

CENTRAL WASATCH COMMISSION MEETING **AMENDED AGENDA**
MONDAY, AUGUST 6, 2018—4:00 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.
- ii. The Commission will consider approving the meeting minutes of Wednesday, June 20, 2018.
- iii. The Commission will consider approving the meeting minutes of Monday, July 9, 2018.

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. EXECUTIVE DIRECTOR'S MONTHLY REPORT AND DISCUSSION OF STATUS OF STAFFING, CONSULTANTS, AND OFFICE SPACE

- i. Presentation by Executive Director Ralph Becker of his monthly report, including the status of administrative staffing, and possible action authorizing the Executive Director to approve and sign employment contracts with a Chief of Staff and a Communications Director for the CWC.
- ii. Possible action authorizing the transfer of approximately \$120,000 in budgeted funds from "Projects--Technical Consulting" to "Personnel—Salaries/Benefits."
- iii. Consideration of **RESOLUTION 2018-19** requesting admission to the Utah Public Employees' Retirement System.
- iv. Presentation by the Executive Director concerning the status of the search for new office space and possible action authorizing the Chair to enter into a non-binding letter of intent for new office space, subject to Board approval of the binding lease agreement.

E. DISCUSSION OF POSSIBLE REGULAR MEETING SCHEDULE led by the Executive Director

- i. Consideration of **RESOLUTION 2018-20** adopting an annual meeting schedule for the CWC for 2018.

F. DISCUSSION OF STATUS OF ADMISSION OF NEW MEMBERS led by the Executive Director and CWC Attorney Shane Topham.

G. DISCUSSION OF U.S. FOREST SERVICE FEDERAL LAND EXCHANGE PROCESS

- i. Presentation by Nathan Lewis, USFS Landownership Adjustment Program Manager, and Kraig Frome, USFS Regional Appraiser.

H. CONSIDERATION AND POSSIBLE RECOMMENDATION REGARDING THE CENTRAL WASATCH NATIONAL CONSERVATION AND RECREATION AREA ACT

- i. Presentation by Executive Director Ralph Becker of updated summary and analysis of public comments and proposed amendments to the text and maps of the Central Wasatch National Conservation and Recreation Area Act (the “CWNCRA”) to respond to public comments.
- ii. Consideration of **RESOLUTION 2018-21** approving amendments to the CWNCRA proposed by the Executive Committee in consultation with the Executive Director as directed in Resolution 2018-18 and supporting and encouraging introduction by the Utah Congressional delegation and passage of the CWNCRA in 2018.

I. ADJOURNMENT

CERTIFICATE OF POSTING

On or before 4:00 p.m. on _____, _____, 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.

1 **Central Wasatch Commission Meeting Minutes**
2 **Cottonwood Heights City Council Chambers**
3 **2277 East Bengal Boulevard, Cottonwood Heights, Utah**
4 **June 20, 2018**
5

6 The Central Wasatch Commission Board members met in open meeting on June 20,
7 2018, at 2:30 p.m. in the Cottonwood Heights City Council Chambers.
8

Attendee Name	Title	Status
Andy Beerman	Commissioner	Present
Jackie Biskupski	Vice Chair	Present
Carlos Braceras	Commissioner	Present
Jim Bradley	Commissioner	Present
Ben McAdams	Commissioner	Present
Chris McCandless	Chair	Present
Mike Peterson	Commissioner	Present
Shane Topham	Legal Counsel	Present
Laura Briefer	SLC Public Utilities Director	Present
Carly Castle	SLC Special Projects Manager	Present
Ralph Becker	Executive Director	Present
Janine Calfo	Recorder	Present

9
10 **A. Opening:**

11
12 Chair Chris McCandless opened the meeting at 2:35 pm.
13

14 **B. Public Comment:**

15 Chair McCandless opened the meeting for those who wished to address the
16 Commission.
17

18 Steve Van Maren from Sandy City read his submitted written comments.
19

20 Resolution 2018-13. Since funding sources expire on June 30, 2019, this would be a
21 good place to consider the cost of membership. Recall that Alta asked what the cost of
22 membership would be.
23

24 Section 2.c – requiring a 3 year deferral after application is denied seems punitive. If
25 they met the criteria, a 2 year deferral will find some change to the commission, and
26 should be enough for reconsideration.
27

1 Offering Park City membership on the commission:
2 Mr. Van Maren thinks that membership of both Park City and Summit County would be
3 appropriate as the Commission expands. I am concerned that Mayor Berman's letter of
4 application may disqualify Summit County from pursuing a separate seat. Please indicate
5 this action does not disqualify Summit County from applying for their own seat.
6

7 Resolution 2018-16 – Executive Committee

8 I welcome the formal construction and the limitation as set forth in the resolution. I do
9 think all commissioners should receive the proposed agenda, and if more than a
10 commission quorum want to attend, the meeting should be posted as a public meeting.
11 Remember you have a headwind on the open meetings issue, and acting proactively
12 would improve your image. It is likely that many of the communities of the Commission
13 members have open work meetings; don't consider the lack of attendance at those
14 meetings as an indicator of interest. It is not necessary to take public comment if the
15 actions will not be final.
16

17 I would like to suggest some values to fill in the blanks:

18 4.14.B – 2 year terms, 50% and 2 consecutive terms. This presumes that after a 1 year
19 break, the commissioner could be selected to serve again. It also presumes that when a
20 community replaces the commissioner representing them, they lose their seat on the
21 Executive Committee. You may want to add these clarifications.

22 1.14.C – 3 business days. This will allow responses by non-committee members to
23 indicate they want to attend, and still allow notice that meets Open Meeting
24 requirements.

25 1.14.D.8 – 10 Months, and \$50,000
26

27 Chair McCandless thanked Mr. Van Maren for his suggestions and stated that his
28 comments will be brought up as the issues come up on the agenda.
29

30 Kevin Dwyer, of the Salt Lake Valley Trails Society, asked for consideration of regular
31 annual meeting schedule. Due to problems with the notice system with the Utah Open
32 Meetings website, updates and materials are not received and links are broken.
33 Agendas are not readily available to the public on the website. He asks the Commission
34 to work to mitigate the situation.
35

36 Executive Director Becker stated that the Commission is currently working on the new
37 website and email addresses and indicated that Legal Counsel Shane Topham can give
38 more input. Commissioner McCandless stated that comments can be forwarded to him
39 in the interim.
40

1 **RESULT: APPROVED**

2 **AYES:** Commissioners Beerman, Biskupski, Bradley, McAdams, McCandless and
3 Peterson

4 **EXCUSED:** Commissioner Braceras

5
6 Chair McCandless closed the public comment portion of the meeting.

7
8 **C. Commissioner Comment:**

9 No comments.

10
11 **D. Discussion of Possible Annual Meeting Schedule:**

12 Executive Director Becker discussed a monthly proposed meeting schedule to be ready
13 before the next meeting of the CWC.

14
15 Chair McCandless introduced Executive Director Ralph Becker as a new member of the
16 Commission.

17
18 Chair McCandless mentioned that the proposed date would be the third Thursday of the
19 Month to be held at the Cottonwood Heights City Council Chambers.

20
21 **E. Discussion and Possible Appointment of Additional Members:**

22
23 i. The Commission discussed increasing the number of members from 7 to 10 members
24 and Commissioners.

- 25 a) Consideration of **Resolution No. 2018-13** amending and restating the
26 CWC's criteria and process for adding additional members to allow a
27 maximum of 10 members and ten Commissions

28
29 Commissioner McAdams moved to adopt **Resolution No. 2018-13**, amending and
30 restating the CWC's criteria and process for adding additional members to allow a
31 maximum of 10 members and ten Commissions. Commissioner Peterson seconded the
32 motion.

33
34 **RESULT: APPROVED**

35 **AYES:** Executive Director Becker, Commissioners Braceras, Bradley, Beerman and
36 Director Biskupski

37 **EXCUSED:**

1 ii. Consideration of **Resolution No. 2018-14** offering membership in the CWC to Park
2 City.

3
4 Park City will not resign its seat as a Wasatch Back commissioner until after they have
5 been approved by the four founding members of the CWC.

6
7 Commissioner McAdams moved to adopt **Resolution No. 2018-14**, adopting the policy
8 to offer membership in the CWC to Park City. Commissioner Petersen seconded the
9 motion.

10

11 **RESULT: APPROVED**

12 **AYES:** Executive Director Becker, Chair McCandless, Vice Chair Biskupski and
13 Commissioners Braceras, Bradley and Beerman

14 **EXCUSED:**

15

16 iii. Consideration of **Resolution 2018-15** offering membership in the CWC to Millcreek
17 City.

18

19 Comments:

20

21 Mayor Jeff Silvestrini spoke that he is prepared to commit with their time and are happy
22 to accept membership on the commission.

23

24 Commissioner Bradley moved to adopt Resolution 2018-15, adopting the policy to offer
25 membership in the CWC to Millcreek City. Commissioner Braceras seconded the
26 motion.

27

28 **RESULT: APPROVED**

29 **AYES:** Executive Director Becker, Chair McCandless, Vice Chair Biskupski and
30 Commissioners Peterson, Bradley and Beerman

31 **EXCUSED:**

32

33

34 **F. General Administration Matters:**

35

36 i. The Commission will discuss hiring of new staff for the CWC.

37 Discussion of hiring new staff to the CWC. Chair McCandless asked Executive Director
38 Becker to give a summary of the Resolution. Executive Director Becker stated that there

1 are two positions that have been advertised, based and the discussion of this group at
2 the last meeting. One position is for Chief of Staff, and the other a Communications
3 Director. The posting for the Communications Director position went up today, the other
4 went up last week. There has been a lot of interest in the two positions. If Resolution
5 2018-16 is approved, the process will be able to move forward.

6
7 ii. The Commission will consider **Resolution No. 2018-16** amending the CWC's bylaws
8 to empanel and delegate certain authority to an Executive Committee and to designate
9 the initial members of the Executive Committee.

10
11 Comments:

12
13 Do the new hires fit within the budget that was discussed in the last meeting? Chairman
14 McCandless stated that the new positions will fit comfortably.

15
16 Commissioner McCandless asked for a summary of the motion from Counsel Shane
17 Topham. Counsel Topham discussed the key points from the executive committee and
18 read from the Proposed Addition to section 4.14 to the CWC Bylaws, concerning the
19 Executive Committee.

20
21 The Executive Committee will be comprised of members of the governing board of the
22 CWC. There will initially be three members of the Executive Committee, one of which
23 will always be the Chairman of the governing board, with two additional members. The
24 purpose for that number is to keep the number on the Executive Committee well below
25 a quorum of the governing board so that when the Executive Committee meets, it is not
26 constituting also a meeting of the governing board.

27
28 The members, other than the Chairman, will serve staggered two year terms and can
29 serve up to two terms upon appointment by the governing board. A member can be
30 removed, with or without cause, upon majority vote of the governing board.

31
32 The meetings of the Executive Committee will occur upon prior notice of one business
33 day to the members. Because the EC will be allowed to make some limited decisions,
34 consulting with the Director concerning administrative matters and approving some
35 things that may need to happen quickly, it will be a public body for purposes of the Open
36 Meetings Act and will need to comply as such.

37
38 In section D of the proposed By Laws amendment, it goes through the things that the
39 Executive Committee can do. It is intended to be a primary liaison with the Director and
40 with the Director' staff to allow the work of the CWC to proceed expeditiously.

1 Certain major contracts could get preliminary approval by the Executive Committee, but
2 would need to go back to the Governing Board for final approval.

3
4 Chairman McCandless proposes \$5,000 budget.

5
6 A comment was made that when the CWC members increase to ten, the members of
7 the Executive Committee should also increase from three to four.

8
9 Chair McCandless asked Shane Topham if the term of the Chair is retroactive to
10 January 1, 2018. Counsel Topham stated that the term of the Chair is not subject to
11 terming on the Executive Committee and was not sure what the term limit was for the
12 Chair of the governing board.

13
14 The decision for the three appointed for the Executive Committee was made to include
15 the Chair and the Vice Chair and Commissioner Peterson.

16
17 Vice Chair Biskupski moved to adopt Resolution No. 2018-16. Commissioner Braceras
18 seconded the motion.

19 **RESULT: APPROVED**

20 **AYES:** Commissioners Beerman, Peterson, Bradley, McCandless and McAdams

21 **EXCUSED:**

22
23 **G. Discussion of the CWC Retreat and Future CWC Meetings:**

24
25 Executive Director Becker noted that there is a short timeline for the Commission.
26 Looking at having a meeting of the full Commission for a Retreat. The view of Chair
27 McCandless was to have a special meeting to consider the legislation and pick a date
28 for a retreat sometime this summer.

29
30 The proposed date for the special meeting is July 9th. Chair McCandless agrees that
31 there is a lot of work that needs to be done in a very short amount of time and will
32 confirm the meeting date as proposed. Agenda will be posted at the appropriate date
33 and time.

34
35 Vice Chair Biskupski asked if there is a website or email set up for Executive Director
36 Becker. There is not. This is something that the Commission is working on at this time.
37 Ralph Becker has a personal email address that can be used in the interim. Chair
38 McCandless also said that his email address cmccandless@sandy.utah.gov and he is

1 available to distribute correspondence as required. As soon as the new website is up it
2 will be distributed.

3
4 Vice Chair Biskupski asked what the budget was for the Commission. SLC Public
5 Utilities Director Laura Briefer noted that the employment budget is about \$250,000.

6
7 **H. Public Comment on the Central Wasatch National Conservation and Recreation**
8 **Area Act.**

9
10 Executive Director Becker made a presentation of the Central Wasatch National
11 Conservation and Recreation Act and gave a brief overview of the legislation.

12
13 One piece of the legislation is to create a new Federal Designation as a National
14 Conservation and Recreation Area and the proposed boundaries. What would happen
15 within the management of the new area? The Federal designation applies to the
16 Federal lands.

17
18 Authorize land exchanges within the forestry areas that are part of the designation and
19 federal land. The basic direction of the ski areas would be to consolidate the base areas
20 into private hands. This would remove the overlay of the forestry department overview
21 on the private businesses. The ski areas would give up ownership of the forested areas
22 that would then become federal. There would be direct exchanges.

23
24 The legislation also provides ostensibly for a number of issues, such as transportation,
25 and provides for some modifications for a sliver of wilderness area to provide for trails,
26 gives future expansion for ski areas, and establishing an environmental dashboard.

27
28 Public Engagement that went in to Mountain Accord to have the participants be
29 inclusive and to have many of the interested engaged. Participants signed a mission
30 statement to work together to form a consensus for all of the major issues. There was a
31 desire to make opportunities for the general public to weigh in. There were four
32 committees that were formed and 30-40 people were involved. These committees meet
33 monthly over 18 months and their information fed into an Executive committee. The
34 Executive Committee met over a 2 day retreat to agree on the details of the agreement.

35
36 Chair McCandless opened the meeting to public comment.

37
38 Kevin Dwyer, Salt Valley Trails Society, stated that there are 65K enthusiast in the
39 valley who ride their bike more than once a month during the season. Generates
40 \$30,000,000 in sales over the year. The Salt Lake Valley Trails Society is generally

1 supportive of the legislation. There was inadequate notice to look at the map and
2 appears to have been altered and changed. Need to get together with the Forest
3 Service to review the map.

4
5 White Pine is an existing mountain biking area and the removal of the area would be
6 detrimental. Bikers will not be able to go up and down the canyons without staying off of
7 the road. They would have no more impact than the helicopters that are currently using
8 the areas.

9
10 Evan Johnson, landowner in Big Cottonwood Canyon, would like to support the
11 legislation but feels that the private property owners were intentionally cut out of the
12 process. Mr. Johnson feels that private properties are being bullied by Salt Lake City.

13
14 There seems to be some misunderstanding about the issues of the canyon. 50 percent
15 of the water from Cottonwood Creek is not used for culinary use. Salt Lake City water
16 treatment costs are ten times higher than other sources and requests equal treatment of
17 private citizens in the canyon.

18
19 Megan Nelson, of the Nature Conservancy, stated that all life depends on the Wasatch
20 Canyons. Encouraged by and appreciative of the support of the Act. The Nature
21 Conservancy is supportive of the legislation.

22
23 C Fisher supports the legislation as it works through the process and had three items to
24 bring up. First, the importance of the bill to provide protection to the designated land.
25 Without the legislation, vulnerability will be expected to increase. Second, the
26 importance of doing what is right. Created locally and supported nationally. Final point is
27 the importance of satisfying outstanding issues. Despite all if the changes, the
28 conviction of the Commission is a fitting tribute.

29
30 Brian Hutchinson applauds the effort but have grave concerns about the execution.
31 Need to revisit handing over the total responsibility. More people need to be added to
32 the group to add the residents of Utah Valley who have access to the canyons. The
33 responsibility should be to the general public. The canyon are degraded and what
34 measures will be taken to restore the forest? Need to work toward restoration of the
35 forest and preservation of the ridgelines. Mr. Hutchinson feels that the bill needs to slow
36 down. Needs to have milestones and goals in place.

37
38 Sarah Bennett, Executive Director of Trails Utah, wished to express support for the
39 Commission and the time that is being devoted to addressing the issues of the
40 Wasatch. There is more pressure than ever on the open spaces. The bill is a fantastic

1 achievement. In 2016, Trails Utah was not able to support the bill due to wilderness
2 retractions to allow for a shared used Bonneville Shoreline Trail did not match the needs
3 of the trail and were not ground proved. The alignment on which the wilderness
4 retractions were based were created in front of a computer screen in 2004. When Trails
5 Utah got on the ground to try to ground prove the alignment, it quickly became clear that
6 the wilderness retractions were not going to be adequate. As the bill exists now, it
7 becomes a lose/lose proposition for wilderness advocates and for trail enthusiasts.
8 Trails Utah is working with Save Our Canyons and other entities to get the information
9 needed in the next nine days to the Commission to make responsible changes to the
10 bill.

11
12 Jim Byrne is the Co-Chair of the Bonneville Shoreline Trail and gave a historical
13 perspective on how critical it is to deal with the small wilderness adjustments in the
14 legislation. The initial plan in 2005 of the Bonneville Shoreline Trail had imminent
15 domain, which has since been repealed in 2006. No county or city had every used
16 imminent domain. There are certain areas in the wilderness that have a critical problem
17 of getting trails across private land and can be solved by making adjustment to the
18 wilderness boundary.

19
20 Taylor Money, Save Our Canyons, is interested in gaining support for the legislation and
21 is interested in seeing the area protected for recreation areas. Save Our Canyons has
22 gathered dozens of signatures over several events in Utah County.

23
24 Ed Marshall, Flying Cloud Enterprises, Inc., put his comments in writing and distributed
25 them during the meeting. The four topics listed include; Vetting by the Salt Lake County
26 Community Councils and the Salt Lake County Council are Essential for any Real
27 Consensus, and they must not be denied again this time; The transportation solution
28 provisions of the NCRA must be finalized and guaranteed this time, before the
29 legislation is resubmitted to Congress; Another Federal “wilderness” area is not
30 necessary or desirable in Millcreek Canyon, which is a developed urban canyon used
31 by local residents for diverse forms of recreation; The revisions that Mountain Accord’s
32 representatives promised to the private property owners must be made before the
33 NCRA legislation is introduced again to Congress. Mr. Marshall asked if there were any
34 questions on his written comments. No comments were made and Chair McCandless
35 stated that the Commission will review his submission.

36
37 Caroline Glych, locally based environmental activist, makes her living in the recreational
38 area and has found joy in the back country. Concerned about the balance of the ski
39 resorts and the back country. When the resorts open in the winter, she loses access to

1 a lot of area to train in, such as Grizzly Gulch. Concerned that the maps that have been
2 generated do not show access properly.

3
4 Brad Rutledge, Wasatch Back Country Alliance, is a citizen who is concerned about
5 protecting the back country. If the Act is going to be re-introduced, all parties should be
6 committed to Grizzly Gulch. The Alta Ski Lifts desired land exchange is not supported
7 by the Alliance. The maps are inaccurate and wrong. Grizzly Gulch is still indicated as
8 private land. The Brighton Ski Area expansion goes into Bonanza Flat. The Wasatch
9 Back Country Alliance urges the slowdown of the process to make sure the maps are
10 accurate.

11
12 Linda Johnson, Mountain Planning Commission for Salt Lake County and
13 Environmental Quality Advisory Committee of the Health Department, gave a science
14 based opinion. There are worries about the watershed and fire danger. By 2050, the
15 temperature will continue to rise. Need to make sure that fire protection is addressed.
16 The forest service is doing a climate assessment for the Rocky Mountains and their
17 recommendations should be followed for safety.

18
19 Dr. Howie Garber, Utah Physicians for a Healthy Environment, stated that Executive
20 Director Becker has the skill to help pass the bill to protect the wildlife and protect the
21 ski resort boundaries. The public does not want Grizzly Gulch developed. This Bill
22 would end private property disputes.

23
24 Greg Shiffman, Granite Council, stated that any legislation that gets rushed, generally,
25 gets screwed up. Solitude Ski Resort was bought out by KSL. There are a lot of flaws in
26 the Bill that needs to be addressed. There was not a lot of input from the Valley
27 constituents. The Commission needs to slow down and address the concerns of
28 everybody. There are 50 houses that are dependent on irrigation water. What are the
29 intentions of the Commission to protect the water? Chair McCandless says that there is
30 no answer to be given tonight. Need to submit these questions to the Commission for
31 them to be addressed. Water rights will be reviewed by the legal team.

32
33 Kyle Buxton, Board member of Big Cottonwood Community Council, owns close to 700
34 acres in the canyon. The meetings of the Commissions need to be held in the evening
35 to be able to accommodate working people. When Mountain Accord was put together,
36 there were private land owners who have to fight to use their trucks to their property. Mr.
37 Buxton was of the understanding that Mountain Accord and the CWC were the same
38 entity. Private land owners were not invited to the Mountain Accord meetings.
39 Doesn't appreciate what has happened with the land trades. Completely opposed to the
40 Federal Designation. Encroaching and devaluing the property.

1
2 Bill Clinton is a homeowner in Big Cottonwood Canyon. He wants the commission to
3 protect the rights of the private property owners. There are some potential land mines
4 in the legislation. None of the changes that were proposed have been added to the new
5 legislation. Would like to put his thoughts in writing and will present them to the Chair to
6 protect small water systems.
7

8 Norm Henderson, stated that there are several important issues that need to be
9 addressed and resolved. Transparency and open meetings. There is ongoing litigation
10 with Mountain Accord and the open meetings law. It appears that Mountain Accord was
11 in clear violation. Conflicts disclosures and the campaign contributions of members of
12 the Board. Need a full financial disclosure of the members of the Committee. The
13 Argentos Dam? The legislation does not allow for construction of the dam.
14

15 Barbara Cameron, Big Cottonwood Community Council, has a letter that notes the
16 concerns that the council has. Toilets, Trails and Transportation are the key issues. The
17 Federal Designation will increase canyon visitation.
18

19 James Thompson, Resident of Millcreek City, is generally in support of protecting the
20 mountains and wilderness. Certain trails need to be designated as foot trails. The
21 crowding in the canyons is getting extreme. The trailheads are full of cars in the middle
22 of the week. Appreciate the effort to deal with the problems and hope there can be
23 compromises made to push the legislation. A fan of Grizzly Gulch. Some of the water
24 coming out of the mines is tainted.
25

26 Jennifer Clancy, Executive Director of Friends of Alta, stated that Friends of Alta has
27 been dedicated to Mountain Accord. Want to support the Commission's mission. The
28 bill will establish 8,000 acres of protected area. Support is contingent on NEPA analysis
29 and is thoughtfully considering the legislation.
30

31 Allen Orr, Alta Ski Area, has been involved with Mountain Accord from the beginning.
32 Transportation issues are important. Continue to work on issues with Grizzly Gulch.
33 Commitment to exchange private property was contingent with transportation and a
34 connection with Big Cottonwood to Little Cottonwood Canyons.
35

36 Tyson Bradley, Utah Mountain Adventures, is the original guide service in the Wasatch
37 Front since 1993. Involved with Mountain Accord process as a stake holder. Need to
38 understand more details before the bill is submitted to Congress. Back country skiing is
39 a growing industry.
40

1 Mark Beir is a constituent and wished to thank the members of the Commission for
2 taking the issues seriously. Look for market based solutions.

3
4 Will McCarvill, Chair of Utah Chapter of the Sierra Club, would like to be able to be
5 supportive, but it is predicated on some minor changes to the bill. The Wasatch has
6 shrunk and the pressure on resources is immense. The use of the Wasatch has been
7 concentrated and the bill is needed to preserve the recreation areas.

8
9
10 Chairman McCandless sincerely appreciates the group that is pleasant. He promises
11 that the first thing that the Commission wants to do is to do it right.

12
13 **I. Other Business:**

14
15 **J. Adjournment:**

16 With no further business, the meeting was adjourned.

17
18
19

Janine Calfo, Recorder

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION MEETING HELD MONDAY,**
2 **JULY 9, 2018 AT 3:10 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL**
3 **CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD**
4 **HEIGHTS, UTAH**
5

6 **Present:** Commissioner Chris McCandless-Chair, Commissioner Mike Peterson,
7 Commissioner Jim Bradley, Commissioner Jackie Biskupski, Commissioner
8 Andy Beerman, Commissioner Ben McAdams
9

10 **Staff:** Executive Director Ralph Becker, Legal Counsel W. Shane Topham, CWC
11 Federal Lobbyist Bill Simmons
12

13 **Excused:** Commissioner Carlos Cabrera
14

15 **A. OPENING**
16

17 **i. Commissioner McCandless will conduct the meeting as Chair of the CWC.**
18

19 Chair Chris McCandless called the meeting to order at 3:10 p.m.
20

21 **ii. The Commission will Consider Approving the Meeting Minutes of Wednesday,**
22 **June 6, 2018.**
23

24 **MOTION:** Commissioner Beerman moved to approve the minutes of June 6, 2018. The motion
25 was seconded by Commissioner Peterson. The motion passed with the unanimous consent of the
26 Commission.
27

28 **iii. The Commission will Consider Approving the Meeting Minutes of Wednesday,**
29 **June 20, 2018.**
30

31 Chair McCandless reported that there had been discussion about amendments to the meeting
32 minutes. It was suggested that approval be tabled and the revised minutes brought back for
33 approval at the next meeting with corrections to be ratified by Legal Counsel, W. Shane Topham.
34

35 **MOTION:** Commissioner Peterson moved to table approval of the minutes of June 20, 2018 to the
36 next meeting. The motion was seconded by Commissioner Beerman. The motion passed with the
37 unanimous consent of the Commission.
38

39 **B. PUBLIC COMMENT**
40

41 Sarah Bennett, Trails Utah Executive Director, submitted a prepared written statement which was
42 read. She reported that Trails Utah, Save Our Canyons, Utah Sierra Club, and the Bonneville
43 Shoreline Trails Committee have been working together under the guidance of the National Park
44 Service Trails Assistance Program and the U.S. Forest Service on wilderness boundary adjustments
45 for the Bonneville Shoreline Trail (BST). As a team, they agreed that what was needed was field
46 verification of the boundary adjustments. Staff from the Salt Lake Ranger District obtained the
47 needed data and completed that task. They recommended wilderness boundary adjustments to be
48 included in the 2018 submittal of the Central Wasatch National Conservation and Recreation Area

1 Legislation. Ms. Bennett explained that the adjustments are critical to ensure that the Bonneville
2 Shoreline Trail can exist as a shared use trail, meaning mountain bike legal, along the western slope
3 of the Wasatch Mountains through Salt Lake County, where practical. Every effort was made to
4 minimize wilderness removals and avoid private property while maintaining space to create
5 sustainable and reasonably accessible trail alignments for the BST in the future. Providing
6 connectivity for the entire BST through the study areas will be challenging due to private property
7 issues. Land easements or land purchases should be considered to complete the BST in the coming
8 years.

9
10 As part of their examinations they identified 12 areas along the periphery of Mount Olympus, Twin
11 Peaks, and Lone Peak Wilderness Areas where the wilderness boundary needs to be adjusted from
12 the original allowances identified in the 2016 version of the bill. A total of 240 acres need to be
13 relieved of wilderness status to allow for BST consideration. This was compared to 130 acres
14 included in the original CWNCRRA legislation. During the review process, 480 acres of Forest
15 Service property was identified contiguous with the Mount Olympus Wilderness Area that they
16 believe includes outstanding wilderness characteristics. They recommended this acreage be
17 included in the bill to become designated wilderness. The addition would result in no net loss of
18 wilderness in the study area but would constitute a net gain. They requested that language in the
19 bill be modified to reflect the number of acres to be removed for BST consideration and the specific
20 intent of those removals to allow for shared use trail connectivity be clearly articulated. They felt it
21 was important for the removals to be clearly stated and the reason for their removals enunciated.

22
23 Ms. Bennett indicated that language describing additional acreage to be included into the Mount
24 Olympus Wilderness Area also needs to be included in the bill. They requested that language added
25 to the bill that states that any Forest Service lands removed from wilderness for the purpose of
26 establishing a shared use BST alignment be protected in perpetuity from any future development.
27 This point was key and central to the working group reaching a consensus. The submittal included
28 pictures of boundary adjustment areas and additions to the Mount Olympus Wilderness Area. All
29 of the needed GIS data had been obtained although some revisions were still needed. They would
30 continue to work with their partners, the Central Wasatch Commission, and the Office of
31 Congressman Love to ensure that the language changes are made to the bill.

32
33 John Knoblock from Trails Utah hoped to be able to move forward with respect to the Bonneville
34 Shoreline Trail and wilderness adjustments. All seemed to be in agreement at this point. He hoped
35 Executive Director, Ralph Becker, would help them in the future to move on to the rest of trail plan
36 that was prepared with the Mountain Accord. At this point he hoped they could have their Forest
37 Service and water shed partners involved to move forward with additional projects. With respect to
38 the Bonneville Shoreline Trail and adjustments, he explained that to move forward they need the
39 Central Wasatch National Conservation Area. He was supportive but asked the Commission to
40 make sure that all of the partners involved in the Mountain Accord that support the legislation
41 consider the transportation improvements from the Little Cottonwood EIS conducted for Big
42 Cottonwood. He commented that they want to make sure they have approvals and funding for
43 trails, toilets, and transportation in the future.

44
45 Steve Van Maren was concerned about the process and the potential for the Executive Committee to
46 approve a resolution and submit it without allowing for public comment. He stated that the public
47 deserves an opportunity to review the changes once they are incorporated.

1 Vaughn Cox asked whether once the adjustments to the bill are made if there is a plan to make it
2 available to the public and allow for public input. Chair McCandless anticipated publishing it and
3 giving the public an opportunity to speak on it as well. Mr. Cox inquired about the land exchange
4 described in the bill. He questioned the stated public benefit of the land exchange and what the
5 proposed acreages are in terms of exchanging what the ski resorts will get from the Forest Service
6 and what they will give in exchange. Chair McCandless explained that it will be discussed later in
7 the meeting but indicated that the public benefit is the preservation of open space that is presently
8 privately held in areas that he would classify as critical habitat. That is a priority and by doing the
9 exchange they consolidate real estate holdings within the confines of the ski area boundaries and
10 preserve the other properties in perpetuity as open space. Mr. Cox stated that in looking at the map
11 there seemed to be 300 or 400 acres in the bottom of the canyons that the ski resorts will receive in
12 exchange for the private areas being discussed. He noted that canyon land is valued at \$1 to \$2
13 million per acre. He remarked that ultimately, they are giving the ski resorts millions of dollars'
14 worth of land in exchange for private land in the ski resort boundaries, which will remain and be
15 controlled by the ski resort. He saw no benefit to the land exchange.

16
17 Chair McCandless explained that the properties to be exchanged will be at fair market value for fair
18 market value established by someone other than the ski areas or the Forest Service. That value will
19 have to be established and if there is more value in the property in the ski area in holdings in the
20 base area than there is on the mountain land, the ski areas will then pay the difference in the value.
21 In reading the bill, Mr. Cox stated that it did not designate which process of review or appraisal will
22 be used. He asked that that language be added to the bill.

23
24 Mr. Becker commented that the Forest Service under federal statute as the other land management
25 agencies, has a very strict, detailed, and specific process they have to follow that includes appraised
26 values, full appraisals on all properties, and equal value. It provides that if there is a variation of
27 more than 25%, it can be made up for with a payment to the public entity to equalize the exchange.
28 It requires an equal value exchange by appraisal that cannot be circumvented through legislation.

29
30 Norm Henderson commented that the current legislation package being evaluated was crafted as
31 part of a specific purpose and need for the Mountain Accord that no longer exists. The legislation,
32 including the land exchanges, served as part of a preferred alternative to the one Wasatch proposal
33 by the ski resorts to connect them via surface lifts. The most significant part of the preferred
34 alternative was the direct transportation link between the canyon that did not involve surface lifts.
35 A train alternative was the only direct connection link that was acceptable to the ski resorts as an
36 alternative. Expanded bus service up and down the canyons was not accepted as an alternative. As
37 part of the agreement, the ski resorts agreed to give up certain private lands they held for the One
38 Wasatch proposal and put them into public ownership with the U.S. Forest Service. The ski resorts
39 would have obtained valued land to develop at the base of the four resorts for a transportation hub
40 as well as future home, hotel, and condo development. They would then agree to a new federally
41 protected area to memorialize the deal and protect it from further development. It was noted that
42 the train option was immediately taken off the table and without it the One Wasatch option was
43 selected.

44
45 Mr. Henderson commented that at the last CWC meeting, Alta Ski Lifts Corporation formally
46 acknowledged that One Wasatch was back in play when it withdrew the Grizzly Gulch land from
47 consideration in the land exchange. The land exchanges in the legislative packet are now being
48 considered and were there for a specific purpose that no longer exists. Without the transportation

1 piece the land exchanges became nothing more than a “sweetheart deal” for the ski resorts to greatly
2 expand their presence and stature in the canyons. Alternatives were identified. Mr. Henderson was
3 concerned that selecting just the lands for the ski resorts and making them the primary focus seemed
4 suspicious. It was his opinion that the legislative package should go back to the drawing board and
5 go through additional public scoping with a different purpose and need.

6
7 Chair McCandless commented that with the land exchange they will not be getting a “sweetheart
8 deal” because the NEPA process is being established for a very long period of time. It involves
9 private land that could be developed into additional skiable terrain and preserve the property once
10 the exchange is made. Chair McCandless explained that conservation easements are a great idea
11 and allows the ability to purchase the property. Finding the funding, however, will be challenging.
12 The land exchange gives Snowbird, for example, the right to build what they already have the right
13 to build. It is not an expansion and will protect the open space.

14
15 Mike Maughan identified himself as the President and General Manager of Alta Ski Area. He
16 stated that their perspective regarding the Mountain Accord Process and the bill is that it did not
17 fully meet the expectations of the State Legislature or the Governor’s Office. While it resulted in
18 HR-5718, it did not adequately address transportation, parking, or accommodating the projected
19 growth along the Wasatch Front. It was their understanding that they are trying to work on the bill
20 and get it reintroduced. They can support the bill if some of the issues are addressed. They hoped
21 to see the bill tied to a significant transportation improvement. He noted that one of the reasons the
22 bill did not move forward the first time was because it did not include that component. They also
23 asked that the conservation and recreation area not overlay the ski areas. Alta has worked with the
24 Forest Service for many years and have provided recreational opportunities and cared for the
25 environment under their guise. The language in the bill and the associated maps that were
26 introduced in 2016, also need to be updated. Since 2016, as the land exchange process has gone
27 forward, additional lands have been added to be exchanged while others originally included in the
28 exchange have been removed. Additional adjustments were anticipated. Mr. Maughan explained
29 that as the values of the properties are determined there will need to be flexibility to allow the
30 adjustments to be made. He suggested that freezing the ski area boundaries so that they can
31 accommodate growth is not the right direction when looking at the growth that is expected along the
32 Wasatch Front.

33
34 Mr. Maughan commented that Alta Ski Area recognizes that there are individuals and groups that
35 have concerns with the removal of the private land Alta owns in Grizzly Gulch from the exchange
36 process with the Forest Service. Alta purchased the land many years ago and have been using it for
37 15 years. It was purchased with the intent to have an area to expand to should growth come, which
38 was expected. During that time the back country community has been given free access to ski in
39 Grizzly Gulch and use it to access other back country terrain.

40
41 Greg Schiffman asked about the appraisals and if there is a list of companies they plan to use to
42 perform the appraisals. Chair McCandless stated that that will be addressed by the Forest Service.
43 He assumed they have a system in place. Mr. Becker commented that there is a detailed appraisal
44 guide that all federal land management agencies use for exchanges and to appraise any property
45 they acquire or dispose of. Mr. Schiffman wanted to make sure that the process is fully open to the
46 public. He asked about the back country lands and how they are being used and if the intent was to
47 transfer some property and make it available to normal recreation on the ski resort and sell it. Chair
48 McCandless stated that that is a question that will have to be raised but is not necessarily the case

1 today. It was noted that the various areas mentioned have different designations according to the
2 map. Mr. Becker explained that the private lands that will go to the Forest Service and managed in
3 a similar manner to the surrounding area. Chair McCandless stated that the Commission cannot
4 make a commitment for the Forest Service. His understanding was that the White Pine area is a
5 special management area because of the water rights of the Despain Ditch Company since they must
6 have access for vehicle and mechanized operations to maintain the integrity of the irrigation system
7 and existing reservoirs.

8
9 Mr. Schiffman commented on potential problems with HB-5718, which he considered to be sloppily
10 and poorly written. He believed there was an effort to rush legislation without input from those
11 who will be most impacted. He suggested they clarify the issue regarding water rights versus water
12 infrastructure. Water rights, as they currently stand, are useless to the water companies and private
13 landowners if the infrastructure cannot be maintained. The CWC believes that the bill will resolve
14 all of the issues but he indicated that that is not the case. Many water companies and private
15 landowners get their water from the canyons using infrastructure on land that belongs to the U.S.
16 Forest Service. Unfortunately, history has shown that the U.S. government is aggressive about use
17 or lose tactics against water right owners. This is important because if the water companies are
18 unable to gain access to their water infrastructure and cannot make repairs or improvements they
19 could lose their water rights. For this reason it is essential for all private landowners and water
20 companies to be exempt in HB-5718 from any and all necessary permits and contingency use
21 permits required by the U.S. Forest Service, the U.S. government, and the State of Utah. Private
22 landowners must also be exempt from motorized and mechanized vehicles to maintain, repair, and
23 modify their existing and future infrastructure on both private and U.S. Forest Service land.

24
25 Mr. Schiffman pointed out that there are many water companies along the Wasatch Front that
26 service over 4,000 households. In the past, many have been treated poorly by the County with
27 regard to access to water for their property. It was evident to Mr. Schiffman that the embodiment of
28 the bill creates two unequal classes of landowners; the well-funded ski resorts and the individual
29 landowners of Salt Lake County. The bill provide blanket exemptions to the ski resorts but
30 excludes individual landowners from the same protections. Private landowners have the most at
31 stake and could lose access and use of their water. The main reason the bill was created was to
32 subsidize the ski resorts with free land and helicopter access.

33
34 Mr. Schiffman commented that the 1.2 million Salt Lake County residents should have a say in their
35 future especially when the Wasatch Commission is about to give away very valuable land as a
36 subsidy to the ski resorts and forever change how people enjoy the uniqueness of the Wasatch
37 mountains. He did not think the federal government should tell Utah residents what they can and
38 cannot do with their treasured Wasatch mountains.

39
40 Chair McCandless took exception with many of Mr. Schiffman's comments, particularly with
41 regard to the subsidization of property exchanges as they relate to the ski areas. He remarked that
42 they are not giving anything away. The land exchanges must go through the Forest Service and
43 have nothing to do with the CWC who is the facilitator who will ensure a fair and equal process.
44 The Forest Service has the authority to make the exchanges through the NEPA process, which is
45 very transparent.

46
47 Linda Johnson commented that the Climate Change Management Report was available. She
48 commented on the removal of dead wood in the forest to prevent fires. She remarked that there was

1 a time when clear cutting was common. That has ceased and climate change is making a difference.
2 She suggested there be a new category to allow for maintenance of the forest in the safest possible
3 way to protect water. She suggested there be a proper public process and stated that many of the
4 Mountain Accord agreements were made as private arrangements. She suggested that the process
5 be more transparent. Ms. Johnson commented that the CWC's time would be better spent on what
6 the Mountain Accord was supposed to help with, which was transportation. She stressed the need
7 to get to and from the ski resorts in a timely fashion.

8
9 There were no further public comments. The public hearing was closed.

10
11 **C. COMMISSIONER COMMENT**

12
13 Commissioner Peterson, Cottonwood Heights Mayor, welcomed the Commission Members to the
14 City of Cottonwood Heights.

15
16 **D. CONSIDERATION AND POSSIBLE ACTION ON STAFFING, CONSULTANTS,
17 AND OFFICE SPACE**

18
19 Mr. Becker provided the Commission Members with a monthly summary report that included a
20 variety of activities he has been engaged in. He reviewed items for discussion among the
21 Commission and updates that may be considered for action. They looked at possible regular
22 meeting dates and sent a survey to each of the Commission Members who were under consideration
23 with an expanded Commission. Mondays were available for regular meetings with the first being
24 the 1st or 3rd of each month. Meeting dates and times were discussed. Meetings were to be held in
25 Cottonwood Heights.

26
27 **MOTION:** Commissioner Bradley moved to approve CWC meeting dates as the 1st Monday of
28 each month from 4:00 p.m. to 6:00 p.m. at Cottonwood Heights City Hall. The motion was
29 seconded by Commissioner Beerman. The motion passed with the unanimous consent of the
30 Commission.

31
32 City Attorney, W. Shane Topham, agreed to prepare a resolution to finalize the meeting times.

33
34 Chair McCandless commented that Sandy City has the resolution for Park City, Millcreek, and Alta
35 on their agenda for the following night. Mr. Becker reported that Salt Lake City may not have it on
36 their agenda until the end of the month. It was expected that three new members would be seated
37 on the dais at the next meeting.

38
39 Mr. Becker reported that the Executive Committee approved the hiring of two additional staff
40 members consisting of a Chief of Staff and Communications Director. They received dozens of
41 applications and were in the process of reviewing them. They hoped to make a decision within the
42 next few weeks. In response to a question raised, Mr. Becker stated that there is money in the
43 budget but it is in two different line items. As a result, there needs to be a shift from one line item
44 to another to accommodate the new hires.

45
46 As they narrow the field and conduct interviews, an interested Commission Member was invited to
47 participate in the selection process. If this were to occur before the next Commission Meeting it
48 was requested that the decision be tentatively approved by the Executive Committee for the hires

1 recommended by the Selection Committee. He explained that the Selection Committee consists of
2 staff from several jurisdictions. The intent was to interview no more than five applicants.
3 Commissioner Peterson volunteered to participate in the interview process.
4

5 Commissioner Biskupski asked for clarification on the positions and specifically the role of the
6 Chief of Staff. Mr. Becker explained that the individual hired will perform a wide range of
7 functions. They will serve as a liaison to the Commission, be primary staff to the Stakeholders
8 Committee, help with administrative functions of the Commission, and oversee the day-to-day
9 operations. Currently these duties were being shared by multiple jurisdictions. Commissioner
10 Biskupski thought the position should be similar to an Administrative Assistant with Mr. Becker
11 serving as the liaison. Mr. Becker clarified that he is the liaison to the Commission and the Chief of
12 Staff will be given specific responsibilities and tasks. The Executive Committee saw the need for a
13 higher level person who could interact with a wide variety of stakeholders, fulfill the full legal
14 requirements of the Commission, and oversee the general operations. They were currently involved
15 with eight to 10 jurisdictions, some of which are not on the Commission. They plan to form a
16 stakeholder group of around 30 people who will meet monthly. He had learned that there are many
17 administrative responsibilities associated with the Commission that must be handled fastidiously.
18

19 Salt Lake City staff was thanked for their service and the time they have put in to assisting the
20 CWC. Chair McCandless asked Mr. Becker to resend the Commission Members the RFP and job
21 descriptions. Commissioner Peterson commented that the job descriptions and duties will be
22 modified as the job becomes more defined.
23

24 **MOTION:** Commissioner Bradley moved to delegate to the Executive Committee the job of
25 helping sort the applicants and make a tentative decision to come back to the full board for approval
26 and ratification. The motion was seconded by Commissioner Peterson. The motion passed with the
27 unanimous consent of the Commission.
28

29 Mr. Becker reported that they have an existing lease for office space at the mouth of Big
30 Cottonwood Canyon. They have looked at moving the CWC offices to downtown Salt Lake and
31 have explored various options. They had discussions with one building owner and would like to
32 continue exploring that option. If they find that it is suitable and falls within the parameters of the
33 existing lease, they would like to continue to work toward that end and perhaps authorize the
34 Executive Committee to finalize a move if they are able to terminate the existing lease without
35 additional charges.
36

37 **MOTION:** Chair McCandless moved to continue to move forward on finding office space and
38 bring the matter back to the Executive Committee for discussion and potential decision with final
39 ratification by the Commission as a whole. The motion was seconded by Commissioner Peterson.
40 The motion passed with the unanimous consent of the Commission.
41

- 42 i. **Consideration of Resolution 2018-17 Ratifying Entry into an Independent**
43 **Contractor Agreement with the Langdon Group for Transcription, Indexing**
44 **and Content Analysis of Public Comments Received Between June 20 and July**
45 **5, 2018 Concerning the Central Wasatch National Conservation and Recreation**
46 **Area Act (the “CWNCR”).**
47

1 Mr. Becker expressed a desire to properly handle the June 20 public hearing and address the written
2 comments submitted. Doing so required summarizing the comments in detail and categorizing
3 them by topic. He recommended that responses also be developed in an organized way, which
4 takes an enormous amount of time. With the approval of the Executive Committee they
5 accomplished that in time for tonight's meeting. The summary of the comments was circulated and
6 were posted on the website along with the responses to the comments. An agreement was entered
7 into with The Langdon Group on a cost not to exceed basis. The action required approval of the
8 Commission per the interlocal agreement. A representative from The Langdon Group was present
9 to answer questions.

10
11 **MOTION:** Commissioner Peterson moved to pass Resolution Number 2018-17 ratifying entry into
12 an Independent Contractor Agreement with The Langdon Group for transcription, indexing, and
13 content analysis of public comments received between June 20 and July 5, 2018 concerning the
14 Central Wasatch National Conservation and Recreation Area Act. The motion was seconded by
15 Commissioner Biskupski. Vote on motion: Commissioner Biskupski-Aye, Commissioner Bradley-
16 Aye, Chair McCandless-Aye, Commissioner Peterson-Aye, Commissioner Berman-Aye,
17 Commissioner McAdams-Aye. The motion passed unanimously.

18
19 **E. CONSIDERATION AND POSSIBLE RECOMMENDATIONS REGARDING THE**
20 **CENTRAL WASATCH NATIONAL CONSERVATION AND RECREATIONAL**
21 **AREA ACT.**

22
23 **i. Consideration of Resolution 2018-18 Supporting and Encouraging Passage of**
24 **the CWNCR A Following Incorporation of Such Modifications to its Text and**
25 **Related Maps as May be Deemed Appropriate by the Executive Director in**
26 **Consultation with the Executive Committee, Taking into Consideration the**
27 **Public Comments Received During the June 20 – July 5 Public Comment**
28 **Period.**

29
30 Mr. Becker reported that the Commission Members were provided with a summary of the public
31 comment received through July 5, which was the closing date for comment. A public meeting was
32 held on June 20 and the comments received were recorded and summarized.

33
34 Josh King from The Langdon Group made a slide presentation and presented a summary of the
35 comments. He explained that they assessed, analyzed, and created a response to what was heard.
36 The verbal and written comments received were transcribed. The majority of comments came
37 through the public hearing. Each was summarized and broken down into individual comments and
38 topics. A total of 66 comments were received. The topics included process, trust transparency,
39 efficiency, maps, infrastructure, land exchanges, land use management, transportation, recreation,
40 trails, water, White Pines, and Grizzly Gulch. Nearly 50% of the comments related to process,
41 trust, transparency, and efficiency.

42
43 Mr. Becker explained that every topic was broken down in terms of the level of detail. They also
44 cross referenced comments to the person, the date of the comment, and how it was received. That
45 information was provided in a spreadsheet. From the comments they then prepared detailed
46 responses to each discreet topic and referenced where it was addressed in HR-5718. In many
47 instances they found that the comment made was addressed with specificity in the legislation. In

1 other instances, staff planned to look at legislative provisions to determine whether they need to be
2 modified.

3
4 Mr. Becker recognized the presence of D.C. Representative Bill Simmons who was present to
5 answer questions about the legislation and where they stand in terms of changes and potential action
6 by the Congressional delegation. Mr. Becker mentioned in the report that as part of the work done
7 on the legislation, he spent two days in Washington D.C. with Bill Simmons and others meeting
8 with each member of the delegation, the Chief of the Forest Service, and the Legislative Director.

9
10 Commissioner Peterson asked about timing, particularly with three new members joining the
11 Commission. Mr. Becker explained that they are in the last half of the last year of this Congress.
12 While they have normally met after an election in an election year, in recent years that was not the
13 norm. They have a very narrow window for Congress to take up, consider, and act on bill. It was
14 an enormous task to look at legislation to be taken up this late in the Congress and be considered
15 and acted on. Because of the influence and power of the Congressional delegation and the positions
16 that they hold, it was possible for action to be taken. Some of that was due to past work done with
17 Congressman Chaffetz' bill in 2016 but is dependent on the will expressed by the Commission and
18 other interests on a desire to move forward and a general acceptability to the community as
19 reflected in the Commission's actions. In their discussions with delegation, they indicated that it
20 may be possible on the House side. If a bill is presented and they agree to introduce it, they may not
21 need another hearing but they would be open to public comment before a bill is taken up in
22 committee. Refinements to legislation could occur until a bill is marked up and passed by
23 committee. Originally, they were looking at a July timeframe, however, in a meeting held the
24 previous week, they indicated that it may be possible on the House side to consider it in September
25 rather than July for committee consideration. They hoped to see something within a few weeks for
26 a bill to be introduced but there would be a period of time before the bill would be taken up by
27 committee when additional refinements could be considered. It would be up to the committee to
28 make any amendments.

29
30 Representative Simmons explained that the action of the delegation will largely depend on where
31 the Commission is on the matter. The House was slated to get out on July 26 and not return until
32 the first week in September. Normally, if a bill has been heard there is no need to conduct another
33 hearing. Largely, what the delegation does will be in response to the Commission.

34
35 Mr. Becker stated that the Senate may defer any action to the House. It was possible that they may
36 use the August timeframe to hold a hearing and consider and take committee action in the Senate.
37 Unlike the Legislature, a bill does not move sequentially through the process and works in a parallel
38 manner in the House and Senate.

39
40 Chair McCandless stated that the comments from the community are that they need to continue to
41 facilitate taking information and hearing from and listening to the community. He did not want to
42 give the impression that because they have reached this point they are no longer going to take input.
43 He thought it was important to distribute a copy of the detailed information to the public. He
44 commented on the BST modifications and hoped to resolve conflicts to allow mountain bikers to
45 ride there legally. They also need to resolve the conflict associated with Grizzly Gulch at Alta.
46 Prior to making a submittal to Congress, he suggested there be some kind of final ratification. The
47 desire was to have as much of a consensus as possible with all of the stakeholders. Chair
48 McCandless viewed this as the most significant mountain protection documentation that has been

1 seen in decades. He noted that it resolves 40-year conflicts. He explained that passing the
2 resolution gives the Executive Committee the opportunity to work collectively and have it brought
3 back for final ratification utilizing the concepts described.
4

5 Commissioner Beerman remarked that this legislation has been available for several years and there
6 have been thousands of hours of discussion. It is compromise legislation, which means there is
7 something in it for everyone to dislike. Regardless of how much public input and revisions are
8 made, there will remain elements that will be controversial. He was comfortable moving forward as
9 long as it is in draft form.
10

11 Commissioner Bradley agreed that the legislation has been around for several years and people are
12 familiar with it. Irrespective of the changes, some will have a reaction to it. At some point, a
13 decision should be made about when the process should stop. He hoped to see an execution date.
14 He did not want the process to be never ending.
15

16 Chair McCandless recalled that the bill addresses the equalization in that the Forest Service receives
17 funding through the land exchanges. He agreed that the valuation of property at the base of the ski
18 area by comparison to mountain side skiable terrain is considerably different. He believed there
19 will be additional funding that will go to the Forest Service. The bill specifies that the funding has
20 to be retained within that area. He hoped to modify that to indicate that the secretary acknowledges
21 that the excess funding created in Big Cottonwood Canyon remains there. Procedural issues were
22 discussed.
23

24 **MOTION:** Commissioner Beerman moved to move forward with Resolution 2018-18 supporting
25 and encouraging passage of the CWNCRA, with the incorporation of the modifications text as
26 discussed. The motion was seconded by Commissioner Peterson. Vote on motion: Commissioner
27 Biskupski-Aye, Commissioner Bradley-Aye, Chair McCandless-Aye, Commissioner Peterson-Aye,
28 Commissioner Beerman-Aye, Commissioner McAdams-Aye. The motion passed unanimously.
29

30 Mr. Becker reported that at the last meeting the Commission established Executive Committee,
31 which is subject to the Open Meetings Law. As a result, there will be notice for meetings of the
32 Executive Committee as they spend more time and detail on the provisions of changes to the
33 legislation.
34

35 **F. ADJOURNMENT**
36

37 **MOTION:** Commissioner Bradley moved to adjourn. The motion passed with the unanimous
38 consent of the Commission.
39

40 The Central Wasatch Commission Meeting adjourned at 4:49 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Central*
2 *Wasatch Commission Meeting held Monday, July 9, 2018.*

3
4
5
6
7
8
9

Teri Forbes

10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved:

DRAFT

CENTRAL WASATCH COMMISSION

RESOLUTION No. 2018-19

A RESOLUTION REQUESTING ADMISSION TO THE UTAH PUBLIC EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the board of commissioners (the "Board") of the Central Wasatch Commission interlocal entity (the "CWC") met in regular session on 6 August 2018 to consider, among other things, requesting admission to the Utah Public Employees' Retirement System (the "UPERS"); and

WHEREAS, the CWC is authorized to employ personnel on a full-time basis; and

WHEREAS, it is in the public interest for the CWC to provide benefits authorized by Utah state law to the CWC's personnel;

WHEREAS, it is the intent of the Board, as the CWC's governing body, to approve and authorize coverage under the UPERS for CWC personnel;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central Wasatch Commission that the CWC's Executive Director and Board Chair are authorized to undertake all of the necessary actions to enroll the CWC in the benefit programs of the UPERS offered by Utah Retirement Systems (the "URS"), including retirement coverage and death benefit coverage for qualified employees under the laws and regulations of the URS.

This Resolution, assigned no. 2018-19, shall take effect immediately upon passage.

PASSED AND APPROVED this 6th day of August 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 6th day of August 2018.

FILED AND RECORDED this ___ day of August 2018.

CENTRAL WASATCH COMMISSION

RESOLUTION 2018-20

A RESOLUTION ESTABLISHING A SCHEDULE FOR REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS FOR 2018

WHEREAS, UTAH CODE ANN. §52-4-202 provides that any public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, the board of commissioners (the “*Board*”) of the Central Wasatch Commission interlocal entity (the “*CWC*”) met in regular session on 6 August 2018 to consider, among other things, establishing a regular meeting schedule for the Board for the balance of 2018 as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central Wasatch Commission as follows:

Section 1. **Regular Meeting Schedule for 2018.** For the balance of 2018, regular meetings of the Board shall be held on the following dates:

Monday, 17 September 2018
Monday, 1 October 2018
Monday, 5 November 2018
Monday, 3 December 2018

All meetings of the Board will occur in the council chambers (the “*Council Chambers*”) of the Cottonwood Heights City Hall at 2277 East Bengal Blvd., Cottonwood Heights, Utah.

Section 2. **Reservations of Rights to Modify Meeting Schedules, Etc.** The Board has and reserves the right to change the time, date and/or location of any of its meetings upon at least 24 hours’ prior public notice, or to cancel any of such meetings or to hold special meetings as circumstances may warrant.

Section 3. **Repealer.** All resolutions or parts thereof, or other prior actions of the Board, in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

This Resolution, assigned no. 2018-20, shall take effect immediately upon passage.

PASSED AND APPROVED this 6th day of August 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 6th day of August 2018.

FILED AND RECORDED this ___ day of August 2018.

CENTRAL WASATCH COMMISSION

RESOLUTION No. 2018-21

A RESOLUTION SUPPORTING AND ENCOURAGING INTRODUCTION AND PASSAGE OF THE CENTRAL WASATCH NATIONAL CONSERVATION AND RECREATION AREA ACT

WHEREAS, the Central Wasatch Commission (the “CWC”) is an interlocal entity formed in 2017 whose principal purpose is to better assure the wise stewardship of the Wasatch Mountains in Salt Lake, Summit and Wasatch counties—including their watershed, recreational areas, transportation, and natural beauty—so that future generations can continue to benefit from that wonderful and integral part of Utah’s natural environment; and

WHEREAS, to that end, one of the key objectives of the CWC is to advance and implement the concepts promulgated by the Mountain Accord, which is the 13 July 2015 written accord that was the culmination of a years-long, consensus-based planning dialogue among a host of public and private entities and individuals interested in the future of the Central Wasatch Mountains; and

WHEREAS, one of the concepts adopted in the Mountain Accord was to support and pursue a new federal designation for the land identified in Attachment 5 of the accord in order to provide special protections against development and environmental degradation for the approximately 80,000 acres of federal lands shown on such Attachment 5 (the “*Federal Land*”); and

WHEREAS, the proposed Central Wasatch National Conservation and Recreation Area Act (the “*Act*”), which has been under consideration by the United States Congress since approximately 2016, was promulgated, in part, to implement elements of the Mountain Accord; and

WHEREAS, given its participation in the formulation of the current version of the proposed Act, the CWC’s governing board (the “*Board*”) took public comment between June 20 and July 5, 2018 (the “*Public Comment Period*”) concerning the Act, during which time the Board received numerous suggestions concerning the Act; and

WHEREAS, public comments have continued to be received and meetings have been held with stakeholders to receive input on, discuss options for, and draft provisions for new legislation to implement the Mountain Accord; and

WHEREAS, the Board met in regular meeting on 9 July 2018 to consider, among other things, expressing its continued support for the Act and to encourage passage of the Act by the United States Congress following any appropriate modifications to the Act’s current provisions and associated maps based on, *inter alia*, the public comment received by the CWC during the Public Comment Period; and

WHEREAS, after careful consideration, on 9 July 2018 the Board enacted its Resolution 2018-18 (“*Resolution 2018-18*”) to (a) voice its continued support for the Act; (b) encourage passage of the Act by the United States Congress as soon as possible, following any appropriate

modifications to the Act's current provisions and associated maps based on, *inter alia*, the public comment received during the Public Comment Period; and (c) authorize and direct the CWC's Executive Director, in consultation with the CWC's Executive Committee, to formulate and propose to the Act's sponsor(s) any and all such changes to the Act's current provisions and maps; and

WHEREAS, thereafter (a) the CWC's Executive Director, in consultation with the CWC's Executive Committee, formulated proposed changes to the Act's current provisions and maps as authorized by Resolution 2018-18, and (b) the CWC's Executive Committee accepted additional public comment concerning the Act; and

WHEREAS, the Board met in regular meeting on 6 August 2018 to consider, among other things, expressing its continued support for the Act and encouraging passage of the Act as heretofore modified;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central Wasatch Commission that the Board hereby (a) voices its continued support for the Act; and (b) encourages passage of the Act, as modified by the Executive Director in consultation with the Executive Committee pursuant to Resolution 2018-18.

This Resolution, assigned no. 2018-21, shall take effect immediately upon passage.

PASSED AND APPROVED this 6th day of August 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 6th day of August 2018.

FILED AND RECORDED this ___ day of August 2018.

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: August 6, 2018

RE: Motion to approve the meeting minutes of the board meeting on June 20, 2018.

Motion 1

I move that the Commission approve the meeting minutes of the board meeting on June 20, 2018.

Motion 2

I move that the Commission approve the meeting minutes of the board meeting on June 20, 2018, with the following changes (provide changes).

Motion 3

I move that the Commission (provide alternative).

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: August 6, 2018

RE: Motion to approve the meeting minutes of the board meeting on July 9, 2018.

Motion 1

I move that the Commission approve the meeting minutes of the board meeting on July 9, 2018.

Motion 2

I move that the Commission approve the meeting minutes of the board meeting on July 9, 2018, with the following changes (provide changes).

Motion 3

I move that the Commission (provide alternative).

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: August 6, 2018

RE: Motion to adopt Resolution 2018-19, requesting admission to the Utah Public Employees Retirement System.

Motion 1

I move that the Commission adopt Resolution 2018-19, requesting admission to the Utah Public Employees Retirement System.

Motion 2

I move that the Commission (provide alternative).

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: August 6, 2018

RE: Motion to adopt Resolution 2018-20, establishing a schedule for regular meetings of the Commission for the balance of 2018.

Motion 1

I move that the Commission adopt 2018-20, establishing a schedule for regular meetings of the Commission for the balance of 2018.

Motion 2

I move that the Commission (provide alternative).

**CENTRAL WASATCH COMMISSION
MOTION SHEET**

DATE: August 6, 2018

RE: Motion to adopt Resolution 2018-21, supporting and encouraging introduction and passage of the Central Wasatch National Conservation and Recreation Area Act.

Motion 1

I move that the Commission adopt Resolution 2018-21, supporting and encouraging introduction and passage of the Central Wasatch National Conservation and Recreation Area Act.

Motion 2

I move that the Commission (provide alternative).