

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) LEGISLATIVE/**  
2 **LAND TENURE COMMITTEE MEETING HELD REMOTELY ON FRIDAY,**  
3 **MARCH 20, 2020, AT 12:30 P.M.**  
4

5 **Present:** Chair Chris Robinson, Mayor Jeff Silvestrini, Mayor Harris Sondak, Mike  
6 Reberg (representing Mayor Jenny Wilson), Kim Mayhew, Chris Adams,  
7 Carl Fisher, Randy Doyle, Mike Maughan, Jenna Malone, Barbara  
8 Cameron, Megan Nelson  
9

10 **Staff:** CWC Attorney Shane Topham, Deputy Director Blake Perez,  
11 Communications Director Lindsey Nielsen, Office Administrator Kaye  
12 Mickelson  
13

14 **1. Introductions – Chris Robinson, Chair, Central Wasatch Commission.**  
15

16 In the absence of Chair Wilson, CWC Chair Chris Robinson conducted the meeting and assumed  
17 the Chair. He welcomed those present and called the meeting to order at approximately 2:30 p.m.  
18

19 **2. Review Objectives of Meeting – Chair Robinson.**  
20

21 Chair Robinson reported that this is the first official meeting of the Legislative/Land Tenure  
22 Committee. The first unofficial meeting was held in late November/early December at the  
23 Millcreek City Offices. The meeting took place before the committee was formally organized and  
24 members identified. This meeting was a continuation of that. At the CWC Retreat that took place  
25 in November, the committees were established. The charter for the Legislative/Land Tenure  
26 Committee was to work on legislative matters involving lobbying efforts at the State and Federal  
27 levels. The land tenure function of the committee was added later.  
28

29 Chair Robinson explained that the legislative aspect of the federal designation was paused partly  
30 because one of the missing pieces of the National Conservation Recreation Area (“NCRA”)   
31 legislation was the issue of land tenure, specifically as it relates to the land exchanges that were at  
32 one time called for in the legislation. They have become difficult because of land value  
33 differentials and other conditions. One of the primary objectives of the meeting was to focus on  
34 the land tenure issue or the land ownership pattern in the canyons.  
35

36 CWC Executive Director, Ralph Becker reported that this meeting is in actuality a meeting of the  
37 Central Wasatch Commission. It is formal in the sense that it was noticed and was being recorded.  
38 Minutes will be prepared and posted. Due to the Covid-19 virus, meetings will be conducted in  
39 this matter for the time being. Those with issues involving gaining access to meetings were  
40 encouraged to contact staff.  
41

42 Mike Reberg stated that there has been an ongoing health emergency as well as an earthquake that  
43 occurred earlier in the week. Mayor Wilson had been preoccupied with the two ongoing  
44 emergencies and was grateful for other members of the Committee stepping up in her absence.  
45

1 Mayor Sondak commented that he too had been preoccupied with the current emergencies. While  
2 he agreed that progress should be made on longer-term issues, they may be difficult to focus on in  
3 the coming few weeks.

4  
5 Chair Robinson reported that a virtual meeting was held with six or eight present at the Millcreek  
6 City Offices. An additional 10 individuals, as well as Representative Curtis, participated remotely  
7 to discuss the proposed Bonneville Shoreline Trail legislation being put forth by the mountain  
8 biking community. It has been opposed due to timing differences by some members of the  
9 conservation community. Technically, that would have fallen under the purview of this committee  
10 in some fashion as it deals with the federal legislation. While nothing concrete came from the  
11 meeting, he was glad it was held.

### 12 13 **3. Consider Options for Addressing Replacement for Land Exchange.**

14  
15 One of the issues to be discussed included the Committee exploring the pursuit of possibilities  
16 beginning with the initial question of whether land ownership realignment should continue to be  
17 pursued. Chair Robinson reported that they toured the Cottonwood Canyon resorts and met with  
18 Alta and Snowbird representatives on one day and Solitude and Brighton on another. The goal  
19 was to hear firsthand if changing land ownership important to them. The idea of trading equal  
20 value for equal value through the legislation did not seem to be tenable. The next issue was  
21 whether it is important to deal with land ownership issues. One of Chair Robinson's main  
22 questions was whether the land exchange was a significant driver for the ski resorts' participation  
23 and support of the legislation and if their interests would be diminished without it.

24  
25 Kim Mayhew commented that Solitude's position changed when a significant amount of  
26 information became available from the Forest Service with regard to the quality of the land with  
27 respect to the trade. She was also concerned about the discrepancy in the land valuation.

28  
29 Mayor Sondak stated that there are two main issues from the Town of Alta's point of view as they  
30 do not receive substantial property tax from the Forest Service ground. In terms of revenue, if land  
31 is to be developed regardless, they preferred it be privately held. That way they have direct zoning  
32 control over the development, which they do not currently have.

33  
34 Chris Adams from Wasatch Backcountry Alliance ("WBA"), commented that some issues have  
35 been with split estates and appraisals. He had heard that some of the property values are 100-to-1  
36 for land on the ridge versus property at the base. He questioned whether the community seeking  
37 to acquire the land would be willing to pay a higher rate because the land is inherently valuable.  
38 He stressed the importance of protecting backcountry areas from being developed and closed. It  
39 was important to WBA to see the land trades occur.

40  
41 Jenna Malone agreed with Chris Adams' sentiments as a resident and new leader in the Town of  
42 Brighton. She stated that many of her constituents support the idea of preserving the land. Much  
43 of the appeal of the NCRA was the idea of adjusting the boundaries of the ski resorts to protect the  
44 character of the public lands surrounding them.

1 Carl Fisher echoed the previous comments and stated that the massing of the Wasatch is not  
2 working well for anyone. He supported finding creative ways to ‘share the orange’. He expected  
3 that creative solutions will be required that will involve many levels of government. The hope  
4 was that they can find a way to make the geography and land ownership maps work better for  
5 everyone.

6  
7 Chair McCandless commented that the Forest Service was invited to participate but they have an  
8 agency rule that they cannot participate in matters involving legislation.

9  
10 Randy Doyle from Brighton, commented on some of the concerns with the original legislation  
11 regarding valuation. For Brighton, specifically, the land exchange is not overly critical. He  
12 explained that the resort works better if it is all on private or federal property. For them, getting  
13 base area land was not overly critical since 100% of their base area is on federal land. The prospect  
14 of obtaining all of that ground is almost insurmountable.

15  
16 Mike Maughan gave his perspective on Alta’s changing ownership if the exchange, as constituted  
17 does not work. He commented that the original exchange included certain items such as a tunnel  
18 that never came to fruition. Alta’s ownership indicated that given the growth projections and  
19 trying to protect the quality of the ski experience within Alta, their desire was not to trade Grizzly  
20 Gulch and instead preserve it for use as a future ski area. That piece was off the table but they  
21 have other lands on the north side of Little Cottonwood Canyon that they are interested in  
22 potentially including in some sort of exchange or public domain to provide backcountry access  
23 over lands that are not private to the ridgeline.

24  
25 Chair Robinson referenced 3.4.3 - Alta Land Exchange that describes Alta Ski Lifts commitment  
26 to exchange its private land with Forest Service land conditioned upon transit improvements  
27 including a tunnel or other connection between Big and Little Cottonwood Canyons to resolve  
28 transportation problems, improve avalanche control, and safety in Little Cottonwood Canyon.  
29 Approval of a 100-room hotel and water was also being sought.

30  
31 Mr. Maughan explained that the board’s concern was preserving their ability to accommodate  
32 anticipated growth and remain competitive in the changing market. Their interest was working  
33 with the various parties and particularly the backcountry users. They have been great supporters  
34 of that community over the years and have allowed them access to their private lands and areas  
35 within the ski area. They were looking for solutions that will facilitate and help backcountry skiing  
36 continue and allow the ski area and its ownership to have areas to expand to and accommodate  
37 future growth. It was a balance between the two. Much has changed since the original land  
38 exchange and they have learned a great deal about the quality of the lands and the value. As a  
39 result, the land exchange portion will not come to fruition if it does not work. They were moving  
40 forward with the idea of how to preserve their options for accommodating growth. Their owners  
41 have made it clear that preserving the ability to put lifts into Grizzly Gulch is a top priority. They  
42 would potentially consider some of the other lands on the north side of the canyon.

43  
44 There was discussion of a legislatively authorized program of ski-area acquisition of public lands  
45 in developed based areas and the commitment to use the proceeds to acquire private lands in the  
46 Central Wasatch Mountains on a willing-seller basis. Chair Robinson indicated that he and

1 Mr. Becker met with representatives from the U.S. Forest Service and discussed whether to pursue  
2 a directed land exchange. A similar method had been used in the past but is prone to abuse. A  
3 suggestion was made with respect to legislative authorization that occurred in Clark County,  
4 Nevada where BLM lands were made available for sale and the proceeds dedicated to remain in  
5 the County for acquisition of other private lands to add to the federal domain. The lands they are  
6 willing to sell would also be identified and be sold at fair market value.

7  
8 Chair Robinson reported that they would then not have to worry about many of the problems that  
9 existed with the land exchanges. They would identify what they are allowed to buy and have to  
10 sell and the funds would circulate. Any surplus funds could be used to purchase non-resort owned  
11 private property in the canyons at fair market value. Although this model is predicated on how  
12 badly the ski resorts want to own the federal lands upon which they operate and if they have the  
13 ability to purchase them at appraised value. He asked if the resorts would have an interest in  
14 paying fair market value for any of their base lands and at the same time be willing to sell any of  
15 the surplus lands at fair market value with all of the proceeds remaining in the Wasatch.  
16 Mr. Becker clarified that it could also apply to other private lands if there were willing sellers.

17  
18 Mr. Maughan commented that when they reviewed the situation with the Forest Service as part of  
19 the land exchange, the Forest Service questioned what they want the base area lands for. It was  
20 determined that what is currently being done can take place on Forest Service land as well and  
21 there is no reason to change the designation. Alta Ski Lifts agreed. On the base area lands, there  
22 is no value that their board is currently looking at in terms of acquiring base area lands as part of  
23 the exchange. They are happy with what they have and believe they can implement what they  
24 wish to within the current footprints on the public lands they have.

25  
26 Kim Mayhew commented that over the past year that was the direction Solitude had taken as well.

27  
28 Chair Robinson asked if there was any basis upon which the ski resorts would be interested in  
29 selling surplus lands.

30  
31 Mr. Maughan commented that the lands that they would be interested in selling would be on the  
32 north side of the canyon above the Town of Alta. They had no interest in selling Grizzly Gulch.

33  
34 Ms. Mayhew stated that there may be lands they would be selling. If selling to the Forest Service  
35 there would be some challenges. They were willing to entertain the discussion, however.

36  
37 Mr. Doyle indicated that they were willing to entertain that option as well.

38  
39 Mike Reberg hoped to get a sense of whether there is an appetite among their constituents and if  
40 it is worth pursuing based on some of the downsides that might occur with the directed exchange.  
41 His recollection was that that was a topic of conversation with Mountain Accord in the past.

42  
43 Carl Fisher remarked that the exchange concept has changed dramatically since the last time it was  
44 discussed. His organization was open to the idea of directed exchanges but questioned whether  
45 they were doing the accord. He wanted to understand that better but was willing to pursue and  
46 look at various options, proposals, and opportunities to make something work.

1  
2 Chair Robinson acknowledged that directed exchanges have been controversial in the past.

3  
4 Jenna Malone asked Mr. Reberg to distinguish between land for land exchange and the funding to  
5 make up for the difference in valuation versus an outright public purchase of land. Mr. Reberg  
6 was referring to a directed exchange involving lands for lands and disregard the value of each. He  
7 pointed out that different lands have different values for different people and simply make an  
8 exchange without an equalization of value.

9  
10 Chair Robinson explained that that would require a negotiation that would be part of a bill. Mayor  
11 Sondak clarified that a directed exchange would not authorize an exchange but would mandate it.  
12 Chair Robinson pointed out that previous iterations of the bill authorized the exchanges and were  
13 still voluntary.

14  
15 Ms. Mayhew was opposed to a directed exchange. She stated that if there was a directive, she  
16 would have to be looking at a piece of ground that would not be objectionable to her landlord. She  
17 was not in a position to find another piece of ground presently other than the one that was originally  
18 intended as an exchange piece with the Forest Service and Solitude that is now something they are  
19 not interested in.

20  
21 Chair Robinson pointed out that the directed exchange does not involve a transfer of money, which  
22 has some value assuming that the other hurdles can be overcome. For those who are concerned  
23 about the directed exchange because of the former valuation mode, he urged them to consider  
24 something else that might work. Ms. Mayhew commented that the property that they have  
25 considered for an exchange was not something that the Forest Service is interested in.

26  
27 Chris Adams stressed the importance of addressing the details. He had heard that the ski areas  
28 have some area they would be willing to trade. That may be worth exploring if they can work  
29 through the details.

30  
31 The Committee next addressed the public acquisition of private lands through acquisition by  
32 government and/or private non-profits through bonding or other mechanisms. Chair Robinson had  
33 heard that the resorts may be willing to sell some of their surplus lands. Funding and fundraising  
34 options were discussed.

35  
36 Carl Fisher's understanding of the fundraising effort was that sometimes they are still beholden to  
37 the barrier of fair market value. He considered it to be one possible option. Mike Reberg  
38 commented that over the years Salt Lake County has put forth recreation and open space bonds.  
39 There is constant pressure to put the bonds on the ballot and requests to put recreation and/or open  
40 space bonds on the 2020 ballot. The issue behind bonding is timing. It is a possible path that  
41 depends on timing.

42  
43 Mr. Becker reported that Salt Lake City has invested heavily in acquiring land for watershed  
44 protection. There has been interest in the past and ongoing acquisitions of smaller parcels of land  
45 that were strategic for Salt Lake City. That fund has accumulated monies over time and no one  
46 has bonded against that fund.

1  
2 Megan Nelson stressed the importance of considering all options at the present time. What is  
3 likely to move may be a combination of many options. She suggested they be considered on a  
4 case-by-case basis. They should show the importance of why the lands that the federal government  
5 would receive are worthy. The various options work in tandem so, if there is a directed exchange,  
6 there may be another process for private acquisition of other landholdings by a government entity  
7 or non-profit. She did not think there was one way to eliminate the PR portion of it. Another issue  
8 to be addressed is whether to require the National Environmental Policy Act (“NEPA”) but stated  
9 that the NEPA process might help with that.

10  
11 Mayor Silvestrini felt that a buy-in from the parties was needed to move forward. He saw no point  
12 in proceeding unless they have a clear understanding that the ski resorts will want to participate.

13  
14 **4. Next Steps for Committee.**

15  
16 Mr. Becker reported that staff would continue to work through the issues while being sensitive to  
17 the pressures facing everyone.

18  
19 Chair Robinson thanked those who participated for their time and effort.

20  
21 **5. Other Business.**

22  
23 **6. Adjournment.**

24  
25 The Central Wasatch Commission Legislative/Land Tenure Committee Meeting adjourned at  
26 approximately 1:59 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the Central*  
2 *Wasatch Commission Legislative/Land Tenure Committee Meeting held Friday, March 20, 2020.*  
3

4 *Teri Forbes*

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

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