**MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) STAKEHOLDERS COUNCIL MEETING HELD, WEDNESDAY, APRIL 28, 2021, AT 5:30 P.M. THE MEETING WAS CONDUCTED ELECTRONICALLY VIA ZOOM**

**Present:**  Dr. Kelly Bricker, Chair

Jan Striefel, Vice Chair

Carolyn Deigley

Cassia Dippo

Don Despain

Ed Marshall

Barbara Cameron

Kirk Nichols

Randy Doyle

Sheryl A. Tacktor

Tom Diegel

Alex Schmidt

Bob Kollar

Brian Hutchinson

Carl Fisher

Charles Livsey

Chris McCandless

Dave Fields

Del Draper

John Knoblock

Kurt Hegmann

Megan Nelson

Michael Braun

Mike Maughan

Nathan Rafferty

Norm Harris

Patrick Shea

Paul Diegel

Roger Borgensicht

Sarah Bennett

Steven Issowits

Thomas Patton

Whitney M.

William McCarvill

**Staff:** Ralph Becker, CWC Executive Director

Blake Perez, CWC Deputy Director

Lindsey Nielsen, Communications Director

Kaye Mickelson, Office Administrator

1. **Opening.**
2. **Dr. Kelly Bricker will Conduct the Meeting as the Chair of the Stakeholders Council.**

Chair Dr. Kelly Bricker called the meeting to order at 5:30 p.m.

1. **Chair Dr. Bricker will Read the Determination Letter Referencing Electronic Meeting as Per Legislative Requirements.**

Chair Bricker read the following statement:

Pursuant to Utah Code §52-4-207‑4, the Mountain Accord Stakeholders Council of the Central Wasatch Commission (“CWC”) hereby determined that conducting Council Meetings at any time during the next 30 days at an anchor location presents substantial risks to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, the Governor of the State of Utah, the Salt Lake County Mayor, and the Salt Lake County Health Department have all recognized that a global pandemic exists related to a new strain of Coronavirus (SARS-CoV-2). Due to the state of emergency caused by this global pandemic, we find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location. According to the information of State Epidemiology experts, Utah is currently in an accelerated phase which has the potential to overwhelm the State’s health care system.

1. **The Stakeholders Council will Consider the Stakeholder Council DRAFT Minutes of Wednesday, April 21, 2021.**

Chair Bricker reported that she called a Special Meeting of the Central Wasatch Commission (“CWC”) Stakeholders Council due to a Pending Status item from the April 21, 2021 Stakeholders Council Meeting. The pending item was reflected in the draft minutes, which were provided to all Council Members. The draft minutes were also available on the Utah Public Notice website. Chair Bricker explained that the item was in a Pending Status because the Stakeholders Council did not adhere to the guidelines of the Council. The guidelines state as follows:

* The Council may consider add-on items to the agenda, if pertinent information is received by Council Members at least 24 hours before the meeting and the inclusion of an add-on item is properly noticed.

The agenda referenced public comments and Chair Bricker read a public comment into the record.

*Tom Patton* commented that the traffic issues in the area in question have existed for decades. He asked that the CWC take action.

1. **Mountain Transportation System. Chair Bricker will Conduct Discussion Regarding Consideration and Possible Action Concerning the Mountain Transportation System (“MTS”) Alternatives, Including Possible Adoption of a Resolution Expressing the Stakeholder Council’s Recommendation to the CWC Board Concerning One or Two of the MTS Alternatives.**

Chair Bricker read the recommendation made during the April 21, 2021, Stakeholders Council Meeting. It included previously discussed amendments and was as follows:

* Back to the Future: Recommendation of the CWC Stakeholders Council, adopted April 21, 2021:
  + Whereas there have been innumerable studies over the past five decades aimed at addressing the transportation problem in the Central Wasatch Mountains, notably, Big Cottonwood Canyon and Little Cottonwood Canyon and;
  + Whereas none of these studies have resulted in any significant improvement to ease the year-round transportation problem in these canyons and have failed to consider mitigations to protect against overutilization of the resource and;
  + Whereas the Wasatch, our critical ecosystem, forest, and watershed, providing necessary, invaluable resources and amenities to our growing population and;
  + Whereas protection of our water resources, stewardship of the wildness and the beauty of the Wasatch must have the highest priority, not be last in line of consideration and;
  + Whereas the Central Wasatch Mountains have a finite visitor capacity that the Central Wasatch Commission is working with an expert team to better understand management policies and transportation improvements, which could invite unsustainable levels of visitation and development, threatening critical environmental and community values and;
  + Whereas getting people out of their cars and onto transit well before the mouths of these canyons and nearer to their points of origin (homes or hotels) will reduce the onerous parking, road widening, and land altering construction burdens on the lands and communities within, near or on the approaches to the Central Wasatch watersheds and;
  + Whereas improving regional transit connectivity will not only aid our canyons but the prosperity and mobility of our region in general, thus improving air quality, reducing the need for more expansive infrastructure and protecting our increasingly threatened open spaces and ecological uniqueness and;
  + Whereas in the earlier Mountain Accord, transportation improvements were to be realized with, at minimum, Federal Legislation to protect the area, which currently has no viable path for realization, thus exposing the Central Wasatch to exponential increases in the vulnerabilities and compounding the degradation to the integrity of the Central Wasatch Mountains watershed and ecosystems and;
  + Whereas the Stakeholders Council believes it is time to advise the Central Wasatch Commission on a budget-minded alternative for the next 5-10 years, during which time, technologies might develop a better transportation solution in Big Cottonwood Canyon and Little Cottonwood Canyon and;
  + Whereas an enhanced bus service with several geographically distributed pick up and drop off locations offers the lowest risk solution that provides flexibility, improved reliability, regionally dispersed economic opportunity and convenience for growing communities; and
  + Therefore, the Stakeholders Council of the Central Wasatch Commission endorses an enhanced bus service with several geographically dispersed pick up and drop off locations along the Wasatch Front. This endorsement may be rebutted by the Central Wasatch Commission if and when, by an objective standard, a better, more environmentally sustainable solution can be determined, proposed, and adopted.

Dave Fields did not approve of what happened at the previous Stakeholders Council Meeting. He also felt that the recommendation did not take into account a lot of the realities that were presented by the Utah Transit Authority (“UTA”). For instance, UTA made it clear that they were not necessarily able to execute something of this nature due to inventory, required maintenance facilities, and staffing concerns. Mr. Fields noted that the Utah Department of Transportation (“UDOT”) was a few months away from making a transportation recommendation. Stakeholders Council Members would have the opportunity to weigh in on the recommendation at that time.

Mr. Fields felt that the Stakeholders Council's recommendation for more buses would simply increase congestion in the canyon and burn more diesel fuel. He explained that buses are the least reliable means of transportation. Mr. Fields added that Alta and Snowbird are prepared to offer a conservation easement for lands that were originally designated for use in the land exchange that the U.S. Forest Service made unfeasible. Those protections would be offered if a real transportation was implemented. However, he believed that the bus idea was costly, unsafe, and not sustainable for the environment.

Brian Hutchinson noted that at the last Stakeholders Council Meeting, a motion was made at 4:18 p.m. and he seconded that motion. There was confusion at that time about the process. He wondered if a motion was still on the table. Chair Bricker believed the process would start again. She noted that this was a time for discussion and a motion could be made after hearing remarks from the Council Members. Mr. Hutchinson noted that all of the presented transportation options ignored valley transportation, which represented more than half of the transit needs for visitors to the canyon. He felt that the recommendation made by Patrick Shea addressed that gap.

Michael Braun commented that a lot of people he spoke to did not want a rail system or an aerial gondola system. He did not agree with the statements made by Mr. Fields about buses and felt that the additional vehicles that will be removed from the road will be beneficial. Mr. Braun believed that enhanced bus was the best way to move forward.

John Knoblock pointed out that the Stakeholders Council is a consensus-based organization. It was clear that there was little chance that the Council Members would be able to reach a consensus on the recommendation at the current meeting. Chair Bricker explained that there was freedom within the organization. If a vote was called and the vote was 17-to-15, both the 17 members and the 15 members would have the opportunity to move a recommendation forward. Mr. Knoblock believed that a recommendation could be moved forward as a group of individuals but could not be moved forward representing the voice of the Stakeholders Council.

Mr. Knoblock reported that UDOT would release their UDOT Little Cottonwood Canyon Draft Environmental Impact Statement (“EIS”) in a few months. It would be approximately 1,500 pages long. UDOT stated that the document would answer all of the questions that had been raised along the way. Mr. Knoblock also noted that there was not a clear agreement about what problem the CWC and Stakeholders Council were trying to solve with transportation. Without an agreed-upon problem statement, it made sense that it was difficult to reach a consensus on a solution.

Mr. Knoblock discussed the Central Wasatch National Conservation Recreation Area Act (“CWNCRA”) legislation. He believed that Council Members wanted to see that move forward. However, it was unlikely to move forward without meaningful transportation improvements. Mr. Knoblock was unsure that adding more buses would be considered meaningful transportation improvements. He also pointed out that one accident on the road could shut down the road entirely.

Sarah Bennett expressed concerns about the recommendation. She felt there was an inherent bias against the other transportation modes and their ability to manage visitation. She believed modes of transportation other than buses could be used to manage visitation numbers. Additionally, Ms. Bennett agreed with Mr. Knoblock’s comment about the roads. She noted that one storm, avalanche, or accident could shut down the road completely.

Ms. Bennett also agreed with an earlier comment about valley transit. That was a huge piece of the discussion and it was important to identify where buses would be located. Adding more buses to the canyon did not necessarily make sense, but buses could be part of a hybrid solution where increased bus service brings users to rail or aerial gondola stations. Ms. Bennett felt it was important to see what was in the UDOT Little Cottonwood Canyon Draft EIS. There was a lot of information to absorb before the Stakeholders Council voted for or against the recommendation.

Mike Maughan noted that even among the Stakeholders Council there was not a consensus as it relates to transportation or the recommendation. He agreed with the comment made by Ms. Bennett and suggested that the Stakeholders Council wait for the UDOT Little Cottonwood Canyon Draft EIS to be released. They could then review the document and provide appropriate feedback. He felt it may be premature to share a recommendation and it may be more valuable to share input after seeing what UDOT has proposed.

Tom Diegel discussed the Wasatch Backcountry Alliance process. Over the last six weeks, there had been conversations with CWC Staff, UDOT, UTA, and the rail and gondola mode experts. Wasatch Backcountry Alliance also had a final wrap-up meeting. The group wanted to receive as much information as possible from all of the entities. Mr. Diegel wondered if the CWC wanted UDOT to share their recommendation first or if the CWC wanted to influence the process. He felt it was important for the CWC to influence the UDOT decision-making process. Mr. Diegel also expressed concerns about the timeline for transportation solutions as well as the fact that transportation solutions in Big Cottonwood Canyon had not been addressed by UDOT.

CWC Executive Director, Ralph Becker, shared a chart prepared by CWC staff. It showed the CWC Mountain Transportation System (“MTS”) and how it relates to the UDOT Little Cottonwood Canyon EIS. Mr. Becker explained that UDOT went through intense scoping and came up with a Draft Alternatives Report. The CWC commented on the scoping, purpose, and need. Additionally, the CWC submitted comments on the Draft Alternatives Report. UDOT planned to issue a UDOT Little Cottonwood Canyon Draft EIS in the summer and a Final Record of Decision in the winter. Mr. Becker explained that the UDOT Little Cottonwood Canyon Draft EIS would include a preferred alternative.

The Commissioners had been working to reach a consensus recommendation before the UDOT Little Cottonwood Canyon Draft EIS was released. However, it was uncertain whether a consensus would be reached. If the UDOT Little Cottonwood Canyon Draft EIS happened to be issued without further CWC input, the CWC was prepared to comment on the document.

Randy Doyle explained that the ski areas helped to purchase the original buses in the canyons. They also helped with cost-sharing on advertising in the canyons, local matches, and park and rides. Ski areas also subsidized bus ridership. Mr. Doyle explained that it was extremely difficult at times to increase ridership. He felt that buying more buses and reaching out further into the valley would not solve the transportation issues. More robust solutions were needed.

William McCarvill explained that he lives in Cottonwood Heights. He discussed the traffic issues in both Big Cottonwood Canyon and Little Cottonwood Canyon. Mr. McCarvill believed that residents in Granite and Cottonwood Heights would not support a large parking structure at the base of the canyons. Those parking structures were not solutions for residents. Additionally, those types of parking structures would cause all vehicles to drive through Cottonwood Heights.

Ed Marshall made note of a question posed at the previous Stakeholders Council Meeting:

* What damage would be caused by passing this recommendation quickly?

Mr. Marshall believed that passing the recommendation would cause substantial damage to the credibility of the Stakeholders Council. The CWC had been considering a transportation recommendation for at least the last year and a half. Sharing a recommendation with little deliberation would cause the Stakeholders Council to lose credibility. Mr. Marshall commented that even if he were in favor of the bus solution, he would not be able to vote in favor of the recommendation for that reason. He added that any Council Members that felt ready to make a recommendation could share their views with the CWC Board without doing so on behalf of the entire Stakeholders Council.

Nathan Rafferty commented that there had been a Ski Utah Board Meeting and discussions were had about strengths and weaknesses. One of the weaknesses continued to be traffic. He reported that the number of ski visitors had grown to over five million. Buses had been used for the last several decades and it was now time to try something else. He felt that the aerial gondola solution would work well. Mr. Rafferty believed that the recommendation posed to Council Members was premature and he would rather wait to see what would happen with the UDOT recommendation.

Patrick Shea explained that the purpose of his recommendation was to determine where the Stakeholders Council was in terms of a transportation-related opinion. He did not believe it mattered if there was a consensus. Many of the Commissioners felt the Stakeholders Council should make an opinion known to them before they made a decision. Mr. Shea discussed the UDOT Little Cottonwood Canyon Draft EIS. He believed it was prepared largely by consultants with a predetermined attitude about what the transportation solution should be. Mr. Shea felt it was important to look at both Big Cottonwood Canyon and Little Cottonwood Canyon. He outlined potential mitigation efforts, such as a tollbooth, a bus priority system in certain areas, and restricted access times for vehicles. Mr. Shea also discussed the potential for electric vehicles in the future.

Chair Bricker noted that a motion could be made or there could be further discussion.

Carl Fisher noted that Save Our Canyons did not have a preference for one particular transportation mode. Their focus was on the canyons, communities, users, and the watershed. However, he felt the CWC and UDOT had collectively failed to address some of the issues that surrounded some of the transportation modes. For instance, unloading parking onto communities.

Carl Fisher made a motion to pass the recommendation brought forward by Mr. Shea. Brian Hutchinson seconded the motion. Mr. Shea asked to make a substitute motion. He reported that under Robert’s Rules of Order, as the originator of the original motion, he had the right to do so.

**MOTION:** Patrick Shea moved that the Stakeholders Council recommend that the Central Wasatch Commission take no position on the three transportation alternatives until and unless a complete examination of alternatives, including an enhanced valley bus system, have been thoroughly reviewed. Brian Hutchinson seconded the motion. Vote on motion: Annalee Munsey-Abstain; Barbara Cameron-Nay; Brian Hutchinson-Aye; Carl Fisher-Aye; Carolyn Warwa-Abstain; Dave Fields-Nay; Del Draper-Aye; Don Despain-Aye; Ed Marshall-Nay; Jan Striefel-Nay; John Knoblock-Nay; Kelly Bricker-Aye; Kirk Nichols-Aye; Kurt Hegmann-Nay; Megan Nelson-Abstain; Mike Maughan-Nay; Michael Marker-Aye; Michael Braun-Aye; Nate Furman-Abstain; Nathan Rafferty-Nay; Paul Diegel-Aye; Randy Doyle-Nay; Sarah Bennett-Nay; Steven Issowits-Nay; Tom Diegel-Aye; Troy Morgan-Abstain; Wayne Crawford-Abstain; William McCarvill-Aye; Pat Shea-Aye. The motion passed 12-to-11.

Chair Bricker reported that there were two comments in the Zoom chatbox. One stated that there had not been any discussion following the substitute motion. It was noted that any opposition or need for further discussion should have been made known verbally when Chair Bricker originally asked for more discussion or a motion. The second comment related to consensus. Chair Bricker clarified that the outcome of the vote would be made clear. The motion would not state that there was a consensus on the recommendation.

Mr. Becker discussed the rules and procedures. He clarified that reaching a consensus was not required. For voting, there were certain qualifications. For instance:

* There must be a quorum present;
* The item must receive an affirmative vote from the majority of the Council for approval or recommendation;
* If a Council Member refuses to vote or fails to do so, that counts as an abstention;
* All votes shall be cast verbally;
* Conflicts of interest should be disclosed;
* The motion should clearly indicate the reason for the decision;
* The voting results shall be included in the Meeting Minutes;
* Reasons for voting against a motion may be given. Written findings may be prepared and approved when appropriate; and
* Council Members voting in the minority on an issue can request that the minority position be recorded in the Meeting Minutes. They may also submit a written report of that minority position to the Board.

Chair Bricker appreciated all of the Council Members who participated in the Special Meeting of the Stakeholders Council. She felt that the vote on the recommendation highlighted the complexity of the transportation discussions.

1. **Adjournment.**

**MOTION:** William McCarvill moved to adjourn. Patrick Shea seconded the motion. The motion passed with the unanimous consent of the Council.

The Central Wasatch Commission Stakeholders Council Meeting adjourned at 6:43 p.m.

***I hereby certify that the foregoing represents a true, accurate, and complete record of the Central Wasatch Commission Stakeholders Council Meeting held Wednesday, April 28, 2021.***

Teri Forbes

Teri Forbes

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Minutes Secretary

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