

**MINUTES OF THE CENTRAL WASATCH COMMISSION STAKEHOLDERS COUNCIL MILLCREEK CANYON COMMITTEE MEETING HELD MONDAY, NOVEMBER 15, 2021, AT 1:30 P.M. THE MEETING WAS CONDUCTED ELECTRONICALLY WITHOUT A PHYSICAL LOCATION, AS AUTHORIZED BY THE GOVERNOR’S EXECUTIVE ORDER DATED MARCH 18, 2020.**

**Present:**

**Committee Members:** Chair Paul Diegel

Ed Marshall

 Chris Adams (proxy for Tom Diegel)

 Del Draper

 John Knoblock

 Will McCarvill (excused at approximately 2:00 p.m.)

 Brian Hutchinson (arrived at approximately 2:27 p.m.)

**Others:** James Schnaitter

David Parker

 Polly Hart

 Hilary Jacobs

 Smith Monson

 Jim Byrnes

 Alex Schmidt

 Helen Peters (left meeting at approximately 1:58 p.m.)

 Guy Lynn Benson

 Stephen Lewis

 Mike Mikhalev

 Rita Lund

 Bruce Wollstenhulme

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

Blake Perez, CWC Deputy Director

 Lindsey Nielsen, CWC Communications Director

 Kaye Mickelson, Office Administrator

**Opening**

1. **Chair Paul Diegel will Open the Public Meeting as Chair of the Millcreek Canyon Committee of the Central Wasatch Commission Stakeholders Council and Read the Determination of the Chair.**

Chair Paul Diegel called the meeting to order at 1:30 p.m. The Legislature, pursuant to Section 52-4-207(4), required the Committee to make a determination, which was as follows:

‘Pursuant to Utah Code Annotated 52-4-207(4), I, as the Chair of the Millcreek Committee of the Stakeholders Council of the Central Wasatch Commission (“CWC”), hereby determine that conducting Committee Meetings at any time during the next 30 days at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. Although the overall incidence of COVID-19 cases has diminished somewhat over the past several months, the pandemic remains and the recent rise of more infectious variants of the virus merits continued vigilance to avoid another surge in cases which could again threaten to overwhelm Utah’s healthcare system.’

1. **Review and Approval of the Minutes from the October Meeting.**

Chair Diegel reported that Brian Hutchinson was listed under Others rather than Committee Members in the October 18, 2021, Millcreek Canyon Committee Meeting Minutes. He asked that this be corrected. Ed Marshall reported that the paragraph at the top of Page 5 stated:

* He believed it was a $12 million bond that was planned for and the surveying work and engineering work had already been done.

Mr. Marshall asked that the minutes be corrected to state that the surveying work and engineering work had already begun rather than stating they had already been done.

**MOTION:** Ed Marshall moved to approve the Meeting Minutes from the October 18, 2021, Millcreek Canyon Committee Meeting, as amended. John Knoblock seconded the motion. The motion passed with the unanimous consent of the Committee.

**FLAP Grant Discussion**

1. **Discussion with the Committee on Potential Action on the FLAP Grant.**

CWC Deputy Director, Blake Perez addressed voting by proxy. There had been a request from Tom Diegel to have Chris Adams serve as a proxy vote during the Millcreek Canyon Committee Meeting. Mr. Perez reported that he reviewed the Rules and Procedures and there was no explicit language allowing for a proxy vote. It was suggested that the Millcreek Canyon Committee Meeting Minutes acknowledge that Mr. Adams was present at the meeting to serve as a proxy. There could then be future discussions with the CWC legal team.

Chair Diegel stated that it would be possible to receive an email vote from Mr. Diegel, if necessary. Mr. Adams explained that he was associated with the same organization as Mr. Diegel. They both represent the Wasatch Backcountry Alliance. CWC Executive Director, Ralph Becker suggested that the Millcreek Canyon Committee proceed as normal. If there were questions about the vote, there could be follow-up discussions as necessary.

The Draft Comment Letter related to the Federal Lands Access Program (“FLAP”) grant was shared with those present. Chair Diegel explained that the Draft Comment Letter would need to be forwarded to the Stakeholders Council and the CWC Board to obtain approval. He noted that preliminary discussions regarding the contents of the Draft Comment Letter took place via email. There was discussion regarding possible changes.

Chair Diegel reported that language was added to the Draft Comment Letter to recognize that it may be difficult to achieve a consistent 24-foot roadway. He also changed a reference to a four-foot bicycle and pedestrian lane to a three-foot bicycle and pedestrian lane, as that may be more realistic. John Knoblock pointed out that the County Ordinance for bicycle lanes states that the minimum width is four feet. If the lane was only three feet, it would be considered a shoulder and not a bicycle lane. He felt the Committee should suggest four feet to meet the legal standard. Chair Diegel suggested that the four-foot shoulder language be returned.

Ed Marshall wondered why the shoulder width was reduced to three feet in the Draft Comment Letter, to begin with. Chair Diegel explained that after speaking to some of the engineers associated with the project, it seemed that a consistent four-foot shoulder was not likely. That width would infringe on the stream path in certain areas and require too much excavation. However, he saw no issue with the four-foot suggestion as an aspirational goal. Mr. Marshall wondered if a one-foot downhill shoulder was being considered by the engineers. Chair Diegel noted that they recognized the legitimacy of a wider shoulder on one side, but he did not know if that translated into a one-foot downhill shoulder as well.

Mr. Knoblock asked Helen Peters if there was a legal requirement to have a one-foot shoulder or if it was sufficient to have a white line on the edge of the pavement with a gravel shoulder treatment. Ms. Peters noted that she would need to look into that. Chair Diegel reported that in some places, the shoulder has a painted white line that crumbled off into the gravel. There was effectively no painted shoulder in some of areas within Millcreek. If there was some kind of requirement related to the shoulder, there were likely current violations.

Mr. Marshall believed the Draft Comment Letter should leave in the reference to the four-foot shoulder. Del Draper assumed that wherever the four-foot-width could not be done, the bicycle lane would end. He explained that in Emigration Canyon, there is a four-foot-wide bicycle lane and there were Bike Lane Ends signs in certain areas. When the area was wide enough again, there were Bike Lane Begins signs. As a practical matter, three-foot lanes were better than nothing, but he believed it would be best to reference four-foot lanes in the Draft Comment Letter.

Chair Diegel read the last sentence included as part of Item 1 on the Draft Comment Letter:

* At a minimum, there should be no lane width increase without a shoulder-width increase.

Chair Diegel felt that the worst-case scenario would be to widen the traffic lanes and not change the shoulder width. He read some literature and reported that when lane widths were increased, traffic speeds increased. It was clear that when lane widths increase, cyclist mortality also increases. He would rather there be no changes made than for the FLAP grant to create a more dangerous situation for cyclists. That was the reason for the statement in the letter.

Mr. Marshall reported that Chair Diegel seemed to be at an impasse with the engineers associated with the project. Chair Diegel felt strongly that widening the road would increase speeds and, therefore, reduce cyclist safety unless there was a dedicated bicycle lane. However, the engineers did not agree. They felt that a wider road would be a safer road, even if there was not a designated bicycle lane in place. Mr. Marshall noted that the engineers are Federal representatives, and they were in charge of designing the project. As a result, the burden of proof would be on Chair Diegel. He would need to provide compelling evidence to support his concerns. Mr. Marshall believed the sentence doubled down on the impasse by calling for no lane widening unless there was a shoulder. He did not think this was likely and was concerned that the language would lessen the credibility of the Millcreek Canyon Committee.

Chair Diegel understood the concerns expressed by Mr. Marshall. He noted that the engineers he had spoken to were not against narrow lanes and a shoulder. They liked the idea of a shoulder. He was not convinced that it was a lost cause. Mr. Marshall stated that based on his conversations with the engineers, he also believed that a shoulder was desired. The Millcreek Canyon Committee was asking for two 10-foot-wide lanes and a four-foot shoulder. What the letter was asking for was fine, but the addition of the last sentence could damage the credibility of the Committee as it was unlikely to happen. The engineers would do what they felt was necessary to widen the road, make it structurally sound, and improve safety.

Chair Diegel pointed out that there was compelling evidence to support that the fact that wider lanes make conditions more dangerous for cyclists. Mr. Marshall suggested that he put together that information. If he was able to get someone in power to read, support, or present that information, it could impact the decision made by the engineers. Chair Diegel was concerned about a categorical exclusion. If the project was under a categorical exclusion, they would be under no obligation to accept further public comment. This may be the only opportunity for the Millcreek Canyon Committee to express their concerns about the FLAP grant project.

There was discussion regarding categorical exclusions. Stephen Lewis stated that his experience with categorical exclusions was that they do not need to take comments, but they could take comments if desired. Chair Diegel pointed out that if the intention was to take public comment and to take those public comments seriously, a categorical exclusion would not be considered. The language proposed in the Draft Comment Letter was meant to apply pressure before the engineers were committed to a design. Even a two-foot shoulder would be preferable to nothing at all. To widen the lanes and not add in a shoulder would create dangerous conditions.

Polly Hart noted that the parking lot at the top of Millcreek Canyon is often full, and visitors end up parking along the road. Even if the road was widened, visitors would still walk up to the trailheads. There would be pedestrians on the road, and it was important to consider safety for all users. Chair Diegel agreed that it was not just about cyclists but all visitors outside of their vehicles. Mr. Draper wanted to leave the proposed sentence in the letter. Mr. Knoblock did not believe that leaving the sentence in would be detrimental to the Millcreek Canyon Committee. It would highlight an issue that the Committee was concerned about.

Chair Diegel discussed Item 11, which was related to signage. He felt the sign that stated that three feet of clearance was needed was very clear. He had spoken to the engineers about signage in the canyon and they explained that specific signage discussions would take place later on. While he did not have strong feelings about leaving Item 11 in the Draft Comment Letter, he did feel that the three-foot clearance signs were most effective. Mr. Marshall agreed that the signs were the most effective. He had no issue with Item 11A but expressed concerns about Item 11B. Mr. Draper did not know that Item 11 needed to be included in the Draft Comment Letter as signage would be a later discussion. Mr. Knoblock agreed and believed that less was more for the initial comments.

Chair Diegel suggested that Item 11B be dropped from the Draft Comment Letter. The committee members agreed. Mr. Marshall felt that if Item 11A remained in the letter, it was important to add a recommendation for cyclist signage as well. Downhill cyclists could be problematic, and it would be beneficial to have signs that asked cyclists to obey motoring laws and slow down for sharp curves.

Chair Diegel wondered if there should be an additional point added to the Draft Comment Letter. It could recommend that signs be added to remind cyclists to ride single file and obey all traffic laws. Mr. Marshall was more concerned with speed limits than traffic laws. He believed that signage should be added to remind cyclists that they were subject to the same speed limits as vehicles and must slow down around sharp downhill curves. Mr. Knoblock suggested that the Committee focus on the road width and bicycle lane. Signage and enforcement could be dealt with at a later date. Chair Diegel was supportive of removing Item 11 from the Draft Comment Letter.

Chair Diegel reported that he deleted the last sentence in the Draft Comment Letter. There were no objections to that change. He overviewed the proposed changes to the Draft Comment Letter, which included the following:

* Mention of a four-foot shoulder or bicycle lane path. At a minimum there should be no lane width increase without some shoulder width increase;
* Delete Item 11; and
* Delete the final sentence.

**MOTION:** John Knoblock moved to approve the Draft Comment Letter, as amended. Del Draper seconded the motion. The motion passed with the unanimous consent of the Committee.

Mr. Draper asked about the proxy vote. He pointed out that the Millcreek Canyon Committee had a quorum. Chair Diegel noted that there were four positive votes and one positive proxy vote.

Chair Diegel asked what the Committee wanted to achieve in the next year. Mr. Knoblock wanted to see the Committee continue to advocate for their position on the FLAP grant. Chair Diegel felt it was important to monitor the situation and continue to be available as a resource to the Stakeholders Council, CWC Board, and potentially to the City, County, US Forest Service, and Federal Highway Administration (“FHWA”). Mr. Knoblock also felt it was important to work with Bekee Hotze and the Forest Service in order to help them achieve their vision. It was also important to work with Rita Lund in Millcreek on the relocation of the entrance station.

Mr. Draper stated that it was important for the Millcreek Canyon Committee to continue to work closely with the Forest Service, Millcreek City, and the FHWA. Mr. Marshall referenced a comment made by Chair Diegel at the last Millcreek Canyon Committee Meeting. He stated that the Committee should continue to monitor other Federal, County, and City developments in the canyon. Mr. Marshall believed that was a good objective and made note of the rototilling and roadway resurfacing project. He suggested that the Committee keep an eye on that. Mr. Knoblock mentioned problematic road conditions and suggested that the Committee inform Salt Lake County and the Forest Service about erosion problems on a periodic basis. Chair Diegel noted that there would be some periods where the Committee had nothing to do and other times where the Committee would be very busy. He offered to send a copy of the Draft Comment Letter to Staff.

Mr. Knoblock shared updates related to trails. He reported that the new Rattlesnake Trail was 99% complete. There was approximately 100 feet left to finish. Chair Diegel wondered if a decision had been made about travel mode and direction restrictions. Mr. Knoblock stated that the Forest Service determined there would be no restrictions. The Forest Service would monitor travel patterns and make management decisions as needed. He also noted that at the mouth of the canyon, at the end of the Pipeline Trail, Millcreek was working with Salt Lake County to purchase the Rain Clouds parcel. The hope was that the Bonneville Shoreline Trail may be able to continue from the end of Pipeline Trail across to Parleys Canyon.

Chair Diegel reported that he saw a Surveyor with a Federal Government truck surveying for the bridge placement. He believed design work had begun on the bridge. Mr. Knoblock confirmed this and hoped that the bridge would be installed next summer.

Brian Hutchinson noted that he was not present to vote on the Draft Comment Letter. He was not in support of the document. Additionally, he believed the Committee had a representation problem and felt it was important to represent the entire valley. Mr. Hutchinson stated that he would share follow-up comments via email. Mr. Marshall pointed out that Mr. Hutchinson had a history of not participating in the Millcreek Canyon Committee Meeting discussions and then raised issues at the Stakeholders Council Meetings. That was not fair to the members of the Millcreek Canyon Committee or to members of the Stakeholders Council.

Chair Diegel felt it was important to honor the feelings and opinions expressed by Mr. Hutchinson. However, he did not believe that the Millcreek Canyon Committee would be disbanded and rebuilt because one member did not feel it represented the public broadly enough. He supported additional viewpoints and explained that he would love to have more people on the Millcreek Canyon Committee representing different interests.

**Adjourn.**

1. **Chair Diegel will Close the Public Meeting as Chair of the Millcreek Canyon Committee of the Central Wasatch Commission Stakeholders Council.**

**MOTION:** Ed Marshall 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 2:30 p.m.

***I hereby certify that the foregoing represents a true, accurate, and complete record of the Stakeholders Council Millcreek Canyon Committee Meeting held Monday, November 15, 2021.***

Teri Forbes

Teri Forbes

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Minutes Secretary

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