



9 **MINUTES OF THE CENTRAL WASATCH COMMISSION STAKEHOLDERS' COUNCIL**
10 **MILLCREEK CANYON COMMITTEE MEETING HELD ON WEDNESDAY, MAY 25,**
11 **2022, AT 1:00 P.M. THE MEETING WAS CONDUCTED ELECTRONICALLY WITHOUT**
12 **A PHYSICAL LOCATION, AS AUTHORIZED BY UTAH CODE ANN. 52-4-207(4).**
13

14 **Present:**

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16 **Committee Members:**

Tom Diegel, Chair
Del Draper, Vice Chair
Paul Diegel
Maura Hahnenberger
Ed Marshall (excused at 2:20 p.m.)
John Knoblock

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23 **Other Stakeholders Council Members:**

Carl Fisher
Patrick Shea

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26 **Staff:**

Ralph Becker, CWC Executive Director
Blake Perez, CWC Deputy Director
Kaye Mickelson, Office Administrator

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30 **Excused:**

Brian Hutchinson
Mike Christensen
Lindsey Nielsen, CWC Communications Director

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34 **Others:**

Hilary Jacobs
Patrick Nelson
Rusty Vetter (non-voting member)
Polly Hart (non-voting member)

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39 **Opening**

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41 **1. Chair Tom Diegel will Open the Public Meeting as Chair of the Millcreek Canyon**
42 **Committee of the Central Wasatch Commission Stakeholders Council and Read the**
43 **Determination of the Chair.**
44

45 Chair Tom Diegel called the Millcreek Canyon Committee Meeting to order at 1:20 p.m. He
46 explained that there had been some technical issues and apologized for the delay in the start time.

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2 The Legislature, pursuant to Section 52-4-207(4), required the Committee to make a determination,
3 which was as follows:
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5 'I, as the Chair of the Millcreek Canyon Committee of the Stakeholders Council of the Central
6 Wasatch Commission ("CWC"), hereby determine that conducting Board or Committee
7 meetings at any time during the next 30 days at an anchor location presents a substantial risk
8 to the health and safety of those who may be present at the anchor location. The COVID-19
9 pandemic remains and the recent rise of more infectious variants of the virus merits continued
10 vigilance to avoid another surge in cases, which could again threaten to overwhelm Utah's
11 healthcare system.'
12

13 **2. Review and Approval of the Minutes from the April 19, 2022, Meeting.**
14

15 **MOTION:** Paul Diegel moved to APPROVE the April 19, 2022, Millcreek Canyon Committee
16 Meeting Minutes. Del Draper seconded the motion. The motion passed with the unanimous consent
17 of the Committee.
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19 **FLAP Grant and Open House Discussion**
20

21 Chair Diegel reported that several Millcreek Canyon Committee Members attended the Federal Lands
22 Access Program ("FLAP") grant Open House. The Open House took place the previous week and
23 pertained to the 30% design. Chair Diegel believed the experience was positive overall. The
24 presentation overviewed lane configurations and lane widths, with four or five potential
25 configurations being considered. The role and responsibility of the Committee was to discuss the
26 configurations. If one of the options seemed preferable, the Committee could formalize comments
27 before the next 30% design was completed and shared.
28

29 Paul Diegel mentioned the categorical exclusion. At one point during the presentation, it was stated
30 that members of the public felt that the National Environmental Policy Act ("NEPA") should be
31 followed and there should be some sort of environmental review. However, an environmental review
32 had not been committed to during the Open House. It was noted that Mr. Diegel created a series of
33 notes based on the Open House presentation. Del Draper felt the notes were comprehensive. Ed
34 Marshall agreed. He believed the notes were thorough and accurate.
35

36 Rusty Vetter wanted to become more involved in the Committee. He wondered when it would be
37 appropriate for non-voting members to share comments during the meeting. Mr. Draper explained
38 that the meeting included both Committee Members and members of the public. There was not a
39 separate public comment section and participation was fairly open throughout the meeting. Mr. Vetter
40 introduced himself and explained that he is currently employed by Salt Lake City. He works for the
41 Department of Public Utilities as an attorney and will retire within the next month. He was looking
42 for ways to contribute after his retirement. Mr. Vetter stated that he had been active in the watershed
43 and spent a lot of time on the Utah Department of Transportation ("UDOT") Little Cottonwood
44 Canyon Environmental Impact Statement ("EIS"). He was a frequent user of Millcreek Canyon and
45 had a strong interest in the environment.
46

1 Mr. Vetter had not been able to attend the entire Open House, but he found the comments shared by
2 Carl Fisher to be appropriate. He was aligned with many of his perspectives. Mr. Vetter was
3 concerned that the transportation solution, as described, was more than what was needed in the area.
4 He suggested that the Millcreek Canyon Committee reach out to some of those who shared public
5 comments to ensure that all of the different views were being heard and considered. Certain
6 organizations had been supportive of the FLAP grant initially, but after hearing about the specific
7 design intentions, their level of support had shifted. Chair Diegel shared some background
8 information related to the FLAP grant process. The Committee previously expressed concerns about
9 road widening and the lack of bicycle lanes.

10
11 Chair Diegel pointed out that not taking action was no longer an option. The road was crumbling and
12 falling into the creek. To do nothing in the canyon meant that the roads would continue to degrade.
13 The U.S. Forest Service had stated previously that if the roads degraded too much, they would need
14 to be closed. He believed that changes were necessary but also believed the changes needed to make
15 sense for the canyon. Mr. Vetter agreed that the roads should be fixed where it was necessary, but
16 his objection had to do with widening the road, which would result in faster vehicle speeds. It would
17 also encroach on the riparian corridor.

18
19 At the Open House, it was stated that in the four months the gate was open, only 40% of visitors went
20 above the gate. That meant, since it was only open for a third of the year, 13% of people who visited
21 Millcreek Canyon would take a vehicle above the gate. One of the comments Mr. Draper would
22 likely submit individually would relate to the allocation of funds. For instance, it might be better to
23 focus the \$19 million on road improvements and a three-foot-wide shoulder bicycle lane in the lower
24 half of the canyon, since there was limited use above the gate.

25
26 Mr. Fisher believed that infrastructure maintenance made sense but that was significantly different
27 than widening the road and fundamentally altering the upper canyon. The strategy should be to reduce
28 the number of vehicles from the upper canyon. That road was more of a recreation amenity than a
29 transportation corridor. If it was possible to remove vehicles from the upper portion of the canyon, it
30 would be a benefit to all. He recognized that there were picnic areas there, but a reservation system
31 could be implemented to allow vehicles at certain times. That would create a safer environment for
32 pedestrians and bicyclists utilizing the roadway. Mr. Fisher noted that it was still unclear what would
33 be needed to implement a small shuttle in the canyon. He pointed out that bicycle infrastructure at
34 trailheads could be beneficial and was another option to consider.

35
36 Chair Diegel stated that the Committee was originally called the Millcreek Shuttle Committee. It
37 focused primarily on a shuttle service for the canyon. That concept was presented to the Forest
38 Service, but the District Ranger was against the proposal and felt that the infrastructure could not
39 support a shuttle. Since then, the Wasatch Backcountry Alliance had been running shuttles up Little
40 Cottonwood Canyon once a year and they were also run every Saturday throughout the winter. He
41 was supportive of an effective shuttle service, but the Forest Service had a lot of restrictions in place
42 and the upper canyon was a challenge.

43
44 Mr. Draper added that the Forest Service had pushed back hard on the shuttle concept because it
45 would bunch up visitors at trailheads. As a result, some sort of NEPA process would need to be done
46 before a shuttle could be implemented. The Forest Service had previously stated that the road

1 improvements in the upper canyon through the FLAP grant would make a shuttle possible. They
2 viewed it as a step toward a shuttle. Mr. Draper reported that the District Ranger had also said that it
3 did not make sense to fix the lower half of the canyon before the upper half of the canyon, because
4 then large equipment would be driven over the lower half to get to the upper half. Mr. Diegel noted
5 that the Forest Service argued that for a shuttle to be implemented, drop-off areas needed to be
6 improved. For instance, there needed to be more restrooms and signs.

7
8 Mr. Fisher noted that changes could be made through Legislation. He believed that the Forest Service
9 was using the Federal Highway Administration (“FHWA”) to expand infrastructure where their Land
10 and Resource Management Plan did not allow it. This should be explored through a legal lens.
11 Mr. Marshall agreed with some of the comments shared by Mr. Fisher. However, the District Ranger
12 was supportive of the shuttle but did not want there to be forest degradation. The FLAP grant would
13 support the road but would not put in the necessary infrastructure. Mr. Marshall felt it was important
14 to focus on what had been presented during the Open House.

15
16 Following the Open House presentation, Mr. Marshall spoke to some of the engineers involved in the
17 project. They were interested in the idea of a 20-foot-wide road with a five-foot uphill bicycle path
18 and no center stripe. Vehicles would need to share the center lane and downhill lane. They felt that
19 would make the road more environmentally palatable and would reduce costs. He overviewed some
20 of the possible options and stated that the engineers seemed to have some sensitivity to the canyon
21 and did not want to over expand.

22
23 Mr. Draper believed the 20-foot proposal was for no bicycle lane. It would just have two 10-foot
24 lines. Alternatively, the advisory bicycle lane was 18-feet in the center and then a five-foot bicycle
25 lane. The advisory bicycle lane concept, where the road was not striped, was still wider than 20 feet.
26 Mr. Marshall understood that there would be a dashed line that would set off the right five feet for
27 bicycles. The bicycles would have priority in that lane. Mr. Draper was intrigued by that proposal.
28 He got the sense from the Open House that the intention was not to build the largest road possible.
29 They wanted to consider some of the environmental factors.

30
31 Mr. Marshall wondered how comfortable bicyclists would be with the advisory bicycle lane proposal.
32 John Knoblock explained that this type of design could work well where there was a good sight line
33 distance. However, where there was a curved road and no sight line, it could be dangerous. Chair
34 Diegel noted that the unusual road configuration would force all user groups to pay close attention.
35 Mr. Knoblock wondered if the Forest Service would be supportive of a shuttle bus if there was no
36 center stripe down the road. If they would not be supportive, then the design would not be appropriate
37 to move forward with.

38
39 Mr. Fisher felt that bicycle lanes gave a false sense of security to bicyclists and motorists. Keeping
40 the road narrower would yield a safer environment than a wider road with a bicycle lane. Mr. Draper
41 referenced a comment made at the Open House related to traffic signals. The suggestion was made
42 to allow uphill traffic at one time and downhill traffic at another. Mr. Draper believed that for the
43 last portion at the top of the canyon, where the road was 11 feet wide, something like that would make
44 sense. It would also ensure that the narrowest portion of the canyon road would not be dramatically
45 widened. He agreed that the area was less of a road and more of an amenity to facilitate access to
46 recreation. Some of the possible options were overviewed:

- Two 10-foot lanes and a three-foot bicycle lane;
- Two 10-foot lanes and a five-foot bicycle lane;
- Advisory bicycle lane concept.

Mr. Draper wondered if the Committee should prepare comments about a preferred solution or if it would be best to submit individual comments. Chair Diegel felt that the Millcreek Canyon Committee would carry more weight collectively than the individual comments would. Mr. Draper expressed concerns about the timeline. He noted that Committee comments needed to be approved by the Stakeholders Council and then the CWC Board. That was a long process. Mr. Fisher stated that he was involved with the Salt Lake County Parks and Recreation Board. If this group wanted to consider co-authoring something with them that might be worthwhile.

Mr. Draper asked if the Millcreek Canyon Committee could submit a comment independently or if it needed to be approved by the Stakeholders Council first. Deputy Director, Blake Perez explained that what had been done in the past was that a letter was approved by the Millcreek Canyon Committee, forwarded onto the Stakeholders Council for approval, and recommended to the CWC Board for consideration. At that point, it would achieve the CWC stamp of approval. As for whether the Millcreek Canyon Committee could independently submit their own comments to represent only the Committee, that was unclear. He would look into the matter further. It may be appropriate to share a comment letter with Stakeholders Council leadership and then speak to the CWC Board at the June 6, 2022, Board Meeting.

Mr. Fisher asked for additional information about the CWC process. For instance, whether the CWC could legally challenge the outcome of something the organization had engaged in. Mr. Perez noted that this was not something that had been discussed by the CWC. Executive Director, Ralph Becker noted that the CWC had not pursued anything legally and it was highly unlikely because there was a lot of diversity within the organization. If the Committee wanted to take a position, it might be possible to do so without attributing it to the CWC or Stakeholders Council as a whole. He noted that there could be some sort of disclaimer. Mr. Becker believed the Millcreek Canyon Committee reflected a broad cross-section of views and interests.

Mr. Perez overviewed the Rules and Procedures document and read information related to advisory committees. It stated: “Committees are not vested with the authority to make decisions regarding the public’s business. Instead, the sole purpose of Committees is to give non-binding advice to the Board, Council, and/or CWC Staff, as applicable. The Board is the CWC’s governing body and has sole authority to make decisions concerning the public’s business.” Chair Diegel believed that meant the Committee did not have the leeway to act independently. Mr. Perez suggested that Committee Members speak during the public comment period at the next CWC Board Meeting.

Mr. Draper felt it might be best to submit separate comments instead, rather than try to reach a consensus and achieve approvals. Mr. Diegel agreed. He pointed out that the FHWA had seemed surprised by the number of public comments received. They heard that bicycles were a priority and understood that there was a desire for an environmental analysis. Chair Diegel did not believe the Committee needed to reach a consensus, but some thoughtful conversations would be beneficial. It would then be possible to draft and submit individual comments.

1
2 Mr. Marshall believed that many on the Committee had taken the position that a narrower road would
3 be safer because vehicles would have to drive slower. Therefore, a narrower road without a bicycle
4 lane would be safer for bicyclists. However, the engineers adamantly disagreed with that perspective.
5 Anyone on the Committee who intended to submit comments with that viewpoint would need to
6 provide data and information that supported their position.
7

8 Mr. Fisher stated that a NEPA process was not needed to fix an existing roadway that was damaged
9 and degrading. The purpose of the NEPA process was to disclose the impacts of going beyond what
10 was already there. He felt that vehicles needed to be removed from the roads to accommodate users.
11 The upper portion of Millcreek Canyon was a good place to focus on that reduction of vehicles. One
12 thing that was not being examined by FHWA was drastically reducing the number of vehicles on the
13 road. Permitting vehicles was something to be considered.
14

15 Mr. Vetter wondered what Salt Lake County had done to look into less invasive alternatives. For
16 instance, controlling traffic at the winter gate and permit passes. He wanted to understand whether
17 they were engaged in this process. Mr. Fisher explained that the Salt Lake County Office of Regional
18 Development had been working on this project. The members of the Salt Lake County Parks and
19 Recreation Board had signed a letter that was sent to Salt Lake County. In the letter, Board Members
20 agreed that human-powered recreation access should be prioritized in that road corridor as a
21 recreational amenity. It seemed to him that FHWA and the Salt Lake County Office of Regional
22 Development believed that was outside the scope of their work.
23

24 **Other Business and Updates Relating to Millcreek Canyon**

25

26 Chair Diegel reported that Rocky Mountain Power was putting power lines in the ground as part of
27 an effort to keep power lines out of the trees. This was a way to mitigate wildfires. Once that work
28 was done, the plan was to grind off the top three or four inches of road and put down asphalt to create
29 a new road surface. This had been done in Big Cottonwood Canyon and Little Cottonwood Canyon
30 over the last several years. Though the work would cause some delays, the road had deteriorated
31 fairly rapidly, and it was a good use of resources. As part of the trenching process to bury the power
32 lines, a ditch had been created in the middle of the north lane.
33

34 Mr. Fisher stated that he recently spoke to the former director of Salt Lake City Public Utilities, Jeff
35 Niemeyer. At the Open House, there was a statement made that the same ditch could not be utilized
36 to put in multiple conduits. However, according to Mr. Niemeyer, that was false. When Salt Lake
37 City handled these types of projects, eight or so conduits were stacked in one of the trenches.
38 Mr. Diegel pointed out that it may be too late to do additional work there as the trench was being
39 filled back in. Mr. Draper was surprised that the trench was as narrow as it was. Mr. Fisher believed
40 it was important to share comments related to the inefficiency in that process.
41

42 Mr. Diegel noted that one of the comments made during the open house related to dogs not being
43 allowed in Millcreek Canyon. He believed the comment was made by the Forest Service. Patrick
44 Nelson clarified that Millcreek was part of the long-term water supply plan, but in the near term, there
45 were no plans to shut that down to dogs and there were no plans to build a treatment plant. The first

1 public open house for the development of the Watershed Management Plan would be held that night
2 in person and there would be a virtual open house held on June 21, 2022.

3

4 **Adjourn.**

5

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

8

9 **MOTION:** Del Draper moved to adjourn. Paul Diegel seconded the motion. The motion passed
10 with the unanimous consent of the Committee.

11

12 The Millcreek Canyon Committee Meeting adjourned at approximately 2:38 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the Stakeholders*
2 *Council Millcreek Canyon Committee Meeting held Wednesday, May 25, 2022.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____