

**MINUTES OF THE CENTRAL WASATCH COMMISSION MILLCREEK CANYON COMMITTEE MEETING HELD MONDAY, OCTOBER 26, 2020, AT 1:00 P.M. THE MEETING WAS CONDUCTED ELECTRONICALLY WITHOUT A PHYSICAL LOCATION, AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED MARCH 18, 2020.**

**Present:** Chair Ed Marshall, Tom Diegel, Brian Hutchinson, Paul Diegel, John Knoblock, Helen Peters, Rita Lund, Mike Mikalev, Del Draper, Hilary Jacobs

**Staff:** CWC Deputy Director Blake Perez, CWC Communications Director Lindsey Nielsen, Office Administrator Kaye Mickelson

Chair Ed Marshall called the meeting to order at approximately 1:04 p.m.

**1. Review and Approval of the Minutes from the September 21, 2020, Meeting.**

The minutes were reviewed and accepted.

**MOTION:** Del Draper moved to approve the minutes of September 21, 2020, as amended. John Knoblock seconded the motion. The motion passed with the unanimous consent of the Committee.

**2. Updates from Committee Members and Others Who Have New Information.**

Salt Lake County Transportation Program Manager, Helen Peters shared an update about the Federal Lands Access Program ("FLAP") grant. A communication plan was underway to keep all of the stakeholders up to date. The U.S. Forest Service and Millcreek City would continue to work with Ms. Peters on this task. John Knoblock asked if the FLAP grant had been officially awarded. Ms. Peters reported that Millcreek Canyon was on the shortlist and the Programming Committee from The Federal Highway Administration ("FHWA") would make the final decision in the spring. She would keep the Millcreek Canyon Committee updated.

Chair Marshall asked Ms. Peters if there had been a miscommunication about the FLAP grant. He mentioned a press release and emails from Transportation Planner, Jared Stewart. Ms. Peters stated that she would go back and look at the emails. She explained that Millcreek Canyon was shortlisted and there would be a site visit. The scope of work would also be examined and a presentation made to the FHWA. Ms. Peters believed that unless there was a serious flaw with the application, it would be successful. However, she noted that a final decision on the grant would not be made until next spring.

Chair Marshall shared notable points with the Millcreek Canyon Committee that were made during a recent meeting. They included:

- Engineers want two 11-foot lanes with a five-foot-wide uphill bicycle path, with occasional downhill turnouts for bicycles. The engineers would like a uniform width, if possible;

- If the project is selected for a FLAP grant, the final design will be decided jointly by the FHWA engineers, the U.S. Forest Service, and the County;
- Salt Lake District Ranger, Bekee Hotze stated that there would be no Environmental Impact Statement because there is a categorical exclusion for roads; and
- Highway engineers currently had no solution for road bicycles that speed downhill.

Ms. Peters clarified the statement made by Ms. Hotze. She noted that there may be a roadway category exclusion but the individual project may still need an Environmental Impact Statement. Mr. Knoblock noted that even if there was a categorical exclusion from the National Environmental Policy Act (“NEPA”), an analysis would still need to be done. There would be a reduced level of analysis but requirements for a categorical exclusion would need to be satisfied.

Chair Marshall reported that during the meeting, Ms. Hotze made it clear that she had no intention of reversing the direction of the tollbooth. The U.S. Forest Service tried this when they reopened the booth. Traffic backed up through the residential areas to Highway 215 and there had been a lot of complaints. Mr. Knoblock reported that he waited 45 minutes to get out of the canyon a few weeks ago. The tollbooth takers were waving some cars through to clear the line and stopping other cars to pay the fee. Not only was this problematic for people that were unable to leave the canyons in a timely manner but it also resulted in a loss of income for the tollbooth. Mr. Knoblock felt this issue should be high on the list of problems to solve.

Del Draper asked if the long wait times in the canyon occur only during the fall months. Chair Marshall noted that it happens at sunset or if the Boy Scouts camp lets out. He reported that he waited 14 minutes to exit the canyon. Mr. Draper believed that regardless of the tollbooth direction, the wait times are of serious concern. He commented that because the booths were not currently accepting cash, using cards slows down the process. Mr. Draper wondered if there should be a second person to collect payments on busy weekends.

Chair Marshall believed a second exit lane was needed and suggested an automated machine. He asked Communications Director, Rita Lund, if Millcreek City was looking at possible funding sources for this. Ms. Lund reported that the City was exploring the best uses for some of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act funds. She noted that the tollbooth and second exit lane were on the list that the FHWA had taken with them. Ms. Lund believed there was a need for improved access but the decision came down to funding.

Brian Hutchinson suggested that there be a separate lane for cabin owners, restaurant visitors, and those with pre-paid cards to reduce wait times. The Committee believed several options could be explored. Chair Marshall reported that he asked the Federal Highway Engineers if they could provide FLAP grant funds, once approved, on an emergency basis for the tollbooth. He was told that there were no provisions for them to do that. Ms. Peters confirmed that it could take 2 to 3 years for the FLAP grant money to become available.

Mr. Draper felt it was important that the issue be reviewed to determine whether there were potential solutions for the long wait times. Mr. Knoblock noted that it was a Salt Lake County operated tollbooth. He believed it was necessary to communicate with Wayne Johnson from Salt Lake County Parks & Recreation to ensure that he was aware of the issue. Ms. Lund remarked that the tollbooth is within Millcreek City limits and Mr. Johnson was aware of the situation.

Brian Hutchinson suggested creating a smaller group within the Committee to track the progress of this issue. He believed the entire Committee could be focused on tollbooth options and funding sources. The Committee Members discussed making a possible motion. Mr. Hutchinson believed it was important to take action now so that any knowledge gained could be applied during the FLAP grant process. Chair Marshall commented that the Committee could try to identify possible funding sources to assist Millcreek City.

Mr. Knoblock asked Ms. Lund if she would be the most appropriate person to follow up with and report back to. Ms. Lund stated that she could speak to Mr. Johnson but he was already aware of the problem. She noted that there were many issues to consider, including property lines. Mr. Hutchinson believed the Committee investigation could look into the location of the booth. The main purpose was for the Committee to establish its own interests and focus. Chair Marshall believed a vote would represent the consensus of the Millcreek Canyon Committee.

**MOTION:** Brian Hutchinson moved that the Millcreek Canyon Committee monitor tollbooth options and funding sources. Del Draper seconded the motion. The motion passed with the unanimous consent of the Committee.

Chair Marshall believed the most helpful thing the Committee could do would be to identify possible funding sources to supplement what Millcreek City is doing. He asked that the Committee Members bring up suggestions during the next Millcreek Canyon Committee Meeting.

Mr. Knoblock asked if it would Millcreek City's responsibility to analyze the tollbooth or up to Salt Lake County since the latter currently runs and operates the tollbooth. Ms. Peters stated that it would be up to Millcreek City because the tollbooth is within their jurisdiction. Ms. Lund noted that there will also be coordination with the U.S. Forest Service and the County. Chair Marshall asked Ms. Lund to update the Committee on this issue at the next Millcreek Canyon Committee Meeting. Ms. Lund commented that there will likely be more information from the City Council at that time as it relates to the CARES Act funding.

Mr. Knoblock updated the Committee on two trail issues. The first issue related to the Upper Pipeline Trail above Elbow Fork. Zinnia Wilson from the U.S. Forest Service completed the NEPA requirements and was ready to move forward next spring. Mr. Knoblock reported that Ms. Wilson was looking into funding for a new bridge to replace the one that had been crushed by a tree during a recent windstorm.

The second update related to Rattlesnake Gulch Trail. A lower grade trail would be created to parallel the existing Rattlesnake Gulch Trail. Trails Utah was putting together a Request for Proposal ("RFP") for contractors to bid on the project. Funding was still to be determined. Mr. Knoblock reported that they had received half of the money from the grant and hoped to

receive the rest through the Transportation Choice Fund. Ms. Peters stated that the project would be submitted to the Mayor for approval after which it would move onto the County Council. Mr. Knoblock believed the Mayor had already approved the funds. Ms. Peters clarified that the proposal needs to go through a formal process of approval before heading to the County Council. She believed this would take a couple of weeks. Ms. Peters noted that if approved, the funds would be given on a reimbursement basis.

Chair Marshall asked Tom Diegel if he had contacted the Sergeant about the increased number of hours. The questions posed were:

- What were the hours in the past?
- Why are they increasing?
- Who is going to pay for the increase?

Mr. Diegel indicated that he had not followed up. Chair Marshall Stated that it was up to him whether to do so before the next meeting. He asked Paul Diegel if he had found out if the three-foot rule applies in Millcreek Canyon. Mr. Diegel reported that it is a State law and applies everywhere in the State.

Mr. Draper shared an update on the Boy Scouts camp. He noted that he had failed to get Utah Open Lands to run with the idea of preventing the Boy Scouts camp from ever being developed. He had spoken to Utah Open Lands Executive Director, Wendy Fisher as well as a few people on the Board. Mr. Draper noted that as long as the camp continues to operate as a Boy Scout camp, there would not be an issue. However, there was a risk that in the future the land could be viewed as a revenue source. Mr. Draper would continue to work on this issue but did not feel that his initial attempt with Utah Open Lands had been overly successful. Chair Marshall believed it would take continuous efforts.

Mr. Hutchinson brought up issues related to the annexation of land. Ms. Peters noted that annexation laws would preclude any other city from annexing the camp area. Mr. Hutchinson stated that this had been a problem in other counties in the State due to new laws. He believed it was important to keep this in mind moving forward. Mr. Knoblock suggested the idea of the State or County purchasing a conservation easement. This would allow full use and ownership of the land but the easement would prevent the land from being developed in the future. Mr. Draper believed that was an appropriate direction to move towards.

### **3. Discussion of Proposed Correspondence to the U.S. Forest Service, Salt Lake County, and Municipal Services District.**

Chair Marshall discussed the Millcreek Canyon Committee proposal letter for the U.S. Forest Service, Salt Lake County, and the Municipal Services District. He thanked Mr. Diegel for his presentation at the last Central Wasatch Commission (“CWC”) Stakeholders Council Meeting. Chair Marshall asked CWC Deputy Director, Blake Perez if the Millcreek Canyon Committee

would be able to present during the next CWC Board Meeting on November 2, 2020. Mr. Perez believed this could be accomplished.

Chair Marshall discussed revisions made to the proposal letter. The most significant revision pertained to the bullet point on page four of the letter. It related to the request made by Mike Marker during the Stakeholders Council Meeting to have ongoing reviews and evaluations of the proposed changes. Stakeholders Council Chair, Dr. Kelly Bricker responded to Mr. Marker's request. Chair Marshall cleaned up some of the wording for clarity. The paragraph was as follows:

‘We propose that these strategies, where feasible, be implemented on a trial basis so that a baseline understanding of current issues is established (conflicts, accidents, and experience). We advocate implementing periodic monitoring as to the effectiveness of the new strategies in resolving the visitor issues. For example, if the separation of the lanes above the winter gate can be implemented on January 1, 2021, a review on June 30, 2021, would allow about 8 to 10 weeks of little or no snow and 15 to 17 weeks of snow to determine new strategies for addressing issues identified during each period. The feedback from the Education Enforcement Officers would be instrumental in evaluating how the separation worked and whether it should be adapted or continued.’

Chair Marshall commented that none of the language cleanup altered the context of the paragraph.

Mr. Hutchinson sent an email to Dr. Bricker prior to the meeting. The email had points related to measuring success and establishing who would do the monitoring. Mr. Hutchinson believed the proposal letter would be more robust if these items were addressed. Mr. Diegel noted that once the U.S. Forest Service and the County are involved, they would be partly responsible for addressing the concerns. He felt it was appropriate to mention the need to assess results, but not to include specifics. The main questions included who assesses the proposal success, who is responsible, and how often are assessments done. This would be up to the U.S. Forest Service and the County to decide. The Committee could provide advice or feedback. It was noted that Dr. Bricker responded to Mr. Hutchinson's email and believed the details would be worked out at a later date.

Mr. Hutchinson expressed concerns that potential issues would only be addressed at the end of the season. He felt that minor adjustments could be made as needed. Chair Marshall noted that the Forest Service does not consider us to be “partners”, and therefore the Millcreek Canyon Committee was careful to make suggestions and proposals. We did not want to tell anyone how to manage the canyons.

The Committee unanimously agreed to add Dr. Bricker's paragraph with the edits made by Chair Marshall. Redline and clean line copies would be inserted into the letter. Mr. Perez stated that he would add the letter into the CWC Board Member packet so they would have a copy before the Board Meeting on November 2, 2020.

#### **4. Discussion of Mountain Transportation System (“MTS”) Alternatives Report.**

Chair Marshall discussed the previous Stakeholders Council Meeting. He thought the small groups and presentations related to the Mountain Transportation System (“MTS”) had been beneficial. Chair Marshall had some suggestions about how the MTS alternatives could benefit Millcreek Canyon. He discussed shuttle operations and believed that the Utah Transit Authority (“UTA”) would be a likely source. He asked Mr. Perez to discuss the shuttles with UTA. Mr. Perez commented that staff could discuss this possibility with the UTA Planning Team. He wanted to hear from UTA as well as other private shuttle companies.

Mr. Hutchinson reported that he met with UTA Planning Director, Laura Hanson and others at UTA to discuss the topic. He noted that UTA contracted with various subcontractors. Ms. Hanson was looking into whether standard UTA buses would be able to handle operations. Mr. Hutchinson wondered if the idea for a parking lot in the canyons had been cancelled. Mr. Perez clarified that there had not been a proposal for a parking lot in the canyons. He commented that he would follow up with Ms. Hanson on the shuttles.

Mr. Perez reported that UTA partnered with Via for an on-demand transit program. In areas where there is low density, UTA had teamed up with Via to create last-mile connections to transit. This had been successful in Riverton and communities to the south and west. The program allows users to utilize the micro-transit service to reach a designated transit station. Mr. Perez felt that Via would be a good company to reach out to and learn more about. Chair Marshall believed UTA or one of their subcontractors would have the ability to successfully operate a shuttle service.

Chair Marshall wondered what infrastructure the U.S. Forest Service would need for a shuttle service to come to the canyon. He also asked about the potential cost. Mr. Perez stated that one year ago, staff recognized that there would be several steps involved before the U.S. Forest Service would feel comfortable allowing a shuttle program. He felt that the timing may be right to have a discussion with the U.S. Forest Service about their requirements.

Mr. Knoblock believed Ms. Hotze had indicated that a shuttle service would create a substantial change to operations in Millcreek. It would likely trigger NEPA and there may be an Environmental Assessment or Categorical Exclusion Analysis needed before proceeding. That process could help determine the details, such as facilities at the shuttle stops and the hardening of pullouts or trailheads associated with the shuttle stops. Mr. Knoblock believed certain facilities would be tied in with the FLAP grant process. Once the grant is awarded, the U.S. Forest Service would be able to utilize some of the money to handle NEPA requirements and identify facilities.

Chair Marshall commented that the Committee was assuming that the FLAP grant would be approved. He noted that formal approval was still five to six months away. This was an opportunity to begin discussions on this topic. Messrs. Knoblock and Diegel worried about doing too much without knowing whether the U.S. Forest Service was willing to move forward.

Mr. Draper was surprised by the pushback from the U.S. Forest Service during shuttle bus discussions. He felt that some of their reasons were weak. While Mr. Draper understood there were valid infrastructure concerns, he did not agree with their argument that shuttle buses would cause visitors to bunch up on trails. Mr. Draper was not sure it would be best to flesh out ideas

now so they could easily work with the FLAP grant or if it would be better to wait until the FLAP grant money had been secured to engage with the U.S. Forest Service.

Chair Marshall noted that the Millcreek Canyon Committee would be approaching the U.S. Forest Service with their proposal letter shortly. He believed it would be better to wait a few months before beginning shuttle bus discussions. Mr. Perez commented that he would begin discussions with UTA in the meantime. Chair Marshall felt that UTA was a good possibility and that they could operate the shuttle on an ongoing basis.

Mr. Perez reported on the next steps in the MTS process. There would be a Transportation Committee meeting on October 30, 2020, where the Committee would discuss the initial analysis from the public comments and the Design Your Transit tool. The Transportation Committee would also look at the finalized agenda for the MTS Virtual Summit. The same steps would take place during the CWC Board Meeting on November 2, 2020. The MTS Virtual Summit was scheduled for November 13 and 14, 2020.

## **5. Update from Lindsey Nielsen Regarding Chipper Days Project.**

Communications Director, Lindsey Nielsen reported that there were no updates related to the Chipper Days Project. She would update the Committee with information as it is received from The Division of Forestry, Fire, and State Lands (“FFSL”).

Mr. Knoblock asked if Ms. Hotze had mentioned fuels reduction in Millcreek Canyon for next year. Chair Marshall confirmed that she had but it was not tied to the Chipper Days project. Fuels reduction was happening in Lamb’s Canyon this year and work was planned for Millcreek Canyon next year. The primary focus would be to survey the top of the canyon and determine the best ways to fight fires there. Chair Marshall was surprised by this plan because the prevailing winds are to the west and east. He felt this was something that would merit discussion at the next U.S. Forest Service Stakeholders Meeting. Mr. Knoblock agreed. Chair Marshall reported that the meetings are open and he encouraged those interested to attend.

Mr. Knoblock discussed the fire breaks that had been done in Neffs Canyon. A 20 to 30-foot corridor was cleaned out along the Neffs Canyon Trail that would serve as an effective fire break. Mr. Knoblock believed the same model could be used along the Millcreek Pipeline Trail. He commented that it might be something the Millcreek Canyon Committee could advocate for in the future. Ms. Lund agreed that the fire breaks in Neffs Canyon had been well done and noted that it was important to move forward with continued maintenance.

## **6. Other Business Relating Directly to Millcreek Canyon.**

Chair Marshall reported that he received a letter from Ms. Hotze related to the Great American Outdoors Act. The letter was forwarded to the Committee on October 24, 2020. The deadline to submit letters of support was the end of business on Wednesday. Chair Marshall felt it was important that the Millcreek Canyon Committee show their support.

Mr. Knoblock believed the Committee should speak with Colton Rogers and Wayne Johnson from the U.S. Forest Service to find out the schedule for the 2021 Millcreek Canyon budget. He believed it was handled on a calendar year basis but thought it would be beneficial to have more clarity from the U.S. Forest Service. Chair Marshall believed Mr. Rogers would be the right person to talk to. He asked Mr. Knoblock to speak to him. Chair Marshall wondered how the funds had been spent in the past and asked if the budgets for Millcreek Canyon were published on the U.S. Forest Service's website. Mr. Knoblock reported that the budget information was not generally made public but he could speak to Ms. Hotze about it.

Tom Diegel reported that the U.S. Forest Service closed the gate up to Church Fork and locked the bathrooms there. He heard that the area around the bathrooms looked very bad. Tom Diegel asked if anyone on the Committee knew why that would be. Mr. Knoblock believed this was tied to budget concerns. The U.S. Forest Service may have closed the bathrooms because not enough money was budgeted to have employees on the payroll for this time period. He felt that next year there should be enough money budgeted so personnel can maintain the restrooms until later in the year. Mr. Draper assumed the U.S. Forest Service had closed the restrooms because they were reducing the number of tasks employees handle. He asked about how things are handled in the Cottonwood Canyons.

Mr. Knoblock noted that a great deal depends on the type of restroom. For example, flush toilets need to be shut down once there are freezing temperatures at night. The water needs to be drained to ensure that the pipes do not break. However, Mr. Knoblock believed the restrooms in Church Fork are pit toilets. Tom Diegel volunteered to send an email about this issue to Ms. Hotze on behalf of the Committee. Chair Marshall asked that Mr. Tom Diegel work with Mr. Knoblock on making an inquiry to the U.S. Forest Service. He felt it was important not to tell the U.S. Forest Service how to manage, but rather to let them know about the issue. Chair Marshall asked if they had closed the Church Fork bathrooms in previous years. Ms. Lund noted that City Creek temporarily shut down bathrooms due to COVID-19. Mr. Knoblock assumed this was something that had been done for years but the Committee was only hearing about it now. Mr. Knoblock felt that it would make sense for pit toilets to be left unlocked until the restrooms were too difficult for U.S. Forest Service staff to reach.

Chair Marshall asked Mr. Tom Diegel to prepare a draft letter and circulate it to the Committee. Copies would also need to be provided to the Stakeholders Council email address so that it becomes part of the public record of communications. Mr. Perez asked that the Committee keep staff updated on the progress. Mr. Perez stated that it would not be a problem for Mr. Diegel to send this letter to Ms. Hotze but he asked Mr. Diegel to prepare a draft letter and circulate it to the Committee.

## **7. Adjournment.**

**MOTION:** Paul Diegel moved to adjourn. John Knoblock seconded the motion. The motion passed with the unanimous consent of the Committee.

The Millcreek Canyon Committee Meeting adjourned at approximately 2:29 p.m.



***I hereby certify that the foregoing represents a true, accurate, and complete record of the Millcreek Canyon Committee Meeting held Monday, October 26, 2020.***

Teri Forbes

Teri Forbes  
T Forbes Group  
Minutes Secretary

Minutes Approved: \_\_\_\_\_