

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) LEGISLATIVE/**
2 **LAND TENURE COMMITTEE MEETING HELD REMOTELY ON THURSDAY,**
3 **OCTOBER 1, 2020, AT 10:30 A.M.**
4

5 **Present:** Mayor Jenny Wilson - Chair, CWC Board Chair Christopher F. Robinson,
6 Mayor Jeff Silvestrini, Mayor Harris Sondak
7

8 **Staff:** CWC Executive Director Ralph Becker, CWC Deputy Director Blake
9 Perez, Communications Director Lindsey Nielsen, Office Administrator
10 Kaye Mickelson
11

12 **Attendees:** Mike Reberg, Janie Kent, Lorie Fowlke, Steve Van Maren, Chris Adams,
13 Dave Fields, Carl Fisher, Ed Marshall, Kim Mayhew, Megan Nelson, Will
14 McCarvill, Mike Maughan
15

16 **1. OPENING**
17

18 **a. Chair/Mayor Jenny Wilson will Convene the Meeting.**
19

20 Chair Wilson called the meeting to order at approximately 10:40 a.m. and welcomed those present.
21

22 **b. June 4, 2020 Committee Minutes: Review and Approve.**
23

24 The minutes were reviewed and accepted.
25

26 **MOTION:** Mayor Silvestrini moved to approve the minutes of June 4, 2020. CWC Chair
27 Robinson seconded the motion. The motion passed with the unanimous consent of the Committee.
28

29 **2. Items for Discussion and Potential Action.**
30

31 **a. Review of Legislative Land Tenure Committee Work and Direction.**
32

33 CWC Executive Director, Ralph Becker discussed the Central Wasatch Commission and noted
34 that voting members of the Legislative/Land Tenure Committee include:
35

- 36 • Chair – Jenny Wilson
- 37 • Co-Chair – Jeff Silvestrini
- 38 • Member – Harris Sondak
39

40 Mr. Becker reported that CWC Chair, Christopher Robinson has participated with all of the
41 Committees. The Legislative/Land Tenure Committee was established to look at land exchange
42 issues. This included whether land exchanges could proceed in some form or whether an
43 alternative might proceed instead. It was also created to address remaining legislative issues. The
44 intended goal was to spend 2020 getting the Congressional Legislation to a condition that it is
45 ready if the Congressional Delegation wished to take it on.
46

1 **b. Review of Meetings with Ski Areas and Conservation Groups on Moving**
2 **Ahead with Legislation.**
3

4 Mr. Becker reported that there had been two meetings of the Committee, as well as reviews with
5 various stakeholders to pursue land exchanges or an alternative that would accomplish the goals
6 of the land exchanges. The goals were as follows:
7

- 8 • To realign land ownership in a manner that better reflects the private interests, particularly
9 around the ski resorts; and
- 10 • To realign land ownership in a way that better reflects the public interests, particularly in
11 the areas outside of the ski resorts.

12
13 Mr. Becker stated that the administrative land exchange process was cumbersome and involved
14 numerous hurdles. The Commission decided to look at alternatives, including having some of the
15 private lands outside of the ski areas purchased and to look at other ways of acquiring those lands
16 through acquisition for public purposes. Mr. Becker and Mike Reberg explored some of the
17 alternatives in more detail at individual meetings with ski resorts and with a collection of
18 conservation organizations. There was a desire to proceed with those options and see if something
19 may be feasible. Mr. Becker stated that directed land exchanges had not been viewed as desirable
20 by the ski resorts.
21

22 The following question was raised with each of the ski areas and conservation groups:
23

- 24 • Is there an interest or willingness to support the legislation removing the land exchanges?
25

26 Mr. Becker reported that three of the ski areas expressed a willingness with some qualifications.
27 The fourth ski resort, Alta Ski Area, was interested in pursuing either a land exchange or land
28 ownership alternations. They did not express a willingness to support or not support legislation at
29 the current time. Mr. Reberg stated that all of the ski resorts had a desire to do either a land
30 exchange or land conservation. He felt that the land exchanges were something people care about
31 but not necessarily through Federal Legislation. Mr. Becker remarked that the ski resorts are
32 focused on transportation and traffic congestion issues. They felt that legislation would need to
33 address those concerns.
34

35 CWC Chair Robinson commented that for some time the legislation was put on the backburner.
36 In the interim, the Committee tried to understand the importance of the land exchanges to the
37 beneficiaries and recognize that work needs to be done on transportation. He felt the Committee
38 needed to get the legislation in good order so that a consensus piece could go hand in hand with
39 transportation.
40

41 **c. Discussion of Recommendations for Pursuing Steps Going Forward.**
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43 Chair Wilson asked if the Committee wanted to pursue land exchanges with a federal bill or if
44 there was still an interest in pursuing land exchanges utilizing federal dollars. Mr. Becker stated
45 that the ski resorts, with the exception of Alta, did not want to invest more time or resources into
46 pursuing land exchanges. He noted that land exchanges are only one piece of the federal

1 legislation. The most significant part of the legislation related to different designations that would
2 establish a legislative reorientation of the U.S. Forest Service lands. This would include the
3 Conservation Recreation Area, White Pine Special Management Area, and the wilderness.

4
5 Chair Wilson asked if the Committee was looking to take an integrated approach with those areas
6 and transportation. Mr. Becker reported that the legislation was well refined as it related to:

- 7
- 8 • The Conservation Recreation Area, White Pine Special Management Area, and the
9 wilderness; and
- 10 • The call for a new Management Plan with new designations.

11
12 He reported that those areas still need further review and refinement. Mr. Becker noted that there
13 was also a transportation element to the legislation. It was intended to facilitate whatever
14 transportation solutions were determined. By the end of 2019, most of the issues had been worked
15 out in terms of the legislative language but Mr. Becker felt that depending on the outcomes of
16 2020, there could be further refinements needed before a bill is finalized. Mr. Reberg felt there
17 was value in moving forward with the Federal Legislation and eliminating the land exchange
18 elements.

19
20 Chris Adams, from the Wasatch Backcountry Alliance, believed the legislation was important
21 because it would define the ski area boundaries, create predictability, and define the White Pine
22 Special Management Area. He noted that the term “land exchange” is not the most accurate. Mr.
23 Adams believed other options could include putting land into conservation or purchasing land to
24 put into conservation. CWC Chair Robinson clarified that the term “land tenure adjustment” had
25 been used as a broader term to describe a change in ownership. He noted that the Committee needs
26 to decide what the legislation will look like and how to deal with the land tenure adjustments.

27
28 CWC Chair Robinson stated that the Committee may or may not use federal congressional action
29 to adjust land tenure. He believed the Committee likely will not based on feedback from the ski
30 resorts. The goal of the Legislative/Land Tenure Committee needs to be focused on how to deal
31 with land tenure and legislation. CWC Chair Robinson felt that legislation may also include
32 transportation components.

33
34 Chair Wilson believed the Committee would explore two paths. The first would be to ask staff to
35 work on redrafting a bill to explore the political environment and determine what the challenges
36 will be both locally and federally. The second path would be to address issues related to land
37 tenure and move it forward with a community-based effort. That could mean bringing in Utah
38 Open Lands or other conservation groups to assess opportunities and next steps.

39
40 Dave Fields, from Snowbird Ski Resort, felt that Mr. Becker had summarized the ski resort position
41 well. He did not feel that the land exchange was a viable pathway forward and was interested in
42 pursuing another option. Mr. Fields shared concerns that the CWC and Recreation Area Act
43 (“NCRA”) would be an overlay on top of the ski areas. He believed that the ski areas would want
44 a carve-out. Mr. Becker noted that the last draft of the legislation carved out the ski area
45 boundaries. CWC Chair Robinson asked if the term carve out meant the ski area boundaries would
46 not be covered by the NCRA. Mr. Becker confirmed that was the case.

1
2 Mayor Silvestrini wondered if the Mountain Transportation System (“MTS”) initiative would need
3 to be addressed. Mr. Becker stated that the MTS work was scheduled to be completed by the end
4 of 2020. The goal was to have the Congressional Legislation ready once the MTS-related work is
5 complete so a new bill would be available for congressional consideration.
6

7 Mr. Becker reported that a number of things had been done at the state level, including discussions
8 with legislative leaders. The President of the Senate assigned liaisons from their leadership team,
9 which the CWC had been communicating with throughout the year. Mr. Becker noted that a couple
10 of years ago, a resolution was introduced to support the work of the Commission and legislation.
11 The bill passed in the Senate but on the last night of the Legislature did not make it through in-
12 house. Appropriations had also been pursued, particularly in relation to transportation. Last year,
13 a \$50,000 appropriation was received through the Utah Department of Transportation (“UDOT”),
14 to deal with law enforcement support to help buses move around traffic congestion. That
15 appropriation was pulled after reductions in the budget occurred in summer 2020. Mr. Becker
16 noted that some legislators had come forward to offer assistance. He stated that discussions had
17 also occurred with those in minority leadership.
18

19 **3. Next Steps and Follow Up.**
20

21 Chair Wilson felt it was important to provide direction to staff about next steps. She believed the
22 work that had been done in the last year had moved the CWC forward in a favorable way. It was
23 important to continue to monitor state issues and follow the progress of the Transportation
24 Committee. Chair Wilson believed the Transportation Committee should continue looking at
25 transportation issues while the Legislative/Land Tenure Committee should look at another
26 legislative draft that would exclude the land exchange component.
27

28 Mike Maughan, from Alta Ski Area, commented that the federal land exchange would not
29 necessarily work. However, Alta was interested in moving some of the private lands outside of
30 the ski area into public ownership or looking into additional conservation. Mr. Maughan was also
31 interested in legislation that would carve out ski areas and believed that existing legislation could
32 be used under the Small Tracts Act to trade lands in Big Cottonwood Canyon, near the Mount
33 Olympus wilderness area. Mr. Maughan noted that there was no public access to the ridgeline
34 between Big Cottonwood Canyon and Little Cottonwood Canyon in the Town of Alta that did not
35 cross private land. He also discussed the limited parking available to backcountry visitors.
36

37 CWC Chair Robinson asked if the Small Tracts Act would allow for exchanges to occur
38 administratively. Mr. Maughan confirmed this and stated that the exchanges could be done within
39 the Small Tracts Act and without additional legislation. He had provided rough concept maps and
40 a proposal to Mr. Becker. CWC Chair Robinson believed it would be beneficial to pass the
41 materials around and receive feedback. He felt that if land tenure adjustments were going to be
42 made without federal legislation, concrete suggestions and proposals needed to be a focus moving
43 forward. Mr. Becker stated that he would share the maps and the proposal more broadly. Mayor
44 Sondak believed the proposal should also be shared with the Transportation Committee because
45 the parking suggestion would have implications for transportation.
46

1 Carl Fisher, from Save Our Canyons, wondered why the Town of Alta was discussing parking
2 options rather than transit access. He thought the town had decided to move away from personal
3 automobiles and parking lots in the canyons. Mr. Maughan clarified that this was a short-term
4 solution as there is little to no parking available for the backcountry community. CWC Deputy
5 Director, Blake Perez wondered if there would be an opportunity for the parking area to become a
6 transit stop in the future to better serve the backcountry community. Mr. Maughan noted that the
7 location where most of the adjustments would be made was a spot that UDOT identified as a
8 potential future transportation hub. If it became a transportation hub, the parking area could be
9 used for public transit or shared with a proposed future community center. It would have multiple
10 uses and serve the town of Alta.

11
12 Mr. Becker reported that part of the budget for the year included \$20,000 for lobbying assistance.
13 Last year, there had been a contract with Casey Hill that ended one month after the 45-Day Session
14 of the Utah State Legislature. CWC Chair Robinson wondered if the Legislative/Land Tenure
15 Committee would want to reinstate that contract. That way, Mr. Hill would be involved as the
16 Committee looked toward either defensive or proactive action with the upcoming 45-day session
17 of the Utah State Legislature. Chair Wilson saw value in having Mr. Hill return but felt this was
18 an issue that should be presented to the full CWC Board.

19
20 CWC Chair Robinson felt it was important to define Committee objectives with the State
21 Legislature. He noted that when federal legislation was pursued, there had been push back from
22 those wanting legislative oversight on federal designations. CWC Chair Robinson believed it may
23 be beneficial to have lobbying assistance to achieve a consensus product. He felt that one of the
24 questions to ask was as follows:

- 25
26 • What would we like the State Legislature to do or not do on our behalf?

27
28 Chair Wilson believed as the Committee moved toward defined solutions, more legislators would
29 engage in some way. CWC Chair Robinson noted that the 45-day session of the Utah State
30 Legislature began in January. Mayor Silvestrini believed that if the Committee hoped to have
31 another draft of the legislation, it would be critical to have access to lobbying assistance. However,
32 he wondered if the Committee was premature on that front, given where they were with the
33 discussions and transportation developments.

34
35 Mayor Silvestrini asked what the proposed timing would be for a new draft. CWC Chair Robinson
36 hoped to see a new draft by the end of the year. Mayor Silvestrini was unsure whether a
37 transportation recommendation would be completed by that time. CWC Chair Robinson
38 commented that the legislation might have to be predicated based on transportation. He suggested
39 that the Legislative/Land Tenure Committee may want to meet more frequently.

40
41 Mr. Fisher commented that the Patsy Marley area is the only public land access in upper Little
42 Cottonwood Canyon that was omitted from the legislation. He asked if transportation solutions
43 would be rolled into future legislation. CWC Chair Robinson stated that it may or may not be
44 appropriate to roll transportation solutions into future legislation.

1 Mr. Becker discussed next steps for staff. They included exploring suggestions brought up during
2 the meeting and looking into transportation. He stated that money had been budgeted for a
3 Lobbying Assistant and felt it would be beneficial to have a government relations person on board
4 sooner rather than later. Chair Wilson believed there was a benefit to keeping Mr. Hill on. CWC
5 Chair Robinson suggested that Mr. Becker amend the CWC Board agenda to include this as a
6 discussion item at the next meeting. Chair Wilson suggested that the Legislative/Land Tenure
7 Committee meet again in one month.

8

9 **4. Adjournment.**

10

11 The Central Wasatch Commission Legislative/Land Tenure Committee Meeting adjourned at
12 approximately 11:42 a.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 Thursday, October 1, 2020.*
3

4 *Teri Forbes*

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____