

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION LEGISLATIVE COMMITTEE**  
2 **MEETING HELD MONDAY, NOVEMBER 25, 2019 AT 5:00 P.M. IN THE MILLCREEK**  
3 **CITY HALL LOCATED AT 3300 SOUTH 1300 EAST, MILLCREEK, UTAH**  
4

5 **Present:** Ralph Becker, Chris Robinson, Harris Sondak, Chris McCandless, Carl Fisher,  
6 Kaye V. Mickelson, Dan Knopf, Jeff Silvestrini, Nathan Rafferty, Randy  
7 Doyle, Blake Perez, Lindsey Nielsen, Jenny Wilson, Mike Reberg, Ron Dean,  
8 Aaron London, Caroline Gleich, Megan Mayer, Dave Fields, Dave  
9 Whittekiend (via telephone)

10  
11 **1. OPENING**  
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13 Chair Chris Robinson called the meeting to order at approximately 5:00 p.m.  
14

15 **2. INTRODUCTIONS**  
16

17 Those present introduced themselves.  
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19 **3. COMMITTEE DECISION-MAKING PROCESS**  
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21 Chair Robinson pointed out that the first order of business was to come up with a decision-making  
22 process for the Legislative Committee. The hope was that in the next 90 days they would be able to  
23 meet as frequently as necessary in an effort to deal with the legislative aspects of the Central Wasatch  
24 Commission (“CWC”) including dealing with the Utah State Legislature. Most importantly, the  
25 desire was to get the federal legislation on an acceptable footing.  
26

27 Executive Director Ralph Becker identified others who will be participating on the Committee that  
28 were not present at the meeting. He explained that the intent was for the Committee to achieve a  
29 consensus.  
30

31 Mayor Sondak’s impression from the Retreat was that the full Board asked them to serve as a task  
32 force that will report to the CWC Board. Chair Robinson explained that while they are not a decision-  
33 making body, their goal was to come up with recommendations.  
34

35 **4. REVIEW OBJECTIVES AND APPROACH**  
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37 Chair Robinson explained that Mountain Accord made pursuing the federal legislation a central tenet  
38 and they are still committed to pursuing the legislation in the context of the Accord. They need,  
39 however, to update consensus solutions in response to information and changing circumstances. The  
40 following topics were identified:  
41

- 42 • Land exchanges. Whether there is a path to make exchanges viable and desirable and  
43 determine if the resorts still want them. Determine if there are potential alternative approaches  
44 to solving the ownership situation in the canyon to achieve public and private needs.  
45

46 Chair Robinson reported that a letter was received from the four resorts indicating that the exchanges  
47 were of no interest to the resorts. Mr. Becker suggested the Committee identify the detailed issues.  
48

1 Dave Fields asked if the implication was that they need to redo the Mountain Accord. Chair Robinson  
2 explained that the Accord contemplated a federal designation and included certain aspirations of what  
3 it might look like. Some of the objectives may no longer be achievable. The current intent was to  
4 stay within the general framework of the Accord with adaptations. He pointed out that there is a  
5 diversity of opinion on what the Accord means and they are to the point that they have lost the  
6 consensus. Mr. Becker commented that the Mountain Accord represented a consensus at the time.  
7 The desire would not be to go back and revisit it but to address changes that have occurred.

8  
9 Dave Fields addressed the factors set forth in the letter sent to the CWC. He explained that clear  
10 direction was received from the US Forest Service on what they will take and in what sequence. The  
11 land that was received after the disparate valuation the amount of land available for trade got smaller  
12 based on the restrictions regarding what the Forest Service would accept.

13  
14 Chair Robinson commented that at the Retreat there was discussion about whether the lands have  
15 unique values that may transcend what would appear in an appraisal. He asked Dave Whittekiend if  
16 it would be possible to propose a directed exchange where some of the items laid out in the strategy  
17 would be addressed. He remarked that at some point they need to determine whether a balance can  
18 be found as to whether the exchange is in the public interest and make a sufficient incentive for the  
19 resorts to want to pursue it.

20  
21 Mr. Whittekiend cautioned the group not to oppose typical land protocols since they will risk having  
22 the administration abort the legislation. His understanding was that the land exchange will result in  
23 changes that perhaps may not be desired. He questioned whether there was a better avenue for  
24 securing the lands than the land exchange.

25  
26 Chair Robinson commented that the alternatives could perhaps solve the ownership issue and result  
27 in lands that the resorts want to relinquish coming under federal ownership. He asked  
28 Mr. Whittekiend if he had any suggestions on how the base areas at the resorts would come into  
29 ownership. He questioned whether they would be available through the legislation with the  
30 stipulation that they are available to purchase. Mr. Whittekiend stated that that would be a possibility  
31 but under the right authority. He was unsure what the long-term issues might be.

32  
33 Mayor Jenny Wilson noted that Lobbyist Bill Simmons mentioned that he would be open to looking  
34 at other land exchanges at the federal level to determine if resources are available that might provide  
35 compensation at some level. Lobbyist Ron Dean commented that even a directed land exchange  
36 requires United States Department of Agriculture (“USDA”) approval to be successful. He stressed  
37 the importance of having their support. Mr. Becker reported that in a recent meeting, he and  
38 Mr. Simmons met with the Legislative Office of the Forest Service and the concept of a directed  
39 exchange was addressed. The impression was that “it would make things easier”.

40  
41 Chair Robinson questioned how important the exchanges are to the resorts. They were determined to  
42 not be overly important. While there are attractive components, it has been increasingly complicated  
43 with multiple issues. Mayor Sondak asked about the implication of not having any land exchanges.  
44 Mr. Whittekiend indicated that the ski resorts are open to other means of ensuring the protection of  
45 the lands, watershed concerns, and access.

46  
47 Mayor Wilson commented that if they were to move ahead there may be a different model going  
48 forward to achieve some of the desired objectives.

1  
2 Dan Knopf stated that historically there has been vehement public outcry against land exchanges.  
3 Chair Robinson thought it would depend on the perceived equity in the land exchange. One option  
4 was to leave the possibility of land exchanges in the federal legislation in the event someone in the  
5 future wishes to pursue one. Mr. Whittekiend wanted to be realistic about what they are trying to  
6 achieve. Chair Robinson stated that a bond would be a tool that would be available to everyone.  
7

8 Mayor Wilson reported that she researched the relationship between the Forest Service and the ski  
9 resorts and it came to her attention that the Special Use Permits that allow the resorts to function will  
10 eventually expire. Mr. Whittekiend reported that they expire every 40 years and they recently  
11 renewed theirs. He explained that they are renewed with each change of ownership. Mayor Wilson  
12 asked about the potential of having a community consensus that puts the resorts in a better negotiating  
13 position. Mr. Becker explained that there is no sunset provision.  
14

15 Chair Robinson's understanding of the comments was that it is not essential to have land exchange  
16 language included in the federal legislation but there is a strong desire to come up with a mechanism  
17 where those lands can be protected. Dave Fields indicated that they are open to all options. Chair  
18 Robinson stated that he, Mr. Becker, CWC Chair Chris McCandless, and Congressman Curtis' staff  
19 spoke and their interpretation of the letter regarding the exchanges was that the ski resorts do not  
20 support the federal legislation. He wanted to understand whether changing ownership of the lands is  
21 important to the legislation. He had also heard that the resorts have tried to pursue their own land  
22 exchanges.  
23

24 Mr. Becker stated that the intent of today's meeting was to identify issues after which specific  
25 meetings could be devoted to independent topics. Procedural issues were discussed. It was suggested  
26 that each meeting include the direction they are headed to avoid starting over at every meeting. Chris  
27 McCandless thought it would be advisable to do a three-party exchange on critical lands. It would  
28 involve the sale of land to a private party or the creation of a conservation easement. The value  
29 associated with the land could go toward the purchase as directed by the federal legislation of lands  
30 at the base of the ski area. The desire was to be able to purchase the base ski areas. For example, a  
31 conservation easement could be placed on a piece of property. One of the ski resorts could then, as  
32 part of the sale, take the funds set aside and purchase their base area lands, which constitutes a three-  
33 party exchange. A conservation easement could then be put on the property in order to preserve it.  
34

35 A comment was made about the Matheson bill where an easement provision was part of the land  
36 exchanges with Snowbird. It was suggested that that be revisited. The understanding of the action  
37 item was if there is a desire to do land exchanges that they not eliminate the tools. They should look  
38 at opportunities and assess the political and environmental realities that exist and understand the tools  
39 that are available to accomplish the desired goals. There was some uncertainty as to whether the  
40 legislation is the answer.  
41

42 Mr. Whittekiend was not sure how a three-party exchange would be legislated. As far as the base  
43 areas, he suggested they be left up to the ski areas if they think the status quo is not working. If there  
44 is a willingness to explore options to take lands that are privately owned and make them publicly  
45 owned, there are a number of options. A third party could purchase it and there may be land exchange  
46 options and mechanisms.  
47

1 Chair Robinson pointed out that the CWC Board has not seen the communication from the Forest  
2 Service to the ski resorts detailing the terms and conditions. He commented that it is difficult to solve  
3 a problem they don't fully understand.  
4

5 Dave Fields commented that the only thing left out of his summary was the split estate issue and  
6 valuation. The equalization through payment of up to 25% was taken off the table and split estate  
7 would not be considered. Chair Robinson asked if there was a document setting forth the specific  
8 criteria. Mr. Fields stated that they have not gotten that far. Little Cottonwood Canyon is riddled  
9 with tunnels and he estimated that 70% of their land has an elected split estate. Mr. Fields commented  
10 that the ski resorts paid a third-party entity to commission the valuation. Chair Robinson expressed  
11 a desire to see the valuation document in order to better understand the issue.  
12

13 Mr. Whittekiend stated that any money from a land sale would go to the Treasury and they would not  
14 want the appearance of the ski areas purchasing land. In the land exchange process, if they were not  
15 getting close to value for value, the cash utilization in relation to a land exchange would not look  
16 good. Mr. Whittekiend explained that the Forest Service has not seen the appraisal either. It was  
17 simply a document that the ski areas prepared to help in the decision-making.  
18

- 19 • Transportation – Address how the legislation affects transportation solutions in the Wasatch  
20 and determine whether there are approaches that facilitate transportation within the context of  
21 impacts on lands, resources, and users.  
22

23 Mr. Becker explained that going back to the context of Mountain Accord, there were two primary  
24 thrusts; solving transportation issues and dealing with lands and resource issues. The two ideas  
25 merged as Mountain Accord concluded and the determination was made that they need to do both.  
26 More work was needed to determine what the transportation solutions should be. Mr. Becker  
27 remarked that it was both recognized and expected that with respect to transportation, there will need  
28 to be much more work done to determine what the transportation solutions should be. With respect  
29 to transportation, the solutions were narrowed but it was concluded that more analysis needs to be  
30 done and more public involvement in order to make conclusions about the solutions. A map was  
31 presented that encapsulated the view of transportation solutions.  
32

33 Chair Robinson identified the first issue, which was how legislation will affect transportation  
34 solutions. Mr. Becker explained that other than the legislation not prohibiting solutions, it does not  
35 need to involve transportation. Issues arose and it was determined that the legislation can help remove  
36 that as a potential legal or real issue. There was some question about the highway corridor in terms  
37 of who owns the ground and who has jurisdiction of the property under the road. That issue can be  
38 addressed by making it clear in the legislation that the Federal Highway Administration and the Utah  
39 Department of Transportation (“UDOT”) can have clear jurisdiction over the roadway and the right-  
40 of-way corridor, which would remove jurisdictional issues.  
41

42 Chair Robinson asked for feedback from the Committee members on what more they want the  
43 legislation to accomplish in terms of transportation. Carl Fisher stated that their primary issue with  
44 transportation pertained to the definition of “mountain transportation”. The position of his board was  
45 that they need a fair analysis of all of the options but should only pursue one. He suggested there be  
46 a direct process where all of the transportation options can be presented.  
47

1 Nathan Rafferty was concerned about the legislation eliminating certain options. Mr. Becker  
2 explained that the intent was to distinguish between ski area activities and a transportation system.  
3 As a result, a definition was drafted for “mountain transportation system” to distinguish destination  
4 to destination movements.  
5

6 Mayor Sondak had two concerns with the most recent draft of the federal legislation. The first  
7 pertained to the transportation system and egress. He explained that a transportation system east of  
8 Alta may require the ability to maintain it. The requirement of no roads, to him, seemed overly broad.  
9 He would also want to understand the egress and how motorists will exit the canyon in an emergency.  
10

11 Mayor Wilson was interested in exploring and helping Mayor Sondak work through those issues. In  
12 an isolated incident, she expected to be able to deploy other forms of transportation as needed such  
13 as helicopters. Dave Fields commented that the landslide earlier in the summer changed people’s  
14 thinking because prior to that time, egress was never an issue. Mayor Wilson stated that it is a new  
15 element that has been brought up. He wanted to make sure that the risk assessment is appropriate.  
16 She did not want to imply that the only way to mitigate that was through roads.  
17

18 Mayor Sondak’s concern pertained to an event such as a snowstorm or an earthquake. Mr. Fisher  
19 suggested they think about it in the context of how many people they are trying to deliver to each  
20 resort. Mr. Becker commented that a good transportation solution will provide for the best possible  
21 ingress and egress.  
22

23 Chris McCandless was concerned that today’s transportation solution will be considerably different  
24 than tomorrow’s. He recommended they maintain a certain level of flexibility in order to  
25 accommodate change. He also suggested they include language and seek out methodologies to  
26 accommodate secondary and emergency accesses out of the canyons. Mayor Wilson suggested the  
27 possibility of hiring an Emergency Manager for Salt Lake County.  
28

29 The remaining issues identified below were to be addressed at a future meeting.  
30

- 31 • Land Designations – Which designations, if any, need to be adjusted.
- 32 • Grizzly Gulch – Identify ways to address the changes to the status quo with respect to  
33 ownership and uses in the area.
- 34 • State and Local Goals in the Preparation of a Management Plan.  
35

36 **5. PRELIMINARY MAJOR ISSUES DISCUSSION**  
37

38 **6. SPECIAL ISSUE: BONNEVILLE SHORLINE TRAIL \*ACTION ITEM**  
39

40 Chair Robinson reported that Congressman Curtis’ office had spoken with Mr. Becker and others  
41 about a Multi-State Public Lands Recreational bill that has been proposed. They were asked if they  
42 would consider making it a CWC project. It would involve adding the Bonneville Shoreline Trail  
43 and removing a few hundred acres from the wilderness area to allow the Bonneville Shoreline Trail.  
44 The belief was that it could be advantageous for the CWC and it was being highly promoted by the  
45 International Mountain Biking Association (“IMBA”). They were told that they need Senators  
46 Romney and Lee to support the bill. There would be a net loss of a small amount of wilderness. The  
47 wilderness was broken down into smaller portions and did not follow a geographic boundary.  
48

1 Mayor Wilson's opinion was that they should find a trade. Her opinion was that the precedent that is  
2 set is a dangerous one. Mr. Fisher reported that Save Our Canyons has have reached an agreement  
3 with IMBA and considered the bill to be them renegeing on that agreement. He explained that Save  
4 Our Canyons' engagement in Mountain Accord and this process with the CWC was based on a  
5 promise that action would be taken on conservation. It seemed to him that they are picking and  
6 choosing all of the developmental actions and removals of conservation that have already been  
7 attained but asking them to stay at the table. Mr. Fisher remarked that it will be nearly impossible for  
8 them to continue to participate.

9  
10 Mr. Becker stated that Congressman Curtis assured him that there will be no offset of wilderness and  
11 hat the bill is purely recreational in nature. He explained that Congressman Curtis did not think it  
12 was possible, as part of his bill, to do the offset that would make it possible. The impacted areas were  
13 identified on a map displayed. Mr. Becker stressed that there will be no net loss of wilderness.

14  
15 Megan Mayer commented that removing wilderness is significant. Mr. Becker explained that  
16 Congressman Curtis' thought was that the creation of the Bonneville Shoreline Trail for mountain  
17 biking was a stand-alone and of significant benefit.

18  
19 Mayor Wilson wanted to learn more before taking action. Mr. Fisher stated that based on  
20 conversations he has had; this is not a question of staying silent but a question of going to war.  
21 Mr. Becker stated that Congressman Curtis has asked for feedback within the next few weeks. Timing  
22 issues were discussed. Chair Robinson stated that the bill is not going anywhere in its current format  
23 until another lands bill package is put forward. Mayor Wilson commented that if the intent of the  
24 recreation bill is to reduce wilderness, it will not be successful.

25  
26 Mr. Fisher would be embarrassed to have that portion go forward and get passed. Mayor Wilson  
27 agreed but stated that if they were to agree and it was to provide some valid wilderness, she would  
28 like the idea of completing the Bonneville Shoreline Trail from an urban and County perspective.  
29 She was uncomfortable with it, however, as proposed.

30  
31 Mr. Becker suggested that the message to be communicated back to Congressman Curtis was that the  
32 concept may be workable but not at the risk of removing wilderness. Chris McCandless stated that  
33 the risk is the rest of the legislation. Once the wilderness area is in concert with the Bonneville  
34 Shoreline Trail, it bifurcates the Conservation Recreation Area bill and becomes less meaningful. He  
35 suggested they recognize what they are doing and that they will be sacrificing one to get the other.

## 36 37 **7. SCHEDULE OF MEETINGS**

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39 It was suggested that there be a compressed schedule moving forward. Mr. Becker indicated that  
40 staff would send out a poll to determine the best times to meet.

41  
42 The Central Wasatch Commission Legislative Committee Meeting adjourned at approximately  
43 6:20 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Central*  
2 *Wasatch Commission Legislative Committee Meeting held Monday, November 25, 2019.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

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