

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION MEETING HELD MONDAY,**  
2 **NOVEMBER 19, 2018 AT 5:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL**  
3 **CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD**  
4 **HEIGHTS, UTAH**  
5

6 **Present:** Commissioner Chris McCandless, Commissioner Mike Peterson,  
7 Commissioner Andy Beerman, Commissioner Chris Robinson, Commissioner  
8 Harris Sondak, Commissioner Carlos Braceras  
9

10 **Staff:** Executive Director Ralph Becker, Deputy Director Jesse Dean, Legal Counsel  
11 Shane Topham, Communications Director Lindsey Nielsen  
12

13 **Excused:** Commissioner Ben McAdams, Commissioner Jackie Biskupski,  
14 Commissioner Jeff Silvestrini, Commissioner Jim Bradley  
15

16 **A. OPENING**  
17

- 18 **i. Commissioner McCandless will conduct the meeting as Chair of the Board of**  
19 **Commissioners (“Board”) of the Central Wasatch Commission (“CWC”).**  
20

21 Chair Chris McCandless called the meeting to order at 5:05 p.m.  
22

23 **B. DISCUSSION AND ACTION ON THE 10/26/2018 DRAFT OF THE CENTRAL**  
24 **WASATCH NATIONAL CONSERVATION AND RECREATION AREA ACT.**  
25

- 26 **i. Presentation by Executive Director Ralph Becker Concerning the 10/26/2018**  
27 **Draft of the Central Wasatch Commission National Conservation and Recreation**  
28 **Area Act.**  
29

30 Executive Director Ralph Becker presented the summary of changes and amendments and reported  
31 that they have received a substantial amount of public comment and there has been ongoing work on  
32 issues identified since the last meeting. Adjustments were made to the 10/26/2018 draft based on  
33 comments received. Many consisted of map changes to reflect boundary changes. They included  
34 two parcels relating to the proposed Grandeur Mount Air Wilderness Area. One identified land  
35 acquired by the Forest Service from The Boy Scouts of America in Millcreek. A second consisted of  
36 a parcel also owned by The Boy Scouts of America adjacent to the Mount Olympus Wilderness Area  
37 that was acquired by the Forest Service. The desire was to reflect both parcels in the Mount Olympus  
38 Wilderness Area subject to review by The Boy Scouts of America.  
39

40 Mr. Becker identified the next nomenclature change involving an area shown as the Patsy Marley  
41 Ridge Avalanche Protection Zone Area. It was labeled on the map as a potential expansion area,  
42 which created some confusion. Another change involved the Solitude Ski Area boundary map. An  
43 area was shown at the base of the Honeycomb lift for an adjustment to the Solitude Ski Area.  
44 Mr. Becker explained that this was worked out among all of the parties at the time of the Mountain  
45 Accord. It was not shown properly on the map and an adjustment was made to the ski area boundary.  
46 They removed what was shown as an expansion of the Solitude Ski Area to reflect the actual ski area  
47 boundary, which seemed to have addressed that issue.  
48

1 Deputy Director Jesse Dean clarified that staff was working with Solitude staff to better understand  
2 the boundary adjustment area. The issue was that they went too far over on the creek bed and not  
3 near the base of Silver Fork.

4  
5 Mr. Becker commented on the technical changes and stated that staff has been working with the South  
6 Despain Ditch Company, who is responsible for operation and maintenance of the White Pine  
7 Reservoir. Some of the language caused concern that could be interpreted as conflicting with the  
8 primary provision, which makes it clear that they have a right to continue to protect, maintain, and  
9 enhance as necessary the dam and the access to the property. Reference was made to that subsection  
10 and another portion of Section 5 relating to the White Pine Special Management Area. Procedural  
11 issues were discussed.

12  
13 Chair McCandless thanked those who have worked on the document.

14  
15 Commissioner Peterson supported the suggestion to further review additional information before  
16 making a motion.

17  
18 Commissioner Robinson explained that since the November 5 meeting they have worked hard to  
19 reach a consensus. The primary issue involved Alta Ski Lifts, Save Our Canyons, Wasatch Back  
20 Country Alliance, and Salt Lake City Public Utilities and a proposal that would allow all to support  
21 it. A great deal of work was done in an effort to keep the dialog going. One alternative would have  
22 facilitated the development of Grizzly Gulch by Alta Ski Lifts. At the base area it would have allowed  
23 them to trade into some key lands owned by the Forest Service that have previously been an  
24 impediment to providing lift access to Grizzly Gulch. It also would have preserved the hope of a  
25 connection into Big Cottonwood Canyon through the deeded properties in Grizzly Gulch that Alta  
26 Ski Lifts would retain. The tradeoff was expansion into the Patsy Marley area, which is currently  
27 Alta Ski Lifts' avalanche control area. The area would not be available for future application to the  
28 Forest Service by Alta Ski Lifts for expansion. The other tradeoff was that the Town of Alta and the  
29 Alta Ski Lifts Resort would be within the NCRA boundary.

30  
31 Commissioner Robinson explained that it would also allow Alta Ski Lifts to trade out all of their lands  
32 regardless of whether they are within their current resort boundary and acquire small inholdings in  
33 Grizzly Gulch. The premise was that the resort desires a place to expand and preserve the ability to  
34 create a connection into Big Cottonwood Canyon.

35  
36 Commissioner Robinson explained that the Mountain Accord contained language indicating that  
37 certain things would occur if Alta were to include Grizzly Gulch in the land exchange. That  
38 compromise was not acceptable to Alta Ski Lifts because they want to reserve the right to retain the  
39 Patsy Marley area for future expansion. The way forward espoused in the 10/26/18 draft was to leave  
40 Alta Ski Lifts out of the bill. They would retain their current property rights and leave the Town of  
41 Alta and Alta Ski Lifts completely out of the NCRA boundary. Alta Ski Lifts considered that to be  
42 punitive. Commissioner Robinson did not believe that was true since the compromise would allow  
43 them to keep Grizzly Gulch and enhance their ability to use it. The question was whether to proceed  
44 since they do not have a consensus or adopt a proposed bill that holds Alta Ski Lifts as harmless as  
45 possible and allow the bill to take a natural course. His opinion was that they should proceed and  
46 adopt a similar version of the bill described.

1 In addition to the changes described, Commissioner Robinson proposed edits to the bill clarifying  
2 that land exchanges can only occur on federal and non-federal lands within the NCRA.

3  
4 Commissioner Sondak agreed with much of Commissioner Robinson's comments but it was  
5 important to him that Alta Ski Lifts be held harmless if they are not part of the exchange bill. The  
6 most clear and straightforward way to accomplish that was to leave Alta Ski Lifts out. He thanked  
7 staff and Board Members and commended Carl Fisher, Chris Adams, Laura Briefer, and Mike  
8 Maughan for their work. He noted that when a possible outcome is seen as a loss, people are much  
9 more willing to take risks than when the same outcome is discussed in terms of the gains that it brings.  
10 In this case, he felt that the losses were abstract and somewhat exaggerated by both sides.  
11 Commissioner Sondak had heard that Alta Ski Lifts will not be able to expand into these areas. He  
12 clarified that it is an option to apply and not an option to expand.

13  
14 Commissioner Sondak stated that from Alta Ski Lifts' perspective, giving up the possibility of the  
15 option to apply in exchange for an endorsement of skiing in Grizzly Gulch in addition to an  
16 endorsement of the snowmaking water seemed to be a real and present gain. He felt that both sides  
17 need to acknowledge the gain they are receiving and not just the losses they would incur. He was  
18 unable to get either party to reframe the problem sufficient to change their thinking so he informed  
19 both sides that he was prepared to support the proposal insofar as it excludes Alta Ski Lifts from the  
20 NCRA. He liked the idea of including the Town of Alta in the NCRA to allow for exchanges of  
21 privately owned property.

22  
23 Chair McCandless recognized the significant predicament that puts him in and respected the difficulty  
24 and gravity of the decision before him.

25  
26 Commissioner Peterson considered his role to have been to listen to those who have spent a great deal  
27 of time on the matter. As the Mayor of Cottonwood Heights, he was in favor of moving forward  
28 without the Alta Ski Lifts and the Town of Alta with the understanding that as they move forward  
29 they can mend the legislation when both feel it is appropriate and something they can accept. For the  
30 greater good, at this point in time he thought it was timely to move forward.

31  
32 Commissioner Beerman was not involved in the discussions but thanked those who were and for  
33 cultivating a spirit of cooperation. Throughout the Accord and into the Board discussions there had  
34 been a great deal of compromise. He considered the proposal by Save Our Canyons and Wasatch  
35 Back Country Alliance to be innovative and bold. He thanked them for offering a compromise but  
36 was disappointed that it was not reciprocated. He believed it made sense to move forward with a  
37 proposal but regretted that there are questions they had hoped to resolve throughout the process. He  
38 hoped they would remain committed to working on further resolution of those issues.

39  
40 Commissioner Robinson received a letter from two members of the Granite Community Council  
41 expressing their opposition along with the Association of Community Councils and was interested in  
42 hearing more on their position. Mr. Becker commented on those who disagree with the conclusions  
43 of the Mountain Accord and the intentions expressed by the Board to create a new designation. The  
44 Granite Community Council took a position opposed to the legislation but it was not a unanimous  
45 decision. Staff and the Chair attended every meeting since June and have met regularly with the Big  
46 Cottonwood Community Council. They took a position some time ago that were opposed to the  
47 legislation. Many of the members were further studying the legislation and it was reported that they  
48 intend to take the matter back up in January. Staff had also met with other community councils along

1 the Wasatch Front. The Mount Olympus Community Council took a position at their last meeting to  
2 support the Commission’s work and the legislation.

3  
4 Chair McCandless was desperate to see the Alta Ski Lifts and the Town of Alta come into the  
5 conservation area. He commented that he began skiing in the Canyon as a child and expressed his  
6 love for the area. He expressed his support for continuing to work on the issues.

7  
8 Commissioner Robinson referenced the red-lined version of the 10/26/18 draft and suggested  
9 additional edits for consideration. On page 24, line 13, dealing with the definition of federal land, he  
10 suggested the insertion of “...within the NCRA and identified as federal land and identified as federal  
11 land”. To 2A he asked that “...land located within the NCRA and owned by Snowbird” be inserted.  
12 To 2B he recommended the insertion of “...land located within the NCRA and owned by Brighton.”  
13 Below it he suggested “...land located within the NCRA and owned by Solitude Mountain” be added.

14  
15 Commissioner Beerman inquired about the Solitude Boundary Expansion Area and commented that  
16 there was a lot of concern over the exact location of the lift, the boundary, and the berm. Mr. Becker  
17 confirmed that it is captured in the boundary expansion. The boundary shown on the map, which is  
18 a revised ski area boundary, includes the area to provide for the desired adjustment of the base of the  
19 Honeycomb lift. Alternatively, there was concern about making it too easy for people to ski on the  
20 Silver Fork side rather than the Honeycomb side. He believed that the boundary reflected on the map  
21 was intended to accomplish that. It was reviewed carefully by Solitude who would like to continue  
22 to review it for technical considerations. It was also reviewed by the conservation community. All  
23 seemed to be in agreement, however, minor adjustments may be needed. Procedural issues were  
24 discussed.

25  
26 **ii. Consideration of RESOLUTION 2018-30 Approving Draft Legislation with**  
27 **Amendments Approved by the Central Wasatch Commission for the Central**  
28 **Wasatch National Conservation and Recreation Area Act and Supporting and**  
29 **Encouraging Introduction by the Utah Congressional Delegation and Passage of**  
30 **the Central Wasatch National Conservation and Recreation Area.**

31  
32 **MOTION:** Commissioner Robinson moved to adopt Resolution 2018-13, a resolution supporting  
33 and encouraging introduction and passage of the Central Wasatch National Conservation and  
34 Recreation Area Act using the October 26, 2018 version of such bill with the modifications outlined  
35 in the handout provided and attached with map changes 1, 3, and 5. To the legislative changes,  
36 Number 2 shall be adopted regarding the South Despain Ditch Company as well as the changes  
37 proposed on pages 24 and 25 regarding the insertions to the definitions of Federal and Non-Federal  
38 Lands located within the National Conservation and Recreation Area (“NCRA”) boundary. The  
39 motion was seconded by Commissioner Peterson.

40  
41 Mr. Becker clarified that the motion would pertain to the amendments and the overall bill; however,  
42 they had not yet heard an amendment to incorporate item #4 into the bill.

43  
44 **AMENDED MOTION:** Commissioner Robinson moved to amend the motion to also include item  
45 number four of the map changes to the Town of Alta NCRA Boundary Realignment and adopt it into  
46 the legislation. This includes items 1 through 5 of the map changes and item number 2 of the  
47 legislative changes. Commissioner Peterson seconded the amended motion.

1 Procedural issues were discussed. Commissioner Sondak commented that some members do not have  
2 issues with any of the proposed changes but may not be in favor of the main bill once the changes are  
3 enacted.

4  
5 Commissioner Robinson referenced map change number four regarding the Town of Alta's boundary.  
6 He felt that the map was in conflict because there is private land outside of the Town of Alta's  
7 boundary that would also be excluded from the NCRA boundary because it is private land.  
8 Commissioner Sondak agreed and stated that in his role as mayor, his sense was that it should be the  
9 Alta Town boundary. As a Board Member he was not sure what the advantage or disadvantage would  
10 be of having that boundary exclude privately owned property by Alta Ski Lifts that is outside the  
11 boundary.

12  
13 Mr. Becker identified two areas where they have deviated from the Town of Alta boundary. The first  
14 includes portions that extend into the Snowbird Ski Area. Rather than break that piece up, it was  
15 recommended that it remain intact and the boundary modified to reflect it as one contiguous parcel.  
16 In the case of the northwest corner piece shown in red, it is on the edge of the Town of Alta. Because  
17 it is private land adjacent to the Town, they wanted to make it clear that the Town of Alta could  
18 proceed with the private land consistent with the rest of their private land that is within the boundary.  
19 Because it is adjacent to the other property, it seemed to make sense to draw the boundary to reflect  
20 that private property. It was clarified that Alta Ski Lifts will still have the right to pursue proposals  
21 relative to those properties.

22  
23 Mr. Dean noted that the 10/26/18 draft map excluded all of Alta Ski Lifts private lands, which is  
24 consistent in the language of the legislation. Mr. Becker explained that the Town of Alta boundary  
25 does not include the Honeycomb properties, which was important to Alta Ski Lifts to make it clear  
26 that they could pursue their proposals on private land that is outside of the Town of Alta. That was  
27 shown outside of the NCRA boundaries to make it clear that it is outside of the Town of Alta and  
28 within the Solitude Permit Area. It is, however, one contiguous piece and very important in terms of  
29 their ability to pursue development proposals on their property.

30  
31 Chair McCandless stressed his commitment to make ensure that Alta Ski Lifts is held harmless. If  
32 they intend to include some of Alta Ski Lift's property within the NCRA, they are not held harmless.  
33 He suggested that all of their inholdings to the extent possible be outside of the NCRA.

34  
35 Commissioner Braceras was confident that anything put forward today would not have traction in  
36 Congress without a consensus. In addition, they may be trying to hold Alta Ski Lifts harmless but he  
37 did not recommend they overestimate the impact it will have on the permitting process. Chair  
38 McCandless suggested they continue to work toward including Alta. Presently, however, they were  
39 left with no viable options.

40  
41 Commissioner Robinson suggested the motion reference the working draft maps 1 and 1A, which  
42 reflect the map changes. He also felt that map change number four excludes the Town of Alta's  
43 boundary but does not follow it. It was suggested that the motion specify that the current municipal  
44 boundary in addition to Alta Ski Lifts' private property shown on map Option Number 1. Mr. Becker  
45 clarified that the bill includes a specific provision relating to Alta Ski Lifts. He referenced page 21(C),  
46 which includes the map if the amendment is adopted. He explained that the blue line on the map that  
47 now incorporates some Forest Service land on the north side is the Town of Alta boundary. If they

1 were to separate layers, it would be evident that the blue line on the north reflects the Town of Alta  
2 boundary.

3  
4 Mr. Dean stated that under the legislation changes, there are proposed amendments. All of the map  
5 amendments require subsequent legislation narrative changes. Mr. Becker explained that the  
6 boundary follows the Alta Ski Lifts property within the Solitude Permit Area. He clarified that  
7 property owned by Alta Ski Lifts is not part of the NCRA. Boundary issues were clarified further.  
8 Mr. Becker clarified that as they were drawing the map they followed the Town of Alta boundary.

9  
10 Commissioner Sondak stressed that it needs to be clear on the map what Section C is referring to. He  
11 stated that the Alta Ski Lifts resort boundary area is shown as the yellow cross hatched area on the  
12 map, which is commonly referred to as Patsy Marley. The red area is privately owned and commonly  
13 referred to as Grizzly Gulch. His understanding was that they are proposing to recommend legislation  
14 to create the NCRA, which excludes the Town of Alta and Alta Ski Lifts but includes a clause that  
15 specifies where they can expand. He found that to be very confusing.

16  
17 Chair McCandless pointed out that there are three other ski areas included in the legislation so it  
18 would be difficult to change items A, B, or C without negatively impacting the others. In response  
19 to a question raised by Commissioner Robinson, Mr. Becker explained that because there has been  
20 so much discussion about what Alta Ski Lifts may or may not be able to do if they are excluded from  
21 the NCRA, they wanted to make it clear that they could propose to expand in the excluded area and  
22 pursue an expansion through administrative channels. Language was also included specifying that  
23 applying for a permit does not prejudice a Forest Service administrative decision going forward.

24  
25 Commissioner Braceras commented that if Alta Ski Lifts is not part of the legislation, they will be  
26 viewed differently by the permitting agencies. By moving forward, he felt that Alta Ski Lifts would  
27 be in a position that will make it more difficult for them to expand. Commissioner Robinson's opinion  
28 was that it is time to pass legislation. Commissioner Braceras felt that the prognosis for success in  
29 Congress without unanimity from the community will be very low. Chair McCandless was in favor  
30 of moving forward and thought now was the time. He was optimistic that a solution will be found.  
31 He stressed the importance of solving the problems associated with the Canyons today.

32  
33 Chair McCandless restated the motion. Commissioner Braceras' preference was to divide the motion  
34 and address the amendments separately. Commissioner Peterson's hope was to find a resolution by  
35 adopting legislation. Commissioner Braceras also wanted to move the legislation forward and felt  
36 that the amendments improve the position they have developed over time. He noted that they are not  
37 insignificant amendments. For that reason he recommended the matter come back for a full vote of  
38 the Board.

39  
40 Vote on motion: Commissioner Braceras-Aye, Commissioner Peterson-Aye, Commissioner  
41 Beerman-Aye, Chair McCandless-Aye, Commissioner Sondak-Aye, Commissioner Robinson-Aye.  
42 The motion passed unanimously.

43  
44 Commissioners Braceras, Peterson, and Robinson and Chair McCandless understood the need to  
45 continue to try to reach a consensus.

46  
47 With regard to Cardiff Canyon and issues pertaining to private property owner issues, Mr. Becker  
48 reported that Commissioners Silvestrini and Robinson have been working in that regard. As part of

1 their ongoing work and effort to reach a consensus, they will also be working on those issues and  
2 other matters that may arise.

3

4 **C. ADJOURNMENT**

5

6 **MOTION:** Commissioner Robinson moved to adjourn. The motion passed with the unanimous  
7 consent of the Board.

8

9 The Central Wasatch Commission Meeting adjourned at 6:40 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Central*  
2 *Wasatch Commission Meeting held Monday, November 19, 2018.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

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