

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION MEETING HELD MONDAY,**
2 **JULY 9, 2018 AT 3:10 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-Chair, Commissioner Mike Peterson,
7 Commissioner Jim Bradley, Commissioner Jackie Biskupski, Commissioner
8 Andy Beerman, Commissioner Ben McAdams
9

10 **Staff:** Executive Director Ralph Becker, Legal Counsel W. Shane Topham, CWC
11 Federal Lobbyist Bill Simmons
12

13 **Excused:** Commissioner Carlos Cabrera
14

15 **A. OPENING**
16

17 **i. Commissioner McCandless will conduct the meeting as Chair of the CWC.**
18

19 Chair Chris McCandless called the meeting to order at 3:10 p.m.
20

21 **ii. The Commission will Consider Approving the Meeting Minutes of Wednesday,**
22 **June 6, 2018.**
23

24 **MOTION:** Commissioner Beerman moved to approve the minutes of June 6, 2018. The motion
25 was seconded by Commissioner Peterson. The motion passed with the unanimous consent of the
26 Commission.
27

28 **iii. The Commission will Consider Approving the Meeting Minutes of Wednesday,**
29 **June 20, 2018.**
30

31 Chair McCandless reported that there had been discussion about amendments to the meeting
32 minutes. It was suggested that approval be tabled and the revised minutes brought back for
33 approval at the next meeting with corrections to be ratified by Legal Counsel, W. Shane Topham.
34

35 **MOTION:** Commissioner Peterson moved to table approval of the minutes of June 20, 2018 to the
36 next meeting. The motion was seconded by Commissioner Beerman. The motion passed with the
37 unanimous consent of the Commission.
38

39 **B. PUBLIC COMMENT**
40

41 Sarah Bennett, Trails Utah Executive Director, submitted a prepared written statement which was
42 read. She reported that Trails Utah, Save Our Canyons, Utah Sierra Club, and the Bonneville
43 Shoreline Trails Committee have been working together under the guidance of the National Park
44 Service Trails Assistance Program and the U.S. Forest Service on wilderness boundary adjustments
45 for the Bonneville Shoreline Trail (BST). As a team, they agreed that what was needed was field
46 verification of the boundary adjustments. Staff from the Salt Lake Ranger District obtained the
47 needed data and completed that task. They recommended wilderness boundary adjustments to be
48 included in the 2018 submittal of the Central Wasatch National Conservation and Recreation Area

1 Legislation. Ms. Bennett explained that the adjustments are critical to ensure that the Bonneville
2 Shoreline Trail can exist as a shared use trail, meaning mountain bike legal, along the western slope
3 of the Wasatch Mountains through Salt Lake County, where practical. Every effort was made to
4 minimize wilderness removals and avoid private property while maintaining space to create
5 sustainable and reasonably accessible trail alignments for the BST in the future. Providing
6 connectivity for the entire BST through the study areas will be challenging due to private property
7 issues. Land easements or land purchases should be considered to complete the BST in the coming
8 years.

9
10 As part of their examinations they identified 12 areas along the periphery of Mount Olympus, Twin
11 Peaks, and Lone Peak Wilderness Areas where the wilderness boundary needs to be adjusted from
12 the original allowances identified in the 2016 version of the bill. A total of 240 acres need to be
13 relieved of wilderness status to allow for BST consideration. This was compared to 130 acres
14 included in the original CWNCRRA legislation. During the review process, 480 acres of Forest
15 Service property was identified contiguous with the Mount Olympus Wilderness Area that they
16 believe includes outstanding wilderness characteristics. They recommended this acreage be
17 included in the bill to become designated wilderness. The addition would result in no net loss of
18 wilderness in the study area but would constitute a net gain. They requested that language in the
19 bill be modified to reflect the number of acres to be removed for BST consideration and the specific
20 intent of those removals to allow for shared use trail connectivity be clearly articulated. They felt it
21 was important for the removals to be clearly stated and the reason for their removals enunciated.

22
23 Ms. Bennett indicated that language describing additional acreage to be included into the Mount
24 Olympus Wilderness Area also needs to be included in the bill. They requested that language added
25 to the bill that states that any Forest Service lands removed from wilderness for the purpose of
26 establishing a shared use BST alignment be protected in perpetuity from any future development.
27 This point was key and central to the working group reaching a consensus. The submittal included
28 pictures of boundary adjustment areas and additions to the Mount Olympus Wilderness Area. All
29 of the needed GIS data had been obtained although some revisions were still needed. They would
30 continue to work with their partners, the Central Wasatch Commission, and the Office of
31 Congressman Love to ensure that the language changes are made to the bill.

32
33 John Knoblock from Trails Utah hoped to be able to move forward with respect to the Bonneville
34 Shoreline Trail and wilderness adjustments. All seemed to be in agreement at this point. He hoped
35 Executive Director, Ralph Becker, would help them in the future to move on to the rest of trail plan
36 that was prepared with the Mountain Accord. At this point he hoped they could have their Forest
37 Service and water shed partners involved to move forward with additional projects. With respect to
38 the Bonneville Shoreline Trail and adjustments, he explained that to move forward they need the
39 Central Wasatch National Conservation Area. He was supportive but asked the Commission to
40 make sure that all of the partners involved in the Mountain Accord that support the legislation
41 consider the transportation improvements from the Little Cottonwood EIS conducted for Big
42 Cottonwood. He commented that they want to make sure they have approvals and funding for
43 trails, toilets, and transportation in the future.

44
45 Steve Van Maren was concerned about the process and the potential for the Executive Committee to
46 approve a resolution and submit it without allowing for public comment. He stated that the public
47 deserves an opportunity to review the changes once they are incorporated.

1 Vaughn Cox asked whether once the adjustments to the bill are made if there is a plan to make it
2 available to the public and allow for public input. Chair McCandless anticipated publishing it and
3 giving the public an opportunity to speak on it as well. Mr. Cox inquired about the land exchange
4 described in the bill. He questioned the stated public benefit of the land exchange and what the
5 proposed acreages are in terms of exchanging what the ski resorts will get from the Forest Service
6 and what they will give in exchange. Chair McCandless explained that it will be discussed later in
7 the meeting but indicated that the public benefit is the preservation of open space that is presently
8 privately held in areas that he would classify as critical habitat. That is a priority and by doing the
9 exchange they consolidate real estate holdings within the confines of the ski area boundaries and
10 preserve the other properties in perpetuity as open space. Mr. Cox stated that in looking at the map
11 there seemed to be 300 or 400 acres in the bottom of the canyons that the ski resorts will receive in
12 exchange for the private areas being discussed. He noted that canyon land is valued at \$1 to \$2
13 million per acre. He remarked that ultimately, they are giving the ski resorts millions of dollars'
14 worth of land in exchange for private land in the ski resort boundaries, which will remain and be
15 controlled by the ski resort. He saw no benefit to the land exchange.
16

17 Chair McCandless explained that the properties to be exchanged will be at fair market value for fair
18 market value established by someone other than the ski areas or the Forest Service. That value will
19 have to be established and if there is more value in the property in the ski area in holdings in the
20 base area than there is on the mountain land, the ski areas will then pay the difference in the value.
21 In reading the bill, Mr. Cox stated that it did not designate which process of review or appraisal will
22 be used. He asked that that language be added to the bill.
23

24 Mr. Becker commented that the Forest Service under federal statute as the other land management
25 agencies, has a very strict, detailed, and specific process they have to follow that includes appraised
26 values, full appraisals on all properties, and equal value. It provides that if there is a variation of
27 more than 25%, it can be made up for with a payment to the public entity to equalize the exchange.
28 It requires an equal value exchange by appraisal that cannot be circumvented through legislation.
29

30 Norm Henderson commented that the current legislation package being evaluated was crafted as
31 part of a specific purpose and need for the Mountain Accord that no longer exists. The legislation,
32 including the land exchanges, served as part of a preferred alternative to the one Wasatch proposal
33 by the ski resorts to connect them via surface lifts. The most significant part of the preferred
34 alternative was the direct transportation link between the canyon that did not involve surface lifts.
35 A train alternative was the only direct connection link that was acceptable to the ski resorts as an
36 alternative. Expanded bus service up and down the canyons was not accepted as an alternative. As
37 part of the agreement, the ski resorts agreed to give up certain private lands they held for the One
38 Wasatch proposal and put them into public ownership with the U.S. Forest Service. The ski resorts
39 would have obtained valued land to develop at the base of the four resorts for a transportation hub
40 as well as future home, hotel, and condo development. They would then agree to a new federally
41 protected area to memorialize the deal and protect it from further development. It was noted that
42 the train option was immediately taken off the table and without it the One Wasatch option was
43 selected.
44

45 Mr. Henderson commented that at the last CWC meeting, Alta Ski Lifts Corporation formally
46 acknowledged that One Wasatch was back in play when it withdrew the Grizzly Gulch land from
47 consideration in the land exchange. The land exchanges in the legislative packet are now being
48 considered and were there for a specific purpose that no longer exists. Without the transportation

1 piece the land exchanges became nothing more than a “sweetheart deal” for the ski resorts to greatly
2 expand their presence and stature in the canyons. Alternatives were identified. Mr. Henderson was
3 concerned that selecting just the lands for the ski resorts and making them the primary focus seemed
4 suspicious. It was his opinion that the legislative package should go back to the drawing board and
5 go through additional public scoping with a different purpose and need.

6
7 Chair McCandless commented that with the land exchange they will not be getting a “sweetheart
8 deal” because the NEPA process is being established for a very long period of time. It involves
9 private land that could be developed into additional skiable terrain and preserve the property once
10 the exchange is made. Chair McCandless explained that conservation easements are a great idea
11 and allows the ability to purchase the property. Finding the funding, however, will be challenging.
12 The land exchange gives Snowbird, for example, the right to build what they already have the right
13 to build. It is not an expansion and will protect the open space.

14
15 Mike Maughan identified himself as the President and General Manager of Alta Ski Area. He
16 stated that their perspective regarding the Mountain Accord Process and the bill is that it did not
17 fully meet the expectations of the State Legislature or the Governor’s Office. While it resulted in
18 HR-5718, it did not adequately address transportation, parking, or accommodating the projected
19 growth along the Wasatch Front. It was their understanding that they are trying to work on the bill
20 and get it reintroduced. They can support the bill if some of the issues are addressed. They hoped
21 to see the bill tied to a significant transportation improvement. He noted that one of the reasons the
22 bill did not move forward the first time was because it did not include that component. They also
23 asked that the conservation and recreation area not overlay the ski areas. Alta has worked with the
24 Forest Service for many years and have provided recreational opportunities and cared for the
25 environment under their guise. The language in the bill and the associated maps that were
26 introduced in 2016, also need to be updated. Since 2016, as the land exchange process has gone
27 forward, additional lands have been added to be exchanged while others originally included in the
28 exchange have been removed. Additional adjustments were anticipated. Mr. Maughan explained
29 that as the values of the properties are determined there will need to be flexibility to allow the
30 adjustments to be made. He suggested that freezing the ski area boundaries so that they can
31 accommodate growth is not the right direction when looking at the growth that is expected along the
32 Wasatch Front.

33
34 Mr. Maughan commented that Alta Ski Area recognizes that there are individuals and groups that
35 have concerns with the removal of the private land Alta owns in Grizzly Gulch from the exchange
36 process with the Forest Service. Alta purchased the land many years ago and have been using it for
37 15 years. It was purchased with the intent to have an area to expand to should growth come, which
38 was expected. During that time the back country community has been given free access to ski in
39 Grizzly Gulch and use it to access other back country terrain.

40
41 Greg Schiffman asked about the appraisals and if there is a list of companies they plan to use to
42 perform the appraisals. Chair McCandless stated that that will be addressed by the Forest Service.
43 He assumed they have a system in place. Mr. Becker commented that there is a detailed appraisal
44 guide that all federal land management agencies use for exchanges and to appraise any property
45 they acquire or dispose of. Mr. Schiffman wanted to make sure that the process is fully open to the
46 public. He asked about the back country lands and how they are being used and if the intent was to
47 transfer some property and make it available to normal recreation on the ski resort and sell it. Chair
48 McCandless stated that that is a question that will have to be raised but is not necessarily the case

1 today. It was noted that the various areas mentioned have different designations according to the
2 map. Mr. Becker explained that the private lands that will go to the Forest Service and managed in
3 a similar manner to the surrounding area. Chair McCandless stated that the Commission cannot
4 make a commitment for the Forest Service. His understanding was that the White Pine area is a
5 special management area because of the water rights of the Despain Ditch Company since they must
6 have access for vehicle and mechanized operations to maintain the integrity of the irrigation system
7 and existing reservoirs.

8
9 Mr. Schiffman commented on potential problems with HB-5718, which he considered to be sloppily
10 and poorly written. He believed there was an effort to rush legislation without input from those
11 who will be most impacted. He suggested they clarify the issue regarding water rights versus water
12 infrastructure. Water rights, as they currently stand, are useless to the water companies and private
13 landowners if the infrastructure cannot be maintained. The CWC believes that the bill will resolve
14 all of the issues but he indicated that that is not the case. Many water companies and private
15 landowners get their water from the canyons using infrastructure on land that belongs to the U.S.
16 Forest Service. Unfortunately, history has shown that the U.S. government is aggressive about use
17 or lose tactics against water right owners. This is important because if the water companies are
18 unable to gain access to their water infrastructure and cannot make repairs or improvements they
19 could lose their water rights. For this reason it is essential for all private landowners and water
20 companies to be exempt in HB-5718 from any and all necessary permits and contingency use
21 permits required by the U.S. Forest Service, the U.S. government, and the State of Utah. Private
22 landowners must also be exempt from motorized and mechanized vehicles to maintain, repair, and
23 modify their existing and future infrastructure on both private and U.S. Forest Service land.

24
25 Mr. Schiffman pointed out that there are many water companies along the Wasatch Front that
26 service over 4,000 households. In the past, many have been treated poorly by the County with
27 regard to access to water for their property. It was evident to Mr. Schiffman that the embodiment of
28 the bill creates two unequal classes of landowners; the well-funded ski resorts and the individual
29 landowners of Salt Lake County. The bill provide blanket exemptions to the ski resorts but
30 excludes individual landowners from the same protections. Private landowners have the most at
31 stake and could lose access and use of their water. The main reason the bill was created was to
32 subsidize the ski resorts with free land and helicopter access.

33
34 Mr. Schiffman commented that the 1.2 million Salt Lake County residents should have a say in their
35 future especially when the Wasatch Commission is about to give away very valuable land as a
36 subsidy to the ski resorts and forever change how people enjoy the uniqueness of the Wasatch
37 mountains. He did not think the federal government should tell Utah residents what they can and
38 cannot do with their treasured Wasatch mountains.

39
40 Chair McCandless took exception with many of Mr. Schiffman's comments, particularly with
41 regard to the subsidization of property exchanges as they relate to the ski areas. He remarked that
42 they are not giving anything away. The land exchanges must go through the Forest Service and
43 have nothing to do with the CWC who is the facilitator who will ensure a fair and equal process.
44 The Forest Service has the authority to make the exchanges through the NEPA process, which is
45 very transparent.

46
47 Linda Johnson commented that the Climate Change Management Report was available. She
48 commented on the removal of dead wood in the forest to prevent fires. She remarked that there was

1 a time when clear cutting was common. That has ceased and climate change is making a difference.
2 She suggested there be a new category to allow for maintenance of the forest in the safest possible
3 way to protect water. She suggested there be a proper public process and stated that many of the
4 Mountain Accord agreements were made as private arrangements. She suggested that the process
5 be more transparent. Ms. Johnson commented that the CWC's time would be better spent on what
6 the Mountain Accord was supposed to help with, which was transportation. She stressed the need
7 to get to and from the ski resorts in a timely fashion.

8
9 There were no further public comments. The public hearing was closed.

10
11 **C. COMMISSIONER COMMENT**

12
13 Commissioner Peterson, Cottonwood Heights Mayor, welcomed the Commission Members to the
14 City of Cottonwood Heights.

15
16 **D. CONSIDERATION AND POSSIBLE ACTION ON STAFFING, CONSULTANTS,
17 AND OFFICE SPACE**

18
19 Mr. Becker provided the Commission Members with a monthly summary report that included a
20 variety of activities he has been engaged in. He reviewed items for discussion among the
21 Commission and updates that may be considered for action. They looked at possible regular
22 meeting dates and sent a survey to each of the Commission Members who were under consideration
23 with an expanded Commission. Mondays were available for regular meetings with the first being
24 the 1st or 3rd of each month. Meeting dates and times were discussed. Meetings were to be held in
25 Cottonwood Heights.

26
27 **MOTION:** Commissioner Bradley moved to approve CWC meeting dates as the 1st Monday of
28 each month from 4:00 p.m. to 6:00 p.m. at Cottonwood Heights City Hall. The motion was
29 seconded by Commissioner Beerman. The motion passed with the unanimous consent of the
30 Commission.

31
32 City Attorney, W. Shane Topham, agreed to prepare a resolution to finalize the meeting times.

33
34 Chair McCandless commented that Sandy City has the resolution for Park City, Millcreek, and Alta
35 on their agenda for the following night. Mr. Becker reported that Salt Lake City may not have it on
36 their agenda until the end of the month. It was expected that three new members would be seated
37 on the dais at the next meeting.

38
39 Mr. Becker reported that the Executive Committee approved the hiring of two additional staff
40 members consisting of a Chief of Staff and Communications Director. They received dozens of
41 applications and were in the process of reviewing them. They hoped to make a decision within the
42 next few weeks. In response to a question raised, Mr. Becker stated that there is money in the
43 budget but it is in two different line items. As a result, there needs to be a shift from one line item
44 to another to accommodate the new hires.

45
46 As they narrow the field and conduct interviews, an interested Commission Member was invited to
47 participate in the selection process. If this were to occur before the next Commission Meeting it
48 was requested that the decision be tentatively approved by the Executive Committee for the hires

1 recommended by the Selection Committee. He explained that the Selection Committee consists of
2 staff from several jurisdictions. The intent was to interview no more than five applicants.
3 Commissioner Peterson volunteered to participate in the interview process.
4

5 Commissioner Biskupski asked for clarification on the positions and specifically the role of the
6 Chief of Staff. Mr. Becker explained that the individual hired will perform a wide range of
7 functions. They will serve as a liaison to the Commission, be primary staff to the Stakeholders
8 Committee, help with administrative functions of the Commission, and oversee the day-to-day
9 operations. Currently these duties were being shared by multiple jurisdictions. Commissioner
10 Biskupski thought the position should be similar to an Administrative Assistant with Mr. Becker
11 serving as the liaison. Mr. Becker clarified that he is the liaison to the Commission and the Chief of
12 Staff will be given specific responsibilities and tasks. The Executive Committee saw the need for a
13 higher level person who could interact with a wide variety of stakeholders, fulfill the full legal
14 requirements of the Commission, and oversee the general operations. They were currently involved
15 with eight to 10 jurisdictions, some of which are not on the Commission. They plan to form a
16 stakeholder group of around 30 people who will meet monthly. He had learned that there are many
17 administrative responsibilities associated with the Commission that must be handled fastidiously.
18

19 Salt Lake City staff was thanked for their service and the time they have put in to assisting the
20 CWC. Chair McCandless asked Mr. Becker to resend the Commission Members the RFP and job
21 descriptions. Commissioner Peterson commented that the job descriptions and duties will be
22 modified as the job becomes more defined.
23

24 **MOTION:** Commissioner Bradley moved to delegate to the Executive Committee the job of
25 helping sort the applicants and make a tentative decision to come back to the full board for approval
26 and ratification. The motion was seconded by Commissioner Peterson. The motion passed with the
27 unanimous consent of the Commission.
28

29 Mr. Becker reported that they have an existing lease for office space at the mouth of Big
30 Cottonwood Canyon. They have looked at moving the CWC offices to downtown Salt Lake and
31 have explored various options. They had discussions with one building owner and would like to
32 continue exploring that option. If they find that it is suitable and falls within the parameters of the
33 existing lease, they would like to continue to work toward that end and perhaps authorize the
34 Executive Committee to finalize a move if they are able to terminate the existing lease without
35 additional charges.
36

37 **MOTION:** Chair McCandless moved to continue to move forward on finding office space and
38 bring the matter back to the Executive Committee for discussion and potential decision with final
39 ratification by the Commission as a whole. The motion was seconded by Commissioner Peterson.
40 The motion passed with the unanimous consent of the Commission.
41

- 42 i. **Consideration of Resolution 2018-17 Ratifying Entry into an Independent**
43 **Contractor Agreement with the Langdon Group for Transcription, Indexing**
44 **and Content Analysis of Public Comments Received Between June 20 and July**
45 **5, 2018 Concerning the Central Wasatch National Conservation and Recreation**
46 **Area Act (the “CWNCR”).**
47

1 Mr. Becker expressed a desire to properly handle the June 20 public hearing and address the written
2 comments submitted. Doing so required summarizing the comments in detail and categorizing
3 them by topic. He recommended that responses also be developed in an organized way, which
4 takes an enormous amount of time. With the approval of the Executive Committee they
5 accomplished that in time for tonight's meeting. The summary of the comments was circulated and
6 were posted on the website along with the responses to the comments. An agreement was entered
7 into with The Langdon Group on a cost not to exceed basis. The action required approval of the
8 Commission per the interlocal agreement. A representative from The Langdon Group was present
9 to answer questions.

10
11 **MOTION:** Commissioner Peterson moved to pass Resolution Number 2018-17 ratifying entry into
12 an Independent Contractor Agreement with The Langdon Group for transcription, indexing, and
13 content analysis of public comments received between June 20 and July 5, 2018 concerning the
14 Central Wasatch National Conservation and Recreation Area Act. The motion was seconded by
15 Commissioner Biskupski. Vote on motion: Commissioner Biskupski-Aye, Commissioner Bradley-
16 Aye, Chair McCandless-Aye, Commissioner Peterson-Aye, Commissioner Berman-Aye,
17 Commissioner McAdams-Aye. The motion passed unanimously.

18
19 **E. CONSIDERATION AND POSSIBLE RECOMMENDATIONS REGARDING THE**
20 **CENTRAL WASATCH NATIONAL CONSERVATION AND RECREATIONAL**
21 **AREA ACT.**

22
23 **i. Consideration of Resolution 2018-18 Supporting and Encouraging Passage of**
24 **the CWNCR A Following Incorporation of Such Modifications to its Text and**
25 **Related Maps as May be Deemed Appropriate by the Executive Director in**
26 **Consultation with the Executive Committee, Taking into Consideration the**
27 **Public Comments Received During the June 20 – July 5 Public Comment**
28 **Period.**

29
30 Mr. Becker reported that the Commission Members were provided with a summary of the public
31 comment received through July 5, which was the closing date for comment. A public meeting was
32 held on June 20 and the comments received were recorded and summarized.

33
34 Josh King from The Langdon Group made a slide presentation and presented a summary of the
35 comments. He explained that they assessed, analyzed, and created a response to what was heard.
36 The verbal and written comments received were transcribed. The majority of comments came
37 through the public hearing. Each was summarized and broken down into individual comments and
38 topics. A total of 66 comments were received. The topics included process, trust transparency,
39 efficiency, maps, infrastructure, land exchanges, land use management, transportation, recreation,
40 trails, water, White Pines, and Grizzly Gulch. Nearly 50% of the comments related to process,
41 trust, transparency, and efficiency.

42
43 Mr. Becker explained that every topic was broken down in terms of the level of detail. They also
44 cross referenced comments to the person, the date of the comment, and how it was received. That
45 information was provided in a spreadsheet. From the comments they then prepared detailed
46 responses to each discreet topic and referenced where it was addressed in HR-5718. In many
47 instances they found that the comment made was addressed with specificity in the legislation. In

1 other instances, staff planned to look at legislative provisions to determine whether they need to be
2 modified.

3
4 Mr. Becker recognized the presence of D.C. Representative Bill Simmons who was present to
5 answer questions about the legislation and where they stand in terms of changes and potential action
6 by the Congressional delegation. Mr. Becker mentioned in the report that as part of the work done
7 on the legislation, he spent two days in Washington D.C. with Bill Simmons and others meeting
8 with each member of the delegation, the Chief of the Forest Service, and the Legislative Director.

9
10 Commissioner Peterson asked about timing, particularly with three new members joining the
11 Commission. Mr. Becker explained that they are in the last half of the last year of this Congress.
12 While they have normally met after an election in an election year, in recent years that was not the
13 norm. They have a very narrow window for Congress to take up, consider, and act on bill. It was
14 an enormous task to look at legislation to be taken up this late in the Congress and be considered
15 and acted on. Because of the influence and power of the Congressional delegation and the positions
16 that they hold, it was possible for action to be taken. Some of that was due to past work done with
17 Congressman Chaffetz' bill in 2016 but is dependent on the will expressed by the Commission and
18 other interests on a desire to move forward and a general acceptability to the community as
19 reflected in the Commission's actions. In their discussions with delegation, they indicated that it
20 may be possible on the House side. If a bill is presented and they agree to introduce it, they may not
21 need another hearing but they would be open to public comment before a bill is taken up in
22 committee. Refinements to legislation could occur until a bill is marked up and passed by
23 committee. Originally, they were looking at a July timeframe, however, in a meeting held the
24 previous week, they indicated that it may be possible on the House side to consider it in September
25 rather than July for committee consideration. They hoped to see something within a few weeks for
26 a bill to be introduced but there would be a period of time before the bill would be taken up by
27 committee when additional refinements could be considered. It would be up to the committee to
28 make any amendments.

29
30 Representative Simmons explained that the action of the delegation will largely depend on where
31 the Commission is on the matter. The House was slated to get out on July 26 and not return until
32 the first week in September. Normally, if a bill has been heard there is no need to conduct another
33 hearing. Largely, what the delegation does will be in response to the Commission.

34
35 Mr. Becker stated that the Senate may defer any action to the House. It was possible that they may
36 use the August timeframe to hold a hearing and consider and take committee action in the Senate.
37 Unlike the Legislature, a bill does not move sequentially through the process and works in a parallel
38 manner in the House and Senate.

39
40 Chair McCandless stated that the comments from the community are that they need to continue to
41 facilitate taking information and hearing from and listening to the community. He did not want to
42 give the impression that because they have reached this point they are no longer going to take input.
43 He thought it was important to distribute a copy of the detailed information to the public. He
44 commented on the BST modifications and hoped to resolve conflicts to allow mountain bikers to
45 ride there legally. They also need to resolve the conflict associated with Grizzly Gulch at Alta.
46 Prior to making a submittal to Congress, he suggested there be some kind of final ratification. The
47 desire was to have as much of a consensus as possible with all of the stakeholders. Chair
48 McCandless viewed this as the most significant mountain protection documentation that has been

1 seen in decades. He noted that it resolves 40-year conflicts. He explained that passing the
2 resolution gives the Executive Committee the opportunity to work collectively and have it brought
3 back for final ratification utilizing the concepts described.
4

5 Commissioner Beerman remarked that this legislation has been available for several years and there
6 have been thousands of hours of discussion. It is compromise legislation, which means there is
7 something in it for everyone to dislike. Regardless of how much public input and revisions are
8 made, there will remain elements that will be controversial. He was comfortable moving forward as
9 long as it is in draft form.
10

11 Commissioner Bradley agreed that the legislation has been around for several years and people are
12 familiar with it. Irrespective of the changes, some will have a reaction to it. At some point, a
13 decision should be made about when the process should stop. He hoped to see an execution date.
14 He did not want the process to be never ending.
15

16 Chair McCandless recalled that the bill addresses the equalization in that the Forest Service receives
17 funding through the land exchanges. He agreed that the valuation of property at the base of the ski
18 area by comparison to mountain side skiable terrain is considerably different. He believed there
19 will be additional funding that will go to the Forest Service. The bill specifies that the funding has
20 to be retained within that area. He hoped to modify that to indicate that the secretary acknowledges
21 that the excess funding created in Big Cottonwood Canyon remains there. Procedural issues were
22 discussed.
23

24 **MOTION:** Commissioner Beerman moved to move forward with Resolution 2018-18 supporting
25 and encouraging passage of the CWNCRA, with the incorporation of the modifications text as
26 discussed. The motion was seconded by Commissioner Peterson. Vote on motion: Commissioner
27 Biskupski-Aye, Commissioner Bradley-Aye, Chair McCandless-Aye, Commissioner Peterson-Aye,
28 Commissioner Beerman-Aye, Commissioner McAdams-Aye. The motion passed unanimously.
29

30 Mr. Becker reported that at the last meeting the Commission established Executive Committee,
31 which is subject to the Open Meetings Law. As a result, there will be notice for meetings of the
32 Executive Committee as they spend more time and detail on the provisions of changes to the
33 legislation.
34

35 **F. ADJOURNMENT**
36

37 **MOTION:** Commissioner Bradley moved to adjourn. The motion passed with the unanimous
38 consent of the Commission.
39

40 The Central Wasatch Commission Meeting adjourned at 4:49 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, July 9, 2018.*

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Teri Forbes

10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
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14 Minutes approved:

DRAFT