



# **Central Wasatch Commission Situational Assessment and Recommendations**

**Prepared by:**

**Common Ground Institute**

**March 1, 2022**

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## **I. Executive Summary**

This report is a summary of the recommendations prepared by Common Ground Institute (“CGI”), for consideration of the Central Wasatch Commission Board of Commissioners. These recommendations, developed over an eight-week period from January 10, 2022 to March 7, 2022, come at the request of the Board of Commissioners and represent the fulfillment of the objectives in the [call](#) for a situational assessment and a facilitation of the path forward. The following recommendations are based on over 40 [individual interviews](#) with stakeholders, along with 170 responses to a [public survey](#) assessing the work of the CWC and priorities for the future. In collaboration with CWC staff, these recommendations focus on longevity and a vision for the future of the CWC.

The first part of this assessment involved reviewing the Mountain Accord Charter (the “Accord”) and determining necessary changes to update the document to reflect the current situation and changes that have occurred since 2015. All stakeholders that were interviewed agreed that the Mountain Accord Charter is a highly valuable document and that a recommitment to the principles of the document is possible and necessary. We recommend commissioners consider adoption of a [Restatement and Recommitment of Values and Principles of the Mountain Accord](#), prepared by CGI, that focuses on the core values and principles adopted in the Accord. In preparing this Restatement and Recommitment, we made very few changes to the language agreed to in the Accord in order to honor and remain consistent with the original language developed through the Mountain Accord’s extensive public engagement process. We did not include in this Restatement and Recommitment the very specific action items listed and agreed to in the Accord. Some of the circumstances underlying such action items have changed, requiring ongoing refinement and consensus building in order to implement their objectives, which is the focus of ongoing work by the CWC and Stakeholders Council. For this reason, the specific action items identified in the Accord cannot be simply restated and adopted by the CWC in the form they were agreed to in 2015. Focusing on the broad values and principles of the Accord while declining to restate the Accord’s specified 2015 action items is not a rejection of those action items. Implementation of the negotiated outcomes of the Accord to the greatest extent achievable should remain a priority for the CWC.

We recommend the CWC continue to pursue the lofty ambitions outlined in the Accord that includes federal legislation to preserve high priority natural lands and implement transportation solutions consistent with the values of the Accord. We also recommend the CWC continue to focus efforts on advancing short-term projects and achievable success on discrete and immediate priorities.

The second part of this assessment involved reviewing the organizational structure of the CWC and its purpose. While many stakeholders noted simply that the CWC’s purpose is to implement the Accord, we conclude that the purpose of the CWC is much broader. Numerous stakeholders identified the crucial and long-term purpose of the CWC to provide a multi-issue, cross-jurisdictional, stakeholder-inclusive forum to develop consensus recommendations for solutions to address the significant challenges facing the Central Wasatch. We believe the most valuable purpose for the CWC is indeed to provide this unique and irreplaceable multi-issue



cross-jurisdictional forum in order to maintain the desired delicate balance of values and principles articulated in the Accord.

The final aspects of this assessment evaluated CWC staffing, voting procedures, meeting frequency, and the Stakeholders Council. We recommended that the CWC not reduce its staffing capacity in the immediate-term, but acknowledge that staffing levels may fluctuate in the future. To prioritize efficiency and effectiveness, it is recommended that the CWC adopt a default standard of decision-making by majority vote, with a mechanism to trigger a consensus standard if requested by a majority of commissioners. Additionally, it is recommended to reduce CWC meetings to quarterly rather than monthly, with an option for the executive committee or Board to meet more frequently as needed.

This report contains helpful, accurate, and strategic information for the CWC to choose to implement over time. Some of these recommendations may require further facilitation, consultation, or organizational changes as the variables surrounding the Central Wasatch continue to change. Throughout this process, stakeholders indicated optimism for the future of the CWC, with recognition that these recommendations are needed for the organization to thrive. Capitalizing on that optimism and existing commitment from stakeholders will be crucial for the CWC to move forward in a meaningful way with the goal of making lasting change on the management of the Central Wasatch. With that assurance that the CWC is valuable and necessary, the following report provides greater detail and justification for these recommendations.

## **II. Introduction; Background**

In 2012, stakeholders including transportation entities, local elected leaders, general managers of the Cottonwood Canyon ski resorts, property owners, representatives from recreational and environmental communities, private citizens, and others came together to develop a plan that would sustain the Central Wasatch into the future while planning for expected increases in use and visitation of the mountains. From 2012 to 2015, these stakeholders determined four primary system groups affecting the future of the Central Wasatch: economy, transportation, recreation, and the environment. This two-year process became known as the Mountain Accord and concluded in the Mountain Accord Charter (the “Accord”). The Accord is a consensus of the Executive Board members and was signed by over 150 people in August 2015. The Accord included specific proposals integrating proposals from the four main systems groups. It also called for the creation of a governmental entity to coordinate among the various stakeholders who were part of the Mountain Accord process. The Mountain Accord Final Report was released in September 2016.<sup>1</sup>

The Central Wasatch mountain range is beloved by those who live along both sides of its ridgeline. We hike, we bike, we ski, we discover wildlife, we ramble and amble and find solitude amid one of the world’s most spectacular backyards. And even as these

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<sup>1</sup> Mountain Accord 101, Central Wasatch Commission, accessed February 22, 2022, <https://cwc.utah.gov/mountain-accord-101/>

mountains are a source of peace and spiritual renewal, they are also our source for water and, literally, the reason life is possible in Utah's arid climate.<sup>2</sup>

Amid threats from population growth, development pressures, and piecemeal decision-making, we know that we need to take action now to ensure we have clean water, a thriving economy, and an exemplary quality of life – not only for current generations, but for those that come after us. The time has come to truly consider the future of this precious landscape.<sup>3</sup>

The initial purpose of the Accord was to provide a framework of priorities and approaches for landscape-scale, long-term context and a transportation system that serves water, lands, environment, recreation and the economy. While many of the original goals of the Accord have been accomplished, namely forming the Central Wasatch Commission, hiring staff, and fulfilling the organizational structure and public meeting requirements, there are numerous things in the Accord that the CWC is still working towards. Furthermore, some aspects of the Accord are more challenging and complex than anticipated causing difficulty in implementation and additional negotiation, engagement and refinement is needed..

Despite the fact that some specific commitments contained in the Accord are no longer supported by key stakeholders and may need to be reworked to meet the attention of the multi-party agreement, the Accord remains a document that many stakeholders believe embodies the principles and values that should guide decisions and actions relating to the Central Wasatch. The Accord represents commitments from all stakeholders recognizing the inherent value of the Wasatch Mountains and the responsibility they each carry to be proactive and make the serious decisions needed to ensure a future for our Wasatch Mountains that balances the priorities of diverse canyons users. The Accord is an ongoing reminder that each signee is invested in the process of implementing the four pillars of the Accord; economy, transportation, recreation, and environment. Certainly there are different prioritizations of those four pillars amongst the stakeholders, but the CWC should recognize the existing precedent that stakeholders are willing to come together and dedicate time and resources to this one common mission. The CWC now has a unique opportunity to capitalize on that investment; to refocus on accomplishable actions that will benefit the Central Wasatch, to recommit to the common principles and mission of the original Accord, and to build on that solid foundation with new goals, new partners, and new strategies.

### **III. Consultant Approach**

As a former participant, Accord signatory, and commissioner of both the Mountain Accord process, and CWC, I recognize that I am uniquely situated in my role as a consultant. My familiarity with the historical context of the situation in combination with lived experience, relationships, and knowledge of the CWC process allowed me to commit to complete this assessment in a relatively short amount of time. Knowing the history, context, and key

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<sup>2</sup> The Mountain Accord Charter, July 13, 2015

<sup>3</sup> The Mountain Accord Charter, July 13, 2015

stakeholders allowed the Common Ground Institute (“CGI”) to jump into this process quickly, without needing to take the time to learn the basic relationship dynamics or mission of the CWC. As a prior stakeholder, I am also aware that my history with the CWC may create the perception that my previous positions shaped my conclusions and recommendations in this independent organizational assessment. Throughout the many stakeholder interviews, discussions and presentations at formal meetings, I acknowledged my previous association with the CWC and affirmatively stated that my personal opinions were not part of this assessment, but rather the views of the various current stakeholders and commissioners were the focus of this effort. I believe this assessment objectively reflects the various opinions, criticisms, feedback and ideas of the parties we interviewed for this report and that information provided the foundation for the conclusions and recommendations of this report.

#### **IV. Individual Interviews**

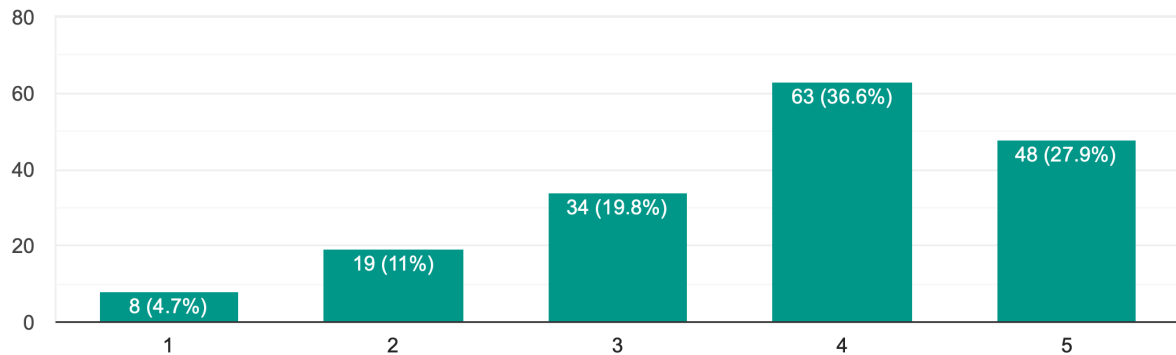
CGI conducted over 40 one-on-one interviews with CWC Commissioners, members of the Stakeholders Council, and other relevant individuals. A complete list of each of the interviews is attached to this report as [Attachment A](#). The purpose of each interview was to solicit from each individual a candid assessment and listen to their perspective on the Mountain Accord and the CWC and their observations for the organization’s path forward. The interviewees were told that their specific comments or concerns would not be attributed to their names, but used to conduct this situational assessment and shape our process to assist the CWC Commissioners as we facilitate their efforts to chart their objectives moving forward. The structure of the interviews focused on giving the interviewee the time and platform to share their thoughts on the successes and failures of the CWC, along with their opinions on the value of the organization, and what the CWC should focus on moving forward.

Each interviewee was asked to discuss the following:

- 1) Their view on the Mountain Accord as a foundational (i) set of principles to guide decisions affecting the Central Wasatch and (ii) strategies to achieve the collective priorities of Mountain Accord stakeholders.
- 2) Whether and to what extent the principles and strategies memorialized in the Mountain Accord and ceremonially adopted by the numerous stakeholders who signed the Accord in 2015 continue to have significance today.
- 3) Whether a renewed commitment to shared principles and strategies among a collective group of stakeholders is beneficial to Central Wasatch decision-making structures.
- 4) Their assessment of the structure and effectiveness of the CWC, including the Board of Commissioners and Stakeholders Council.
- 5) Their perspective on how to best proceed to achieve collective priorities relating to the Central Wasatch and whether the CWC should change or evolve to better achieve desired outcomes.

On a scale of 1 to 5, with 5 being the most effective and 1 being the least effective, how effective do you feel the CWC can be in the future?

172 responses



## V. Feedback Themes

Over the course of the over 40 interviews and conversations with stakeholders, clear themes rose to the top of each discussion. It's clear that the majority of CWC participants are in agreement on a number of issues.

- 1) The CWC adds value as a convener of multiple jurisdictions.
- 2) The Mountain Accord is a good principled document, but needs to be updated to reflect the situational changes since 2015.
- 3) Some of the specific objectives agreed to in the Accord no longer have consensus support or are otherwise not currently achievable.
- 4) The CWC must continue to engage non-CWC stakeholders including the State of Utah, Salt Lake County, UDOT, and the Forest Service.
- 5) Consensus is a good aspiration for the CWC on major issues, but the CWC should consider other thresholds for approval on matters of lesser significance.
- 6) The CWC has significant ongoing value and potential to have a positive impact on the future of the Central Wasatch.

Throughout these discussions, it became clear that the interviewees agree that the CWC still has the potential to have a positive impact on the Central Wasatch. Nearly unanimous among the interviewees is the conclusion that the CWC should continue. In fact, interviewees consistently stated that the CWC has already been successful in its role and that it has the tools necessary to continue to be successful in the future. The below graphic shows that 64.5% of survey respondents feel similarly that the CWC has the potential to be effective in the future.

## **VI. Survey**

In consultation and with support from CWC staff, and with input and support from CWC Commissioners and members of the Stakeholder Council, we prepared and distributed a survey to solicit input broadly from individuals engaged with the CWC in various capacities. We distributed the survey to CWC Commissioners, members of the Stakeholder Council, and other individuals on the CWC distribution list. The survey was also open to members of the public. In total, we received **170** total responses to the survey. A copy of the survey is attached to this report as [Attachment B](#). A comprehensive view of these results represented in charts can be seen in [Attachment C](#).

The survey represents the aggregate views of individuals who received the survey and who chose to respond. Because these aggregate responses are derived from a self-selected sample of individuals and not a balanced random sample, results should not be interpreted to represent a statistically accurate portrayal of the views of the general public.

Questions 12 through 17 on the survey were marked as optional. They are open-ended questions that were designed to capture insight on the work of the CWC and to garner what respondents would like the CWC to continue or stop focusing on. The open-ended questions allowed for respondents to speak their minds and highlight what they think is lacking in the process or perhaps what they are particularly passionate about in regard to the Central Wasatch. Not all respondents chose to answer these six optional open-ended questions. Of the 170 respondents, 106 answered some or all of the open ended questions. Those anonymized responses have been gathered and organized and are attached to this report as [Attachment D](#).

These responses provide great insight into what these respondents would like the CWC to focus on in the future. Below is an analysis of these responses and how they can be interpreted to create a roadmap for future principles and priorities of the CWC and an updated Mountain Accord.

## **VII. Survey Results**

The results of the survey<sup>4</sup> provide insight into what the respondents would like to see the CWC work on in the future. The results also reflect how the respondents feel about the success of the CWC and their outlook on whether or not the CWC has the potential to still be successful moving forward. Optimism for this process is a key indicator of the level of investment and engagement and demonstrates the perspective of survey respondents in terms of the CWC's future. The survey showed that 40.7% of respondents feel optimistic or very optimistic about the

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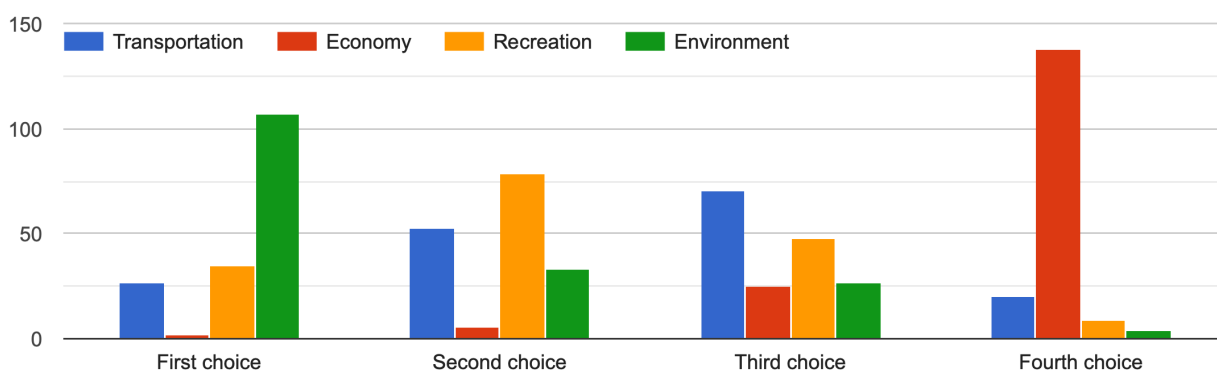
<sup>4</sup> It is important to note that the survey represents the aggregate views of individuals who received the survey and who chose to respond. Because these aggregate responses are derived from a self-selected sample of individuals and not a balanced random sample, results should not be interpreted to represent a statistically accurate portrayal of the views of the general public.



future of the process of the CWC. The hope is that the recommendations in this report will capitalize on this momentum and provide a map for beneficial changes the CWC can implement to continue to have a positive impact for the Central Wasatch.

A significant portion of the survey was dedicated to asking respondents what they would like to see the CWC focus on and dedicate resources to in the future. As much of the current CWC's mission is built on the four pillars identified in the Accord, respondents were asked to rank the importance of those pillars; transportation, economy, recreation, and the environment. The environment was the clear first priority, selected by 107 respondents, while recreation and transportation were generally chosen as the second and third choices. Two respondents selected the economy as the most important issue and 138 respondents ranked it as least important of the four pillars of the Accord.

The Mountain Accord Charter focuses on four major issues affecting the balanced uses of the Wasatch mountains. Please rank these four issues in order of importance to you.



The survey was also designed to explore how the respondents would like the CWC to use their resources, which includes an assessment of CWC efforts that are currently underway. When ranking some of the current work of the CWC in order of importance, the effort ranked most important was generating comprehensive transportation solutions and facilitating implementation by state and federal agencies. The responses and feedback on the CWC's current efforts show great insight into stakeholders' perspectives on the work and may be an indicator of what work should continue to be prioritized moving forward.

Respondents also selected their top five priorities for the CWC to focus on. The top five answers were:

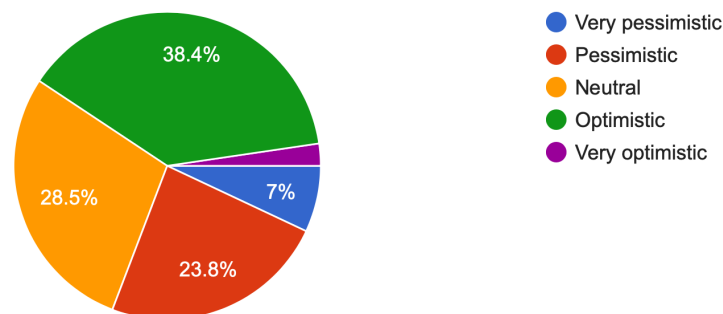
1. Environmental protections & watershed (75%)
2. Managing visitor use as canyon use and general population increase (73%)
3. Transportation solutions (66%)
4. Preserving current recreation access (55%)

## 5. Resolving environmental threats (50%)

These five priorities are complementary to those outlined in the Central Wasatch Compact and can be used by the CWC Commissioners to guide the decision-making process and to build a vision for the future. Survey respondents are generally optimistic for the future of the CWC. Capitalizing on that optimism will be crucial for the CWC to move forward in a meaningful way with the goal of making lasting change on the management of the Central Wasatch.

Please rate your level of optimism/pessimism on the future of this process.

172 responses



## VIII. Recommendations

### A. Assessment of the Accord; Restatement and Recommitment of the Values and Principles from the Accord

As part of our interviews with CWC Commissioners and stakeholders, we solicited feedback on the Accord, whether it has continued relevance today and what has changed or may warrant renegotiation and a renewed consensus-building effort. Nearly unanimous among interviewees was the sentiment that the Mountain Accord process was overwhelmingly positive and the resulting Accord provided a valuable roadmap for resolving challenges facing the Central Wasatch.

In our review of the Accord, and based on opinions received from several interviewees, the portion of the Accord that stated the values and principles of the Accord signers continue to have timeless and immense value to inform and guide the decisions of the respective entities who hold decision-making authority affecting the Central Wasatch. Interviewees also acknowledged that certain material commitments to specific and highly negotiated actions that Mountain Accord signers agreed to implement have unanticipated barriers to achievability or are no longer desirable by all signers.

We recommend focusing on the more timeless values and principles of the Accord, separating these provisions from the more specific commitments detailed in the Accord, and adopt a

restatement and recommitment to these values and principles. We have prepared a draft of such a document, attached to this report as [Attachment E](#). This Restatement and Recommitment of the Values and Principles of the Mountain Accord (the “Restatement and Recommitment”) was reviewed with the CWC executive committee on February 10, 2022, posted for written public comment and solicited public comment from the Stakeholders Council on February 23, 2022. Comments from the public were generally positive and supportive, with some noteworthy objections from Alta Ski Area and Solitude, among others. A summary of the public comments received is attached to this report as [Attachment F](#). The Restatement and Recommitment does not restate the highly specific negotiated outcomes of the Accord. Implementation of negotiated outcomes of the Accord to the greatest extent achievable should remain a priority of the CWC.

*“The most valuable aspect of the Accord is that it represents a shared vision from diverse stakeholders and uses that shared vision to identify actionable items that can be addressed. Updates to the Accord should be two-fold; updating the shared vision and principles and then updating the action items that will result from those agreed upon principles”.*

*—Situational Assessment Interviewee*

## **B. Assessment of the Accord; Specific Commitments and Negotiated Actions**

The Accord, in addition to stating the shared values and principles that signers committed to follow in their collective and individual actions in the Central Wasatch, also detailed a very specific list of negotiated and interrelated actions signers committed to pursue. Interviewees acknowledged that due to changed circumstances, or more significantly, a change in the commitment of key stakeholders to implement those actions, material provisions of the Accord have unanticipated barriers affecting their achievability at this time.

In light of this reality, the CWC has continued to work to build consensus and renegotiate certain material agreements in an effort to regain consensus support to implement desired actions, while meeting the intention of the interconnectedness of all the actions. The CWC has succeeded in its ongoing short-term projects initiative and is nearing completion of the environmental dashboard and visitor use study. Significant progress has been made to advance solutions in Millcreek Canyon. The CWC has also gone through multiple iterations of proposed federal legislation with public input and stakeholder involvement. The current draft of the legislation is close to a local consensus and should be pursued by the CWC with jurisdictions, stakeholders, and the Utah congressional delegation to identify the best course for successful passage of the legislation.

Individuals interviewed frequently expressed frustration at the lack of progress on some of the most ambitious actions identified in the Accord but acknowledged and appreciated the successes achieved on many of the smaller initiatives. Many interviewees expressed a sense of ‘process fatigue’ around the ongoing work to advance the landscape-scale and lofty ambitions of the Accord. Other interviewees felt that major environmental considerations seemed to

always get lower or no priority in the implementation of small-scale projects and policies and transportation solutions.

We recommend the CWC continue to focus efforts on advancing short-term projects and achievable success on discrete and immediate priorities without losing sight of the broad ambitions and interconnected nature of the Mountain Accord that will take a longer period of time and ongoing broad consensus-building efforts to achieve. One of the keys to success of the Mountain Accord process was the systems group approach where key stakeholders worked in groups uniquely from the perspectives of environment, transportation, economy and recreation and then worked to integrate those systems into a consensus recommendation. We believe a similar systems group approach could be a productive approach to develop solutions for some of the current issues in front of the CWC, such as the proposed federal legislation to accommodate the Bonneville Shoreline Trail that has some local support but also raises concern from other stakeholders who object to the piecemeal approach. The systems group approach has also proven fruitful and the CWC should continue to employ this strategy as it works to move forward with proposed federal legislation that integrates with desired transportation solutions.

One of the keys to the success of the Mountain Accord process and the broad stakeholder support for the Accord was the recognition that decisions and actions in the Central Wasatch are interrelated in most cases with other priorities and that the implementation of solutions cannot happen on a one-off or standalone basis. The Mountain Accord process sought to move forward the priorities of some stakeholders in conjunction with the priorities of others. Several interviewees referred to this approach as an agreement that there would be a 'tie' for priorities to cross the finish line. The CWC should maintain the delicate balance among stakeholders by recognizing the interrelatedness for many of the proposed actions and solutions in the Central Wasatch. This principle of interrelatedness of actions should especially remain a preeminent factor in the pursuit of federal legislation and implementation of major transportation solutions.

### **C. Purpose of the Central Wasatch Commission**

*"If the CWC did not exist today, we would have to create it."*

*—Situational Assessment Interviewee*

Several CWC Commissioners and stakeholders stated that the purpose of the CWC is to implement the direction of the Accord. Without a doubt, the Accord set the direction for agreed upon actions for the future of the Central Wasatch. As some of the action items agreed to in the Accord lost consensus support or developed unanticipated barriers affecting their achievability at this time, the CWC worked to develop revised approaches and new consensus to implement the spirit and deep intentions of the Accord. These efforts should continue.

We also heard from numerous interviewees other justifications and expectations for the CWC. Our conclusion, based on statements from numerous interviews, is that a core function of indefinite shelf-life for the CWC is to provide a forum to hear concerns about the Central

Wasatch and discuss multi-issue cross-jurisdictional proposals and recommendations in order to maintain the delicate balance of values and principles articulated in the Accord. Those efforts include, but should in no way be limited to, implementation of the Accord. Simply put, the CWC is succeeding and accomplishing its designated purpose by providing the forum it was designed to achieve. We believe it is a mistake to measure the success or failure of the CWC by the degree to which generational, landscape-scale actions delineated in the Accord have been fully implemented.

*“The CWC does not hold substantial governmental or decision-making authority and is not designed to do so. Those powers reside with the counties, cities, towns, the State of Utah, UDOT, UTA, MPO’s, the Forest Service, and with the various private property owners who are vested with authority to take action on matters relating to public health, water quality, land use, environmental and wildlife management, transportation and other actions. The value of CWC is not to supplant those decision-making bodies or processes; that is not its purpose and would not add value to existing systems. Yet, outside of the CWC, there isn’t any other single entity that cuts across those subject matter areas, across governmental jurisdictions, and spans the geographies of the Central Wasatch. This is the value of the CWC and it is irreplaceable. The CWC is a unique and incredibly valuable forum to seek consensus on multi-issue, cross jurisdictional and multi-stakeholder collaboration.”*

*—Situational Assessment Interviewee*

Respondents in the online public survey<sup>5</sup> we conducted shared their views on the importance of various CWC efforts as seen in the following charts:

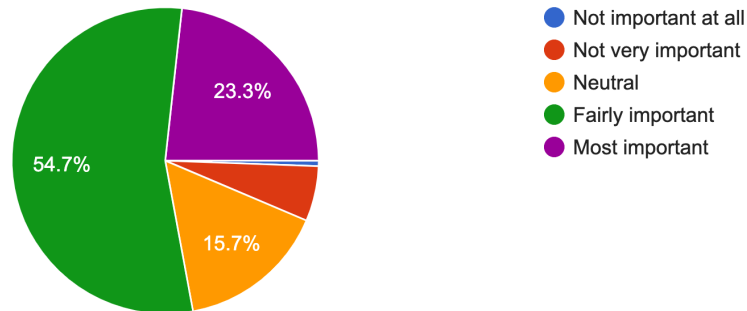
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<sup>5</sup> It is important to note that the survey represents the aggregate views of individuals who received the survey and who chose to respond. Because these aggregate responses are derived from a self-selected sample of individuals and not a balanced random sample, results should not be interpreted to represent a statistically accurate portrayal of the views of the general public.



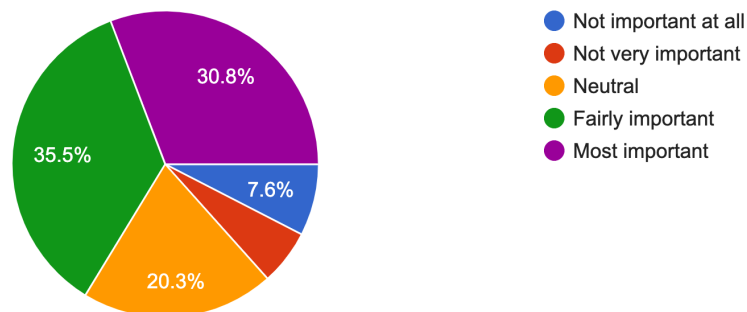
Short term projects (new or improved rest rooms, new or improved trailheads, acquisition of land parcels, graffiti and waste clean-up).

172 responses



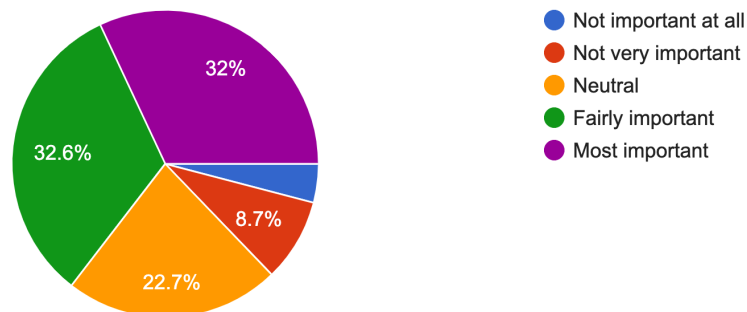
Bring the Central Wasatch National Conservation and Recreation Area Act to Congress for introduction and passage (<https://cwc.utah.gov/legislation-and-federal-designation/>)

172 responses



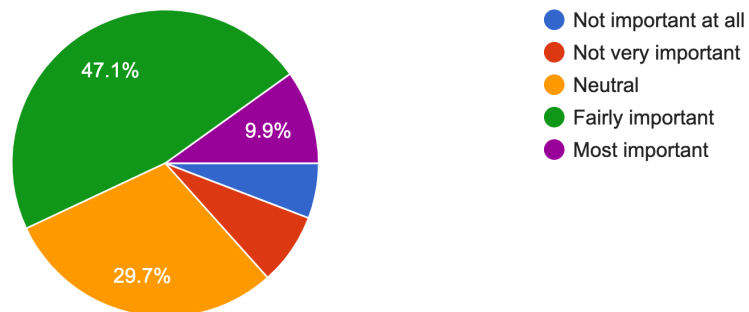
Create permanence in ski resort boundaries

172 responses



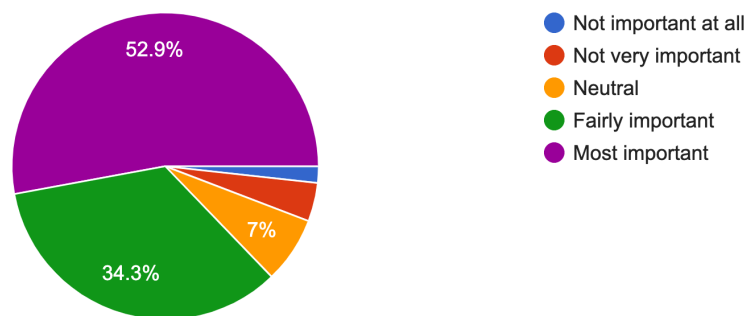
### Facilitate resolution in land disputes

172 responses



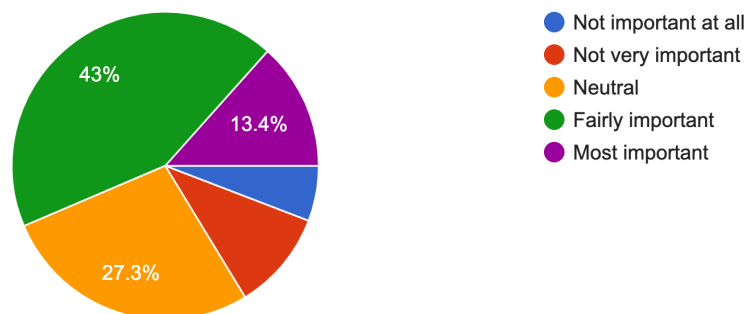
### Generate comprehensive transportation solutions and facilitate implementation by state and federal agencies.

172 responses



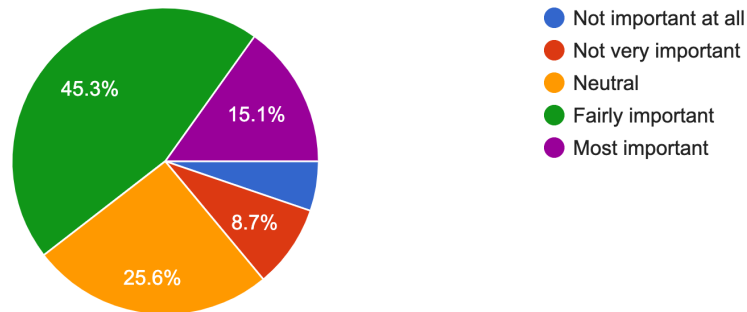
### Being a forum for information about the Central Wasatch

172 responses



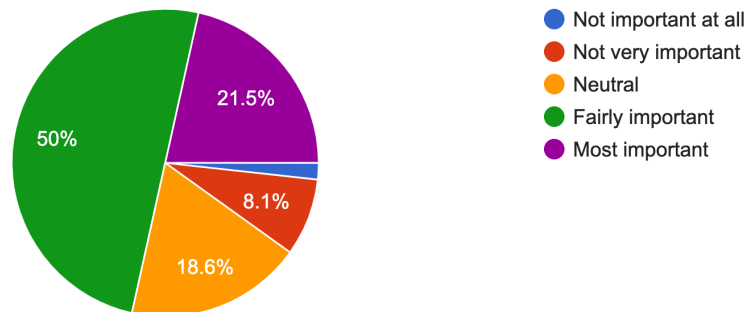
#### Providing an online 'Environmental Dashboard' for public reference and use

172 responses



#### Overseeing completion of the "Visitor Use Study"

172 responses



### D. Governance Structure of the Central Wasatch Commission

Our review of the governance structure of the CWC included analysis of comparative governance alternatives. Alternatives we evaluated and presented to Central Wasatch Commissioners for their consideration included, (i) discontinuing the CWC, (ii) an ad hoc Central Wasatch coalition: a loose coalition of leaders who convene informally or with minimal support and structure similar to the Salt Lake County Council of Governments or the Salt Lake Valley Conference of Mayors, (iii) a Central Wasatch working group: a group that meets as a subcommittee of another governmental, regional planning or non-profit organization, (iv) continue the current organizational structure of the CWC with only government officials represented on the Board, and (v) expand the current organizational structure of the CWC to include non-governmental membership similar to the Jordan River Commission.

Upon review of these various governance options with CWC Commissioners and stakeholders, the near unanimous consensus was that options (i), (ii) and (iii) should be rejected without further consideration.

This report recommends further consideration of (iv) and (v).

1. Maintain the current governance structure created by interlocal agreement with only government officials represented on the CWC Commission.

Under this approach, the CWC Commissioners would continue to be comprised of elected government officials or ex-officio, non-elected government officials. Arguments in favor of maintaining the current governance structure created by interlocal agreement where only government officials are represented on the commission are grounded in (i) concerns over maintaining public financial accountability over decisions relating to the expenditure of public funds, and (ii) desires to maintain the balance of representation of the public interests and electoral accountability by limiting voting representation on the CWC to elected officials and other non-elected government officials.

If the CWC appointed non-government stakeholders to the commission, difficult decisions about who to appoint, and how to limit the scope of commission membership to a manageable size become difficult. Proponents of maintaining the current structure also point to the Stakeholders Council as an alternative mechanism for involving non-governmental stakeholders in the CWC structure.

2. Expand the current governance structure to include non-governmental membership.

We were asked to evaluate whether the CWC should consider expanding its board representatives to include non-governmental membership. Including non-government representatives on the board is not unprecedented. The Jordan River Commission and the Point of the Mountain State Land Authority both include non-governmental representatives and are empowered to make decisions relating to the expenditure of public funds. Commissioners would need to formulate criteria for appointing non-governmental representatives that maintain the delicate balance of stakeholder interests and a board size that is small enough to be manageable.

3. Governance recommendation

While both of the above options are valid and warrant further consideration by the CWC, our recommendation is to continue the CWC structure, created by interlocal agreement, where commissioners are comprised only of elected and non-elected government representatives with an effort to recruit representation from the State of Utah and Salt Lake County.

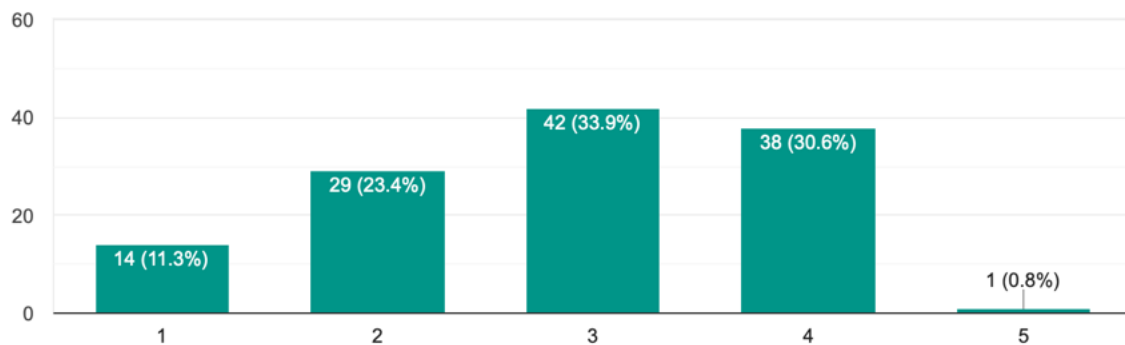
Expanding CWC Commissioner appointments to include non-governmental representatives risks creating a rapidly expanding circle of new appointments in order to

maintain an appropriate balance of such stakeholders that the size of the commission ultimately becomes unwieldy. The existing Stakeholders Council can continue to serve as an important forum to elevate and engage non-government voices in the CWC's consensus-building forum without expanding the commission to include these non-government stakeholders.

Based on the stakeholder survey, a majority of respondents favorably viewed the current structure of the CWC. Furthermore, based on our situational assessment interviews and qualitative comments received from the survey, we conclude that efforts to have the State of Utah represented on the commission in an official capacity and continued efforts to engage with the Forest Service would resolve many of the concerns about the current structure.

On a scale of 1-5 with 5 being the most satisfied, how satisfied are you with the current structure and work of the CWC Board of Commissioners? If you are unfamiliar with the CWC Board of Commissioners, please move on to the next question.

124 responses



#### 4. Representation on the CWC from the State of Utah

The CWC should actively seek to improve involvement with the State of Utah, the Forest Service, Salt Lake County, and potentially other key governmental entities.

In consultation with the Governor's office and state legislative representatives whose districts encompass or are adjacent to the Central Wasatch, the CWC should recruit and appoint a non-voting state government representative or representatives. The CWC does not need to look exclusively to UDOT to fill this State of Utah position. Alternatively, a representative(s) from the State of Utah could come from the Utah Governor's Office, the Utah State Legislature, UDOT, the State Planning Coordinator, the Utah Office of



Outdoor Recreation, the Utah Office of Tourism, or some other state governmental entity with a jurisdictional nexus to the Central Wasatch.

#### 5. Continued Engagement with UDOT and the Forest Service

Situational Assessment Interviewees frequently raised the need for improved interaction between the CWC, UDOT and the Forest Service. Both UDOT and the Forest Service have stated reasons why holding an official position on the CWC is difficult for them. This has not precluded the CWC from continuing to maintain direct engagement with both entities. These efforts should continue in both informal and formal interactions, including regular presentations to the CWC and the Stakeholders Council.

### **E. Staffing Recommendations**

#### 1. Scope of Discretion and Authority Granted to Staff

Our discussions with commissioners highlighted uncertainty about the expectations, the degree of discretion and authority granted to staff. Specifically, do commissioners expect staff to take the lead in developing recommendations and solutions for the Stakeholders Council and commissioners to consider? Alternatively, is the role of staff to remain passive and reactive to explicit direction from the commissioners? Commissioners can maximize the effectiveness of the CWC by clarifying what role staff is expected to perform and the degree of trust afforded to staff to develop proposals for consideration as they work to support the CWC.

We recommend CWC Commissioners give clear direction and grant broader authority to staff to work directly with the CWC Chair, Executive Committee, Commissioners, the Stakeholders Council, and other stakeholders to formulate proposals and build consensus around initiatives and bring proposals to commissioners for formal approval and endorsement. Ultimately, commissioners will decide whether to adopt staff recommendations for action, propose refinements or reject proposals put forward by staff.

#### 2. Future Staffing Levels

The number of CWC staff should fluctuate based on the number needed to meet stated objectives and can be augmented by external contractual staff or consultants to meet project-specific needs.

The CWC is currently staffed by three full-time staff and one half-time staff. The CWC also employs various external consultants including contract legal counsel and contract accounting and payroll services. In addition, project-specific consultants are engaged to perform specific priorities of the commission including the Visitor Use Study, special

projects staff, government relations specialists, and this Situational Assessment and Facilitation of a Path Forward, among other external contract support. One full-time staff member and one half-time staff member have announced their departure from the CWC effective June 30, 2022.

We were asked by commissioners to assess the adequacy of staff capacity and whether the CWC could reduce the number of staff in light of the pending departures. In our conversations with individual commissioners, most felt that the number of staff was appropriate given the tasks staff are charged with performing. Ultimately, the appropriateness of staffing levels depends on the objectives the CWC hopes to achieve going forward and will necessarily fluctuate from time-to-time to meet objectives and reflect CWC funding.

Looking ahead at near-term CWC priorities and commitments of the CWC, anticipating a recommendation from UDOT's Little Cottonwood Canyon EIS and the need for CWC to evaluate that recommendation and facilitate review and engagement in that process with numerous stakeholders, we expect that staff capacity will continue to be fully utilized in the near future.

In advance of the anticipated staff retirements on June 30, 2022, the CWC should evaluate whether there is an opportunity to reduce staffing levels. Reducing staffing levels would necessarily require the CWC to downsize the scope of work currently expected from staff, or to supplement staff capacity with external contracts on a project-by-project basis.

It is our opinion that the CWC cannot reduce its current scope of work without negatively impacting its ability to perform its current objectives to provide a multi-issue, cross-jurisdictional, stakeholder-inclusive forum to address canyons issues and maintain the delicate balance desired by stakeholders. If commissioners decide to maintain the current scope of work with reduced staffing levels, supplementing staff capacity with third-party consultants can provide the necessary capacity to continue the CWC's work. We recommend the CWC continue engaging, as has been done in the past, from existing staff capacity or by retaining a third-party, an ombudsman or mediator on an issue-by-issue basis to seek resolution among canyons stakeholders on discrete issues, as was done by the CWC for the mountain transportation system decision-making process.

Some stakeholders have indicated that because the prospects of passing comprehensive federal legislation in the immediate-term is remote, this is an activity commissioners can pause in order to reduce demands on staff. We disagree with this suggestion. Federal lands bills commonly take many years of work among stakeholders to fine tune and eventually pass. While passage of such legislation does not seem like a near-term possibility, the eventual prospect of a congressional designation is a high priority to many stakeholders. The CWC should continue to incubate this effort, continue

to refine the proposal, build support among stakeholders and seek opportunities to introduce federal legislation and other action items identified in the Accord.

#### **F. Majority Voting, Weighted Voting and Consensus Support**

We heard from numerous interviewees a desire to adopt majority voting for a tier of decisions where commissioners determine the standard of consensus is not necessary. Proponents of this view believe majority voting can enable the CWC to more clearly express its voice, expedite decision-making and take action. This does not necessarily preclude a standard of consensus where this higher standard of decision-making is warranted, as determined by commissioners.

We also heard from numerous other interviewees a suggestion that the CWC adopt weighted voting or other voting standards under certain circumstances to prevent a hypothetical concern that a jurisdiction with a close nexus to a particular subject matter could be out voted on a matter of prime significance to that jurisdiction by other commissioners with an attenuated nexus to that subject matter. For example, in a hypothetical example of a decision implicating watershed concerns in Parley's Canyon, the CWC could adopt a recommendation with majority support from commissioners who have no direct nexus to the subject matter or geography. In another hypothetical example, the CWC could adopt a land-use recommendation affecting the Wasatch back with exclusive support from commissioners representing the Wasatch front.

The CWC's greatest asset is its power to convene and to speak with credibility on matters relating to the Central Wasatch. Because the CWC is a multi-issue, cross-jurisdictional, stakeholder-inclusive forum with advisory authority only, how and when the CWC makes a statement or adopts a position can grow or shrink its perceived authority relating to the Central Wasatch. Adopting positions too frequently, too infrequently or in a context where the relevance of its nexus to a decision is questionable damages the credibility of the CWC forum. Indeed, one of the criticisms raised frequently by interviewees was that stakeholders did not know where the CWC stood on significant issues. For that reason, efforts by the commissioners to fine tune the CWC's voting processes, circumstances for adopting policy positions, and supporting action items are justified.

We recommend the CWC adopt a default standard of decision-making by majority vote. We also propose the CWC retain a mechanism to trigger a consensus standard if requested by a majority of commissioners. The CWC should not hesitate to invoke this consensus standard where a proposed policy or action is clearly not achievable without the consensus support and individual efforts of the jurisdictions comprising the CWC. We do not recommend the CWC adopt provisions for weighted voting. Voting procedures cannot anticipate every hypothetical scenario and there has to exist a degree of mutual respect and trust among CWC commissioners. Rather than explore weighted voting standards, we advise commissioners to hold themselves accountable to a standard to act judiciously and as wise stewards of the CWC's reputation as a convener and entity

that speaks with credibility. Commissions should exercise self-restraint and refrain from adopting positions placing the CWC in opposition to a member jurisdiction with a direct and substantial nexus to a proposed policy or action.

### **G. Frequency of Meetings**

We recommend the CWC default to a quarterly schedule rather than monthly meetings, and note the chair can elect to cancel regular meetings where a meeting is unnecessary or call a special meeting if needed. The CWC Executive Committee should meet as needed, but also recommend that the Executive Committee not meet monthly. We heard from many of the interviewees a feeling of ‘process fatigue’ and perception that the CWC is not ‘moving fast enough’ on issues.

The frequency of CWC Commission meetings and CWC Executive Committee meetings may reinforce this perception. Many of the efforts the CWC is engaged in take time to move forward by their very nature. Commissioners can continue to rely on geography-specific working groups comprised of individual CWC commissioners, staff, constituent organizations and community members to more fully develop proposed policies and actions for quarterly action by the CWC Executive Committee and CWC Commissioners.

### **H. CWC Representation and Engagement with External Entities**

The unique value of the CWC as a multi-issue, cross-jurisdictional, stakeholder-inclusive forum is maximized when it gives credible voice to influence decision-making and actions. We encourage the CWC as an organization to seek opportunities to engage with individual CWC member jurisdictions and relevant non-CWC entities. Below is a list of possible opportunities for such engagement that were suggested in our interviews:

1. Annual presentations, or more frequently as circumstances may warrant, to the legislative bodies of CWC member jurisdictions.
2. Requesting regular formal presentation to CWC Commission meetings from the Forest Service, UDOT or other entities relevant to the ongoing work of the CWC.
3. Participating by formal invitation or informally in the nomination by the CWC of appointees to relevant boards and commissions including:
  - i. The following boards and commissions of the State of Utah: Outdoor Recreation Advisory Committee, Board of Parks and Recreation, Board of Tourism Development, Board of Water Resources, Central Utah Water Conservancy District Board of Trustees, Fish Health Policy Board, Outdoor Adventure Commission, Quality Growth Commission, Utah Conservation Commission.
  - ii. The following boards and commissions of Salt Lake County: Salt Lake County Board of Health, Mountainous Planning District Planning Commission, Open Space Trust Fund Advisory Committee, Parks and

- Recreation, Salt Lake County Noxious Weed Control Board, TRCC Advisory Board, ZAP Advisory Board, Visit Salt Lake Board of Directors.
- iii. The following boards and commissions of Salt Lake City: Parks, Natural Lands, Urban Forestry and Trails Advisory Board, Public Utilities Advisory Committee.
  - iv. Other related boards and commissions of CWC member and non-member governmental entities.

## **I. CWC Funding**

Several commissioners raised the question whether the CWC should adopt a formula for assessing CWC member contributions to justify current amounts. Most commissioners were comfortable with their current contribution levels and indicated that the ongoing work of the CWC justified the financial commitment. This is worth further exploration, but may not be a priority, given that no commissioners indicated an urgent need to adopt a formula.

We recommend the CWC continue to seek external funding to support short-term projects and other initiatives. Federal, state, county and municipal sources exist that can align with and amplify goals of the CWC. CWC staff should continually look for opportunities to leverage the following funding opportunities:

1. Federal resources through the Land and Water Conservation Fund, the Great American Outdoors Act, federal infrastructure funding opportunities, and other federal grant opportunities.
2. State resources through legislative appropriation and grant opportunities.
3. County resources from the open space trust, TRCC funding, future county open space general obligation bonds, upcoming ZAP general obligation bonds, trails funding.
4. Wasatch Front Regional Council's Transportation and Land Use Connection regional planning grants.
5. Private foundations or other private or government contributions for specific projects.

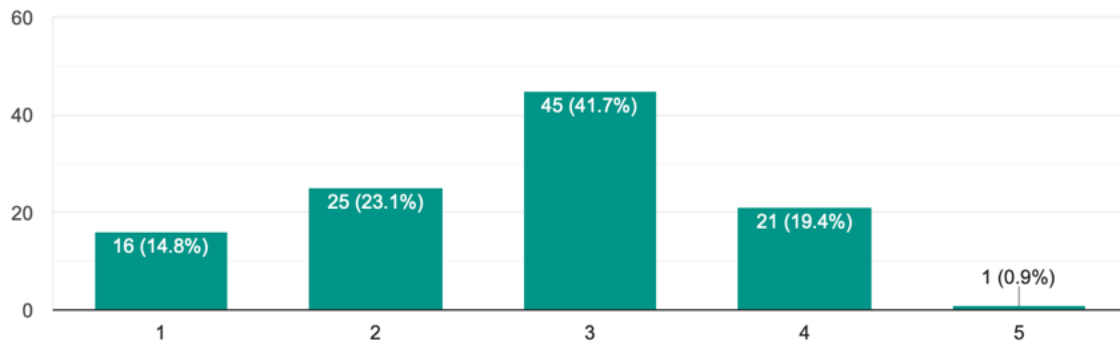
## **J. Stakeholders Council**

In our interviews, we asked individuals for feedback on the CWC Stakeholders Council. Interviewees commonly stated frustration with the Stakeholders Council describing meetings that became contentious and unproductive and maltreatment of fellow council members or presenters. We also heard frequently in our interviews that the Stakeholders Council has been a valuable forum to work through and develop concepts for commissioner discussion and approval. Similarly, the survey results showed general content with the Stakeholders Council, but nevertheless a significant number of people dissatisfied with the Stakeholders Council.



On a scale of 1-5 with 5 being the most satisfied, how satisfied are you with the current structure and work of the CWC Stakeholders Council? If you are unfamiliar with the CWC Stakeholders Council, please move on to the next question.

108 responses



We do not believe the CWC Stakeholders Council is structurally flawed. An entity comprising such diverse interests and points of view as the Stakeholders Council will inevitably experience contentious disagreement. We find it remarkable that the Stakeholders Council continues to function and seek to perform its duties. Much of the credit for the resiliency of the Stakeholders Council is owed to the council leadership who work diligently to organize the meetings in advance and maintain decorum and adherence to the rules and guidelines that govern the Stakeholders Council.

One question that was raised in our interviews was the role of the Stakeholders Council in creating its own agenda and priorities or receiving direction from the CWC Commissioners and responding to their requests for Stakeholders Council input and feedback. We believe the answer is both. The Stakeholders Council is a valuable CWC forum to review proposals and develop solutions and should continue to provide this resource at the request of the CWC. We also believe the Stakeholders Council can take initiative to review topics and develop recommendations to the CWC that are priorities of Stakeholders Council members. The relationship between the CWC Board and Stakeholders Council would benefit from clarifying a process for consideration of topics the Stakeholders Council takes up.

The CWC could provide resources to train future leadership of the Stakeholders Council to ensure meetings are run efficiently and disruptive topics are given fair consideration without compromising the effectiveness of the Stakeholders Council. Furthermore, the Stakeholders Council should annually review the rules and guidelines adopted to govern meetings and ensure the organization remains effective.

## **IX. Conclusion**

The conclusions and recommendations contained in this report stem from a fundamental observation that the CWC's role and mission is something that is needed and beneficial to the Central Wasatch and neighboring communities.

The CWC has a demonstrated track record of success and the ongoing work of the CWC is important. This report supports the continuation of the CWC and we believe that the recommendations and suggestions in this report will strengthen the CWC and support the organization in making a long-lasting, positive impact on the Central Wasatch and its users.

Recommitting to shared values and principles will help CWC Commissioners and stakeholders remember the key factors that initially brought them to the table. A recommitment to those values and principles will lay a strong foundation for future facilitation and negotiations to resolve barriers from the Mountain Accord Charter that are seemingly preventing productive collaboration.

Central to our assessment is a recommendations reframe the purpose of the CWC and to recognize the irreplaceable value of the CWC as the only organization that provides a forum across governmental jurisdictions and geographies that spans issues from public health, water quality, land use, environmental stewardship, natural lands conservation, wildlife management, transportation, land use, environmental stewardship, transportation, among other priorities.

This assessment involved reviewing the organizational structure of the CWC and its purpose. While many stakeholders noted simply that the CWC's purpose is to implement the Accord, we conclude that the purpose of the CWC is much broader. We believe the most valuable purpose for the CWC is the unique and irreplaceable multi-issue, cross-jurisdictional, stakeholder-inclusive forum it provides to maintain the delicate balance of values and principles in the Accord.

The recommended updates to the organizational structure, staffing, and processes of the CWC will provide the framework needed to continue to make progress on these challenging issues and increase the effectiveness of the organization as a whole. If the CWC has the structure, processes, and guiding principles to be successful, then the State of Utah, its municipalities, businesses, landowners, and residents will benefit, as will our beloved Wasatch Mountains.