ-
5 ated with the land conveyed under this Act.

6 (D) FEDERAL PARCELS.—Notwithstanding
7 42 U.S.C. 9601 et seq., the Secretary is only
8 required to comply with the requirements set
9 forth in 42 U.S.C. 9620(h)(1), but not other-
10 wise required to comply with any other provi-
11 sions of 42 U.S.C. 9620(h) for land conveyed to
12 a party listed in paragraph (1)(C).

13 (11) DEADLINE FOR COMPLETION OF LAND EX-
14 CHANGE.—It is the intent of Congress that the land
15 exchange under this subsection shall be completed
16 not later than 36 months after the date the proposal
17 from the non-Federal party is accepted by the Sec-
18 retary.

19 **SEC. 8. MAPS AND LEGAL DESCRIPTIONS.**

20 (a) IN GENERAL.—As soon as practicable after the
21 date of enactment of this Act, the Secretary shall prepare
22 a map and legal description of the Conservation and
23 Recreation Area, wilderness and wilderness additions, and
24 White Pine Special Management Area.

1 (b) **LEGAL EFFECT.**—The maps and legal descrip-
2 tions prepared under subsection (a) shall have the same
3 force and effect as if included in this section, except that
4 the Secretary may correct minor or typographical errors
5 in the map and legal description.

6 (c) **AVAILABILITY OF MAP AND LEGAL DESCRIP-**
7 **TION.**—The maps and legal descriptions prepared under
8 subsection (a) shall be on file and available for public in-
9 spection in the appropriate offices of the Forest Service.

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