

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION MEETING HELD MONDAY,**
2 **AUGUST 6, 2018 AT 4:00 P.M. IN THE COTTONWOOD HEIGHTS CITY COUNCIL**
3 **CHAMBERS LOCATED AT 2277 EAST BENGAL BOULEVARD, COTTONWOOD**
4 **HEIGHTS, UTAH**
5

6 **Present:** Commissioner Chris McCandless, Commissioner Carlos Braceras,
7 Commissioner Mike Peterson, Commissioner Jim Bradley, Commissioner Ben
8 McAdams (via telephone)
9

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

13 **Excused:** Commissioner Jackie Biskupski, Commissioner Andy Beerman
14

15 **A. OPENING**
16

- 17 **i. Commissioner McCandless will conduct the meeting as Chair of the Central**
18 **Wasatch Commission (CWC).**
19

20 Chair Chris McCandless called the meeting to order at 4:02 p.m.
21

- 22 **ii. The Commission will Consider Approving the Meeting Minutes of Wednesday,**
23 **June 20, 2018.**
24

25 **MOTION:** Commissioner Bradley moved to table approval of the minutes of June 20, 2018. The
26 motion was seconded by Commissioner Peterson. The motion passed with the unanimous consent of
27 the Commission.
28

- 29 **iii. The Commission will Consider Approving the Meeting Minutes of Monday,**
30 **July 9, 2018.**
31

32 **MOTION:** Commissioner Peterson moved to adopt the minutes of July 9, 2018. The motion was
33 seconded by Commissioner Braceras. The motion passed with the unanimous consent of the
34 Commission.
35

36 **B. PUBLIC COMMENT**
37

38 Roy Hawkin reported that he owns a portion of 40 acres where Salt Lake's drinking water pumps out
39 of the center of his property. He wants to retain the property and was informed that he should be
40 present to voice his concerns. Executive Director, Ralph Becker, reported that the legislation provides
41 that all water rights will be recognized and protected. It also provides that all water systems and
42 accesses will be protected. He was happy to meet with Mr. Hawkin about his property specifically
43 but stated that the legislation is very explicit and specific as it relates to property and water rights.
44 Mr. Hawkin's understanding was that he just has water rights and that his job is to keep the water
45 shed clean. He noted hikers frequently litter and he keeps the area clean and carries the garbage
46 down. He commented that he is not exercising his water rights and waters the meadow where elk,
47 deer, moose, and other wildlife graze.
48

1 Mr. Hawkin clarified that he was watering the animals not to hunt them but to care for them.
2 Mr. Becker reiterated that the legislation is written to make sure that everyone's property and water
3 rights are protected and will not be adversely affected by the legislation. Chair McCandless reminded
4 those present to sign the registry at the front door and leave a preferred form of communication
5 method in order to receive more detailed information.
6

7 Kevin Dwyer addressed the CWNCRA and stated that he had the opportunity to ride White Pine
8 Canyon the previous week on his mountain bike. He is with the Salt Lake Valley Trail Society, which
9 is a mountain bike trails advocacy group for Salt Lake County. Mr. Dwyer reported that the White
10 Pine Canyon Trail follows an old road bed that is sustainable and there did not seem to be impacts
11 from mountain bikes at all. In fact, he saw DNR employees on ATVs monitoring trout stock in the
12 lake. He spent time speaking with community members and bike shop owners and could find no
13 cause for White Pine being managed in a different way than it is now. He did, however, believe the
14 trail could be improved. He compared the situation to the Bonneville Shoreline Trail from Mount
15 Olympus to Hughes Canyon where there is a trail constructed. With assistance from mountain bikers
16 and the trail community, it could be a great resource for Salt Lake Valley. He stated that presently
17 the CWNCRA does not accommodate those two places for mountain bikes. The present use of White
18 Pine Canyon does. The future use of the Bonneville Shoreline Trail from Mount Olympus to Hughes
19 could.
20

21 Mr. Dwyer asked the Commissioners to think about the issue in a principled vs. practical way. He
22 explained that there is a principle that Save Our Canyons and the Sierra Club are trying to emphasize,
23 which is to lock up as much land as possible under the maximum protection possible. There are also
24 practical considerations. For practicality's sake, one weighs the effect of locking up and protecting
25 the land to decide if it is necessary. Mr. Dwyer argued that in this case there does not seem to be a
26 need for additional protection. The practical impact would be recreational and that matters. He urged
27 the Commission Members to keep the public's interest in mind.
28

29 Drew Weaver was present representing the Granite Community Council and reported that one of two
30 resolutions was recently passed by the GCC. He spoke on the White Pine Special Management Area
31 and stated that currently the bill does not allow motorized vehicles there. This would prevent South
32 Despain Ditch Company, the only water company operating there, from performing proper
33 maintenance. South Despain Ditch owns the dam and the road, which they constructed. They granted
34 a public easement for ingress and egress from the highway all the way up to the reservoir. It is not a
35 mining road and they are required to maintain it. It was noted that it is impossible to maintain without
36 motor vehicles.
37

38 Mr. Weaver stated that the latest version of the bill included language that would allow existing and
39 permanent structures to be maintained. It would be impossible to do so without motor vehicles. If
40 motor vehicles are not allowed for South Despain, they will not be able to maintain the dam. Mr. Weaver
41 reminded those present that Mr. Becker assured a resident that his water rights would be protected.
42 Mr. Weaver stated that this is true except for White Pine. If motor vehicles cannot be used, the dam
43 cannot be maintained, which will affect the South Despain Ditch water rights.
44

45 Mr. Weaver was alarmed to find that on page seven of the bill, it states that "Within 30 days of
46 enactment, the secretary shall issue closure orders necessary to enforce this act for the administration
47 of White Pine." Mr. Weaver iterated that White Pine is neither a Forest Service road nor a mining
48 trail. He asked that the bill be modified to allow South Despain Ditch to operate and perform the

1 required maintenance, which necessitates vehicles. It was note that restricting vehicles might lead to
2 a lawsuit, which could result in a dam breach. If the dam were to breach and injure or kill a hiker,
3 the onus would not fall on South Despain Ditch. It would fall on Central Wasatch Commission or
4 the federal government.

5
6 Chair McCandless assured Mr. Weaver that they are aware of this issue and have set up a meeting
7 with him and other Despain Ditch representatives to ensure that they do not preclude the management
8 of their resources with mechanized travel. He believed the most recent version of the bill actually
9 states this. Mr. Weaver responded that he is a shareholder, not management. He stated that the
10 current, August 2 version, did not remedy the defect. He reported that a meeting was scheduled for
11 the coming Thursday at 4:00 p.m.

12
13 Greg Schiffman stated that his intent was to comment on the federal designation and lands trade.
14 First, he was confused by Park City representatives requesting and bonding for tens of millions of
15 dollars to protect the watershed and to prevent development on their side of the mountain yet they sit
16 on the Commission pushing for land trades that will certainly usher in massive development in the
17 watershed on this side of the mountain.

18
19 Second, Mr. Schiffman commented that information regarding the land values at Treasure Hill in
20 Park City are well over \$600,000 per acre for raw land. There are not one-half acre or one-acre lots,
21 only a buildable footprint that can be much smaller than one acre or even a fraction of one acre. If
22 one takes these numbers and the land-trade acreage of 100 to 150 acres at Snowbird alone, the result
23 will be eventual land values at well over \$100 million for one ski resort. He explained that there are
24 three or four ski resorts that are participating in these trades. He claimed that these numbers are not
25 being discussed openly. To follow the process that is already in place would yield a better
26 understanding of the true value of these proposed trades.

27
28 Third, Mr. Schiffman reported that he recently read that Representative Mia Love indicated that she
29 will not advance the proposed designation without a consensus. It was Mr. Schiffman's
30 understanding that the Big Cottonwood Community Council, Granite Council, Cardiff Canyon
31 Owners Association, and the Act have all indicated that they will not advance the bill. The
32 organizations represent the residents who are most affected by the proposed designation and there
33 was not a consensus.

34
35 Chair McCandless remarked that one of the items on the agenda will be to discuss the land exchanges,
36 addressing misinformation that is circulating. He explained that Forest Service representatives were
37 present to tell them how this transaction takes place. It is not the CWC who makes the transaction
38 occur and it is not the CWC giving away property. It is the legislation that allows two parties (the
39 Forest Service and the property owners) to enter into a land exchange for equal value. He encouraged
40 Mr. Schiffman to stay for Item G, when these issues will be discussed.

41
42 Mr. Schiffman asked if the Forest Service would be willing to tell those present the exact acreage of
43 the trade with the four properties. Chair McCandless stated that as it moves forward in the future, it
44 will but not until after the legislation transpires. Legislation only starts the process. He clarified that
45 Mr. Schiffman's claim that they are giving away hundreds of millions of dollars of real estate is false.
46 He explained that they are not going to give away their real estate in the forest as a public entity.
47

1 Ed Marshall, from Millcreek Canyon, commented that their major concern regarding the Wasatch
2 Canyons was the great and growing risk of fire on Forest Service lands. The remaining major concern
3 regarding the NCRA legislation was that instead of addressing the fire-risk problem to make the
4 situation better, it currently proposes to make it worse by needlessly creating still more wilderness.
5 The wilderness is more difficult and expensive for the Forest Service to prevent fires by fuels
6 treatment. The problem as they see it is that the Forest Service lacks the necessary funding to do fuels
7 treatment to reduce the accumulated tinder in the forests. Local governments claim it is not their job
8 and that they also lack funding. Tinder and overgrowth continue to accumulate.

9
10 Climate change, bringing hotter climates and dryer weather, only speeds the accumulation. Changing
11 water patterns have the same effect. They believe the Forest Service would do fuels if they had the
12 funds, which they do not. Undergrowth and tinder must be managed. Mr. Marshall commented that
13 a fire would also devastate the local watershed. It would eliminate vegetation that holds soils and
14 create a black soot flow into creeks. They asked the CWC to adopt fire prevention on the public lands
15 as a major objective and to work with the Forest Service to garner funds for fuels treatment.
16 Specifically, they requested that the CWC not continue to promote more wilderness in Millcreek
17 Canyon that would make fire prevention more difficult and expensive.

18
19 Evan Johnson approached the mic. He identified himself as a property owner in Big and Little
20 Cottonwood Canyon. He expressed his concerns with the legislation. It had the appearance of
21 hundreds of millions of dollars of a land giveaway. Additionally, the Forest Service granted Colorado
22 a 74,366 permitted ski acres for ski resorts, but only granted Utah 6,800 ski acres. It appeared that
23 the Forest Service likes Colorado 11 times more than Utah. By passing this legislation and locking
24 down the perpetual ability to grow any ski product in the canyon, while doubling population, will
25 result in New Yorkers being able to ski in Utah's canyons while locals will not. Currently, poor
26 people, low-income housing recipients, and those on fixed incomes do not have access to Utah's
27 canyon ski resorts. It is not due to a lack of available ski areas but the fact that a ski monopoly has
28 been created. Federal legislation will cement a ski resort monopoly in Utah's canyons.

29
30 Another issue not addressed by the federal legislation was that people can use drugs in the canyon
31 since drug laws are not enforced there. It was noted that dog laws are enforced in the canyon. Salt
32 Lake City promotes new water for a 100-unit hotel, 80 new condos, and 100 acres of shops and
33 boutiques in Alta, but denies requests for water for a hot tub. The Town of Alta is currently installing
34 12-inch water lines in its town. Alta has a residential home population of 64, which does not
35 necessitate a 12-inch water line. Fire hydrants operate off of an eight-inch line. Most homes operate
36 off of six-inch water lines.

37
38 Mr. Johnson was confused as to why people claim to protect the watershed when tons of salt are
39 dumped into the watershed for financial gain. The Forest Service made \$700,000 from the Alta Ski
40 Resort alone, yet Mr. Johnson cannot build on his 20 acres for a seasonal cabin. He noted the extremes
41 in the interpretation of law in the canyon. In the Albion Basin wildflower meadows, managers are
42 allowed to build a new 61-vehicle, four-story, \$2 million, private parking building yet he cannot
43 connect to an existing town's water line 20 feet from his recorded Albion Basin lot. Mr. Johnson
44 believed that the pure ends of protecting the canyon have to be matched with pure means. He
45 commented that the current means in the canyon do not seem to be pure.

46
47 Cyle Buxton identified himself as an elected official on the Big Cottonwood Canyon Community
48 Council, representing hundreds of landowners on 1,200 acres in the canyon. He stated that he is a

1 prime example of Salt Lake City's watershed abuse. He stated that his canyon experience illustrates
2 canyon bullying. He was ticketed 39 times for accessing his private property and 38 were dismissed.
3 The one conviction was for the destruction of federal property involving the removal of avalanche
4 debris blocking the road to his property. While being abused by law enforcement, Salt Lake City
5 offered him \$700 an acre for his Yellowstone-like land. He felt he had been classified as a target of
6 selective prosecution and that people are trying to buy or kick him out of the canyon.

7
8 District Judge Laura Scott ruled that the way Mayor Ben McAdams and Ralph Becker ran the
9 Mountain Accord in the dark violated Utah's Open Meeting and Open Records laws. Both McAdams
10 and Becker are lawyers and Mr. Buxton believed they were being dishonest. After Mr. Buxton spoke
11 up about canyon corruption at the June 20 CWC Meeting, he was noticed on June 27th of canyon
12 violations which were not on his property. He felt that someone on the CWC moves the levers of
13 government against him to silence him. He wanted Salt Lake City to end its war on small canyon
14 landowners.

15
16 Norm Henderson identified himself as a property owner up Big Cottonwood Canyon and stated that
17 he lives in the Silver Fork community. He wanted to bring Mia Love's response to the attention of
18 the CWC. Representative Love stated that she would not carry the bill in question unless there was
19 consensus. Mr. Henderson shared that he saw no consensus. The original accord signed in 2015 is
20 basically nonexistent. The primary components of the accord are gone, including the Grizzly Gulch
21 land trade and the direct transportation link between the canyons. What remains is, in his opinion, a
22 meaningless designation that does little to protect the canyon. What it does is allow significant land
23 trade between rich corporations who stand to make a lot of money. The trades they are discussing
24 are dry land for dry land. After trades are done, adding water to lands at the base of the resorts, the
25 previously undevelopable lands are highly developable. He stated that it is a money-making scheme.

26
27 Additionally, numerous people and community councils have recommended the bill not move
28 forward in its present form. The Stakeholder Council, that was supposed to be part of the CWC, has
29 not even been incorporated. The Mountain Planning District that was supposed to protect the canyon
30 with its Commission that is now engaged in a land management plan, is still in operation and has not
31 yet made recommendations. The Salt Lake City Council has not weighed in. The CWC needs to
32 make sure the State is fully behind the designation. He believes the matter should be put before the
33 State Legislature.

34
35 Katie Clayton identified herself as a life-long resident of Granite, a shareholder of the South Despain
36 Ditch Company, and a member of the Granite Community Council. She was present representing
37 only herself. The letter she put before the CWC was concerned with unpermitted water infrastructure
38 in the canyons. Section six, general provisions, of the Central Wasatch National Conservation and
39 Recreation Act contains language that could negatively impact many existing water systems that
40 provide drinking water to communities in the canyons. Lines eight through 24 on page 20 were of
41 particular concern. Lines 8 through 12 clearly define "facility" to be a facility that was already
42 authorized at the time of the bill's hypothetical passage, including various types of authorized water-
43 system infrastructure.

44
45 Although the right of system operators to operate, access, maintain, and expand authorized existing
46 facilities is protected, there is a huge catch. Many small water systems in the canyons have long had
47 infrastructure on Forest Service land that may not have a currently-valid conditional use permit. It
48 may be that major players have water infrastructure in the canyons that could be affected negatively

1 by Section 6 as well. For instance, Murray City could ask if they have unpermitted infrastructure in
2 Little Cottonwood Canyon. Solitude could ask the same question, as could Salt Lake City, Sandy,
3 Brighton, or Snowbird. Their systems would be outlawed and unable to be accessed and maintained
4 under this bill.

5
6 Scott Whipperman identified himself as a resident of Little Cottonwood Canyon and stated that he
7 has been involved in graffiti removal on Little Cottonwood Trail. Last week, the graffitists moved
8 their work to the higher reaches of the trail. He displayed an iconic, pioneer-era rock with drill marks
9 that they have defiled. He made a public plea for help in terms of funding for patrol. The graffitists
10 come in across the pipeline at the A gate. Some have tagged WVC (West Valley City) along with
11 West Valley City's area code. He will meet with West Valley City representatives to see if these
12 graffitists can be identified by the markings. They are interested in removing graffiti in Little
13 Cottonwood, Big Cottonwood, and Millcreek.

14
15 They feel that SR 210 (9400 to 9800 South) was not included in the Environmental Impact Study but
16 he believes it should have been. Mr. Whipperman commented that he knows there are people who
17 think there should be a parking structure at the Mouth of the Canyon. He vehemently opposed the
18 idea, as do all residents in his area.

19
20 Ron Bird stated that he lives at the Mouth of the Canyon. He concurred with what Drew Weaver said
21 and added that through conversations and publications, he believes the CWC is trying to make it look
22 like they have a "consensus", which they do not. Chair McCandless stated that as a Commission,
23 they want to do their best to reach the most consensus they can. It would be foolish to think that they
24 could get to 100% but he thought that 75 to 80 percent would be good. For example, they have had
25 the same number of comments opposing mountain biking in White Pine as they have had in favor. In
26 the end, it is a Congressional act and they will make that decision. The CWC only makes a
27 recommendation.

28
29 Becky Parker identified herself as a sheepherder and stated that they rely on South Despain to water
30 the pasture for their sheep. She was unaware of the issue until Saturday. She hoped there would be
31 additional time for public comments and education. Chair McCandless informed Ms. Parker that
32 anticipate taking comments for as long as possible.

33
34 Brian Hutchinson identified himself as an avid mountain biker and former major label carbon bike
35 manufacturer. He recognized the delicate nature of appropriately incorporating mountain bikes. The
36 latest scooter craze is creating a threat to people walking on city sidewalks. Mountain bikers are
37 trained to be concerned about hikers. Hikers and bikers in the Wasatch recognize that mountain bikes
38 impact trails by shifting what might have been a quiet, natural setting into a system of high-octane
39 extreme sports.

40
41 Yesterday, he rode from Guardsman Pass into Millcreek Canyon with great concern for hikers he
42 encountered along the trail. He and his group slow down when approaching hikers, which not
43 everyone does. The meshing of hiking and mountain bike traffic in the Bear Track Canyon is reckless.
44 There should be a sign at the diversion stating, "No Biking in Bear Trap Canyon." It is obscene for
45 mountain bikers to blaze past hikers. Motorized vehicles such as ATVs, snow mobiles, and
46 motorcycles include motors run by combustible fuel and electric motors - this includes E-bikes.
47 Mr. Hutchinson reported that E-bikes are mountain bikes and the line is being blurred. E-bikes are
48 venturing further into the wilderness and disrupting the backcountry.

1
2 With regard to the management of White Pine, he wondered if it would be possible to shift service
3 vehicles to be run by something other than gas or diesel. They could be limited in number, certified,
4 and tagged. He summed up by saying that hiking should be segregated from mountain biking.
5

6 John Anderson, an 81-year-old veteran, reported that he spent nine years in the army and served in
7 Operation Desert Strike and is a private property owner in Big and Little Cottonwood Canyon. He
8 serves on the Big Cottonwood Canyon Advisory Board, which has voted down every proposal to turn
9 the Canyon into wilderness. He noted that there are already 102,000 acres of wilderness in the lower
10 Big and Little Cottonwood Canyon. Mr. Anderson believes they do not need any more. There are
11 800 cabins and summer homes, two boy scout camps, four ski resorts, several lodges, and five paved
12 roads that go through the area. There are at least 15 unpaved roads. He did not want to see his
13 property turn into a subdivision or taken away because the city or other interests want it. In past years
14 he cleared avalanches off his road and each time he was approached by the Forest Service, the Water
15 Department, and the Sheriff. When they found out who he was, they left him alone. He commented
16 that he has been harassed for years by people who want his property. Chair McCandless stated that
17 they do not wish to take his property and thanked him for his service.
18

19 Susie Albertson reported that she first got involved in fighting this legislation when she heard the
20 rumor that a train was going to run up Little Cottonwood Canyon. The Mountain Accord then was
21 established. She determined that a train would cost \$3 to \$5 billion and would never pay for itself.
22 The Mountain Accord did the same thing but cost only \$5 million to come to the same conclusion
23 after several years of research. After many complaints by landowners who were not being heard, they
24 scheduled a meeting and were stood up by representatives from the Mountain Accord. They showed
25 blatant contempt for landowners. Ms. Albertson commented that this entity plays games and has a
26 hidden agenda.
27

28 Chair McCandless reiterated that they are trying their best. It is a priority. He assured Ms. Albertson
29 that the CWC loves the canyons and wants to preserve them. They want to preserve private property
30 rights and make sure that water rights are respected, protected, and continue. CWC members are
31 volunteering their time to bring to consensus the majority of the questions and issues raised. They
32 will continue in that effort. He appreciated the public involvement and stated that the comments will
33 be categorized and studied in more detail.
34

35 Carl Fisher identified himself as the Executive Director of Save Our Canyons. He commented on
36 ways that to protect the Wasatch. Unprecedented growth and pressure is being placed on the
37 mountains, which provide clean drinking water and places to play, have solitude, experience nature,
38 and observe wildlife. He applauded the efforts of the CWC to find a way to protect these values.
39 They need to continually address local land-use ordinances to adapt to the pressures that exist and do
40 the same for federal and public lands. He commented that the population is increasing and uses and
41 behaviors in the canyons are changing. These things require an adjustment to the federal ordinance
42 relating to public lands in the canyons. He stated that they need to do a better job of educating the
43 public about tools to protect these landscapes. He commented that no one wants to take away property
44 or water rights, but there are places that should be protected. Places should be designated for skiing,
45 hiking, mountain biking, and climbing.
46

47 Sarah Bennett identified herself as the Executive Director of Trails Utah who has been involved with
48 the Mountain Accord and many other planning efforts to create responsible uses in the Wasatch such

1 as trails where people can hike and connect to the mountains. This is critical to enjoying the Wasatch
2 and is why people live here and move here. She emphasized the importance of the changes to the bill
3 that adjust wilderness boundaries to allow for a shared-use Bonneville Shoreline Trail. This would
4 consist of a single, three-to-four foot wide, dirt trail skirting the very edge of the wilderness. Her
5 organization could think of nothing that would cause people to celebrate the wilds of the Wasatch
6 more. She stated that the combined effort of many is to identify the wilderness retractions and provide
7 for a shared-use Bonneville Shoreline Trail has been heroic. Her organization hoped to see these
8 included in the language as it would make them very happy to support the bill.

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

11
12 Chair McCandless recognized the complicated nature of the subject and stated that the Bonneville
13 Shoreline Trail alone is significant and it is a monumental task just to get that piece alone done. They
14 are trying to include several pieces in the same package at the same time to resolve issues that date
15 back 40 years. Their opportunity to do that is in the near future.

16
17 **C. COMMISSIONER COMMENT**

18
19 Commissioner Peterson expressed appreciation to those who commented today. He commented on
20 the view from City Hall and expressed concern about the two canyons. As Mayor of Cottonwood
21 Heights, he is committed to doing what he can to preserve them. He wants to do the right thing, at
22 the right time, for the right reason. His role is to aggressively listen to the comments he receives. He
23 expressed appreciation for the comments and stated the CWC will continue to work hard to do the
24 right thing.

25
26 Chair McCandless observed that the new Commission Members were present but had not yet been
27 ratified. He recognized the presence of the Mayors of Millcreek City, Alta, and Commissioner
28 Robinson. Their respective City Councils and the County Commission need to ratify the agreements
29 along with the modification to Park City. That was expected to take place at their next meeting. At
30 the next CWC meeting they will be a group of 10. He believed that all of the City Councils and the
31 Salt Lake County Council have passed resolutions approving them as entities to be admitted into the
32 CWC.

33
34 **D. EXECUTIVE DIRECTOR'S MONTHLY REPORT AND DISCUSSION OF STATUS**
35 **OF STAFFING, CONSULTANTS, AND OFFICE SPACE.**

36
37 **i. Presentation by Executive Director, Ralph Becker, of his Monthly Report,**
38 **Including the Status of Administrative staffing and Possible Action Authorizing**
39 **the Executive Director to Approve and Sign Employment Contracts with a Chief**
40 **of Staff and a Communications Director for the CWC.**

41
42 Mr. Becker presented the Monthly Report and reported that they have been moving forward with a
43 number of administrative matters including the selection of two new CWC employees. Janet Young,
44 Deputy Summit County Manager, volunteered to oversee the selection process, which was a time
45 consuming effort. There was great representation from both jurisdictions that serve on the
46 Commission as well as Mayor Peterson who participated in on the selection process. Only signatures
47 were needed to complete the employment agreements.

1 Ms. Young stated that a very competitive pool of candidates for both the Chief of Staff and
2 Communications Director positions. Interviews were held earlier in the month. One candidate for
3 each position were selected. Their qualifications were verified with references and they were very
4 confident in their choices. Both candidates accepted the positions offered.
5

6 Jesse Dean was chosen to fill the Chief of Staff position. He comes from the Downtown Alliance
7 where he served as the Director of Urban Development for the last seven years. He was born and
8 raised in Salt Lake City and has spent a lot of time in the Central Wasatch as a skier and hiker.
9 Mr. Dean looked forward to working with the Commission to address the issues that exist in the
10 Canyons.
11

12 New Communications Director, Lindsey Nielsen, was next introduced. She previously worked in
13 Colorado but is originally from Sandy, Utah and grew up walking and biking in the mountains. She
14 looked forward to communicating openly, clearly, and transparently with the Commission. Chair
15 McCandless had met with both candidates and was pleased to have them on board.
16

17 City Attorney, W. Shane Topham, reported that staff did not expect the contracts to be done by tonight
18 and they were not on the agenda for approval. The intent was to bring them back for ratification at
19 the next meeting. The Commission Members expressed unanimous support to hire the two candidates
20 and move forward to facilitate their employment contracts. Mr. Becker reported that the Executive
21 Committee also reviewed and approved the employment selections.
22

23 ii. **Possible Action Authorizing the Transfer of Approximately \$120,000 in Budgeted**
24 **Funds from “Projects – Technical Consulting” to “Personnel –**
25 **Salaries/Benefits”.**
26

27 Mr. Becker reported that when the budget was established for the Central Wasatch Commission,
28 monies were put into a number of different pots. It was anticipated that as staff was hired, funds
29 would be moved from a general budget item for consultants and assistants into the staffing function.
30 He asked that the Commission authorize the transfer of approximately \$120,000 into budgeted funds
31 from Projects-Technical Consulting to Personnel-Salaries/Benefits.
32

33 **MOTION:** Commissioner Bradley moved to authorize the transfer of approximately \$120,000 in
34 budgeted funds from “Projects-Technical Consulting” to “Personnel-Salaries/Benefits”. The motion
35 was seconded by Commissioner Peterson. Vote on motion: Commissioner Bradley-Aye, Chair
36 McCandless-Aye, Commissioner Peterson-Aye, Commissioner Braceras-Aye, Commissioner
37 McAdams-Aye. The motion passed unanimously.
38

39 iii. **Consideration of RESOLUTION 2018-19 Requesting Admission to the Utah**
40 **Public Employees’ Retirement System.**
41

42 Mr. Becker reported that the State’s Retirement System requires that formal action to authorize
43 joining their system.
44

45 **MOTION:** Commissioner Bradley moved to approve Resolution 2018-19, requesting admission to
46 the Utah Public Employees’ Retirement System. The motion was seconded by Commissioner
47 Peterson. Vote on motion: Commissioner Bradley-Aye, Chair McCandless-Aye, Commissioner

1 Peterson-Aye, Commissioner Braceras-Aye, Commissioner McAdams-Aye. The motion passed
2 unaniously.

3
4 **iv. Presentation by the Executive Director Concerning the Status of the Search for**
5 **New Office Space and Possible Action Authorizing the Chair to Enter into a Non-**
6 **Binding Letter of Intent for New Office Space, Subject to Board Approval of the**
7 **Binding Lease Agreement.**
8

9 Mr. Becker reported that they have been looking at office space in downtown Salt Lake and staff was
10 in the process of negotiating a Letter of Intent with a potential landlord. Chair McCandless had been
11 actively involved in those discussions. Within the next month or so the document will be completed
12 and presented to the Commission for formal approval. Chair McCandless reported that he and
13 Mr. Becker had several meetings and met at the prospective location. He felt that the lease rate was
14 competitive. He liked this option primarily because all three CWC employees live in downtown Salt
15 Lake City and requiring them to make at least to trips to this end of the valley each day is a senseless
16 waste of their time. He preferred that their time be more productive. He expressed his support.

17
18 **E. DISCUSSION OF POSSIBLE REGULAR MEETING SCHEDULE LED BY THE**
19 **EXECUTIVE DIRECTOR.**
20

21 **i. Consideration of Resolution 2018-20 Adopting an Annual Meeting Schedule for**
22 **the CWC for 2018.**
23

24 It was reported that the next scheduled meeting will take place on Monday, September 17. After that,
25 meetings will be held the first Monday of each month from 4:00 p.m. to 6:00 p.m. Meetings were
26 scheduled for October 1, November 5, and December 3. As November 5 is the date before Election
27 Day, some Commission Members will need to be excused.

28
29 **MOTION:** Commissioner Braceras moved to approve Resolution 2018-20, adopting an Annual
30 Meeting Schedule for the CWC for the remainder of 2018. The motion was seconded by
31 Commissioner Bradley. Vote on motion: Commissioner Bradley-Aye, Chair McCandless-Aye,
32 Commissioner Peterson-Aye, Commissioner Braceras-Aye, Commissioner McAdams-Aye. The
33 motion passed unaniously.

34
35 **F. DISCUSSION OF STATUS OF ADMISSION OF NEW MEMBERS LED BY THE**
36 **EXECUTIVE DIRECTOR AND CWC ATTORNEY, SHANE TOPHAM.**
37

38 Mr. Topham described the process to admit New Commission Members. He explained that the
39 Interlocal Agreement that formed the Central Wasatch Commission included four initial members. It
40 provides for the addition of subsequent members. The protocol for that to occur was described. First,
41 the Board of Commissioners by majority vote must approve an application from an outside entity to
42 become an additional member. The next step is for the issue to be heard by the governing bodies of
43 all of the current members of the CWC who need to unaniously approve the admission of the
44 additional member. Once that occurs, the governing body of the proposed additional member needs
45 to express a formal desire to join the CWC and approve the CWC Interlocal Agreement to authorize
46 its execution and delivery on behalf of that entity and appoint an elected official of that entity to
47 represent that entity's interest on the Board of Commissioners. In this case, the first two steps have
48 taken place. The Board approved the admission of the Town of Alta, the City of Millcreek, and Park

1 City and all of the governing bodies of all of the current members have also approved those
2 admissions. They are now having the governing bodies of the proposed additional members take the
3 additional steps.

4
5 Mr. Topham stated that earlier in the day he sent a form resolution to the three additional members to
6 indicate their compliance with the additional steps. He also provided a counterpart signature page for
7 each of the entities to sign evidencing their intent to be bound by the Central Wasatch Commission
8 Interlocal Agreement. The signature page would be countersigned by the Chair and Secretary of the
9 CWC. It was anticipated that over the next month, prior to the September meeting, the three
10 governing bodies will take action and bring to the next meeting two counterparts of the signature page
11 with the Interlocal Agreement attached and signed by their respective entities. The Chair and
12 Secretary of the CWC will then countersign it. At that point the entities will become additional
13 members.

14
15 Commissioner Peterson's understanding was that there is a level of financial commitment once
16 someone is a member of the CWC. Chair McCandless reported that previously a poll was sent out
17 regarding a retreat where that specific question can be addressed. He realized there was some question
18 about how they will move forward financially beyond 2019. Summit County, Alta, and Millcreek
19 will be involved in that conversation along with the original seven members.

20
21 Mr. Topham explained that when Park City is admitted as an additional member, that will open up
22 the Wasatch Back seat. Currently, Commissioner Beerman has been filling the appointed member
23 position representing the interests of the Wasatch Back. Presumably he will be moved over to become
24 the Commissioner representing only Park City. At that point, there will be an opening for a
25 Commissioner to represent the Wasatch Back. Mr. Topham's understanding was that Summit
26 County, by agreement with Park City, will assume that role and appoint someone to represent the
27 interests of the Wasatch Back on the Commission.

28
29 Mr. Becker reported that the three Commissioners awaiting certified appointment were present. Each
30 are up to speed on the issues and some have a long history going back to the beginning of the Mountain
31 Accord.

32
33 **G. DISCUSSION OF U.S. FOREST SERVICE FEDERAL LAND EXCHANGE**
34 **PROCESS.**

35
36 **i. Presentation by Nathan Lewis, USFS Landownership Adjustment Program**
37 **Manager, and Kraig Frome, USFS Regional Appraiser.**
38

39 David Whittekiend, Forest Supervisor of the Uintah-Wasatch-Cache National Forest, introduced Nate
40 Lewis, U.S. Forest Service Land Ownership Adjustment Program Manager, and Kraig Frome, U.S.
41 Forest Service Regional Appraiser, who are experts from their regional office on the land exchange
42 process. They were present specifically to discuss the land exchange process.

43
44 Mr. Lewis made a presentation on the land exchange process and how it works. He explained that it
45 is an effective tool that the Forest Service uses to acquire lands for a variety of reasons such as to
46 consolidate ownership, acquire holdings in specially designated areas to manage land more
47 efficiently, and for resource benefit purposes such as to provide recreation access, secure wildlife

1 habitat, and protect municipal water sheds. In exchange, the Forest Service conveys or disposes of
2 federal lands that have fewer public benefits.

3
4 Mr. Lewis explained that the Federal Land Exchange process is designed to ensure that the land
5 exchange is in the public interest, the lands exchanged are of equal market value, and the lands have
6 acceptable title. Exchanges are complex and time consuming and typically take three to four years
7 to complete because of the regulatory requirements that have to be followed. Land exchanges are
8 also costly to both parties. The Forest Service does not receive Congressionally appropriated funds
9 to cover all of the costs associated with processing land exchanges. As a result, private parties are
10 required to share in the cost of expenses such as survey work, appraisals, hazmat reviews, and
11 environmental analysis required through the National Environmental Policy Act (NEPA). For these
12 reasons and others, land exchanges are not easily accomplished. The step-by-step process was
13 described.

14
15 Kraig Frome described the general federal land exchange process utilized by the Forest Service. He
16 explained that federal land exchanges must be of equal value. This requires market value appraisals
17 prepared to federal standards. It is the agreement to initiate that generally describes the properties
18 that are to be appraised. Exchange regulations require that the appraiser be qualified and approved
19 by the Forest Service. They must be State general certified and more importantly, well versed in
20 appraising properties similar to those involved in the exchange. They also must be credentialed in
21 the application of federal appraisal standards. Once appraisals are completed, they go through a
22 rigorous technical review by a Forest Service Appraiser. If approved at that point, they can go forward
23 and be used further in the decision analysis. The purpose of the appraisal is to determine market value
24 of the two sides of the proposed land exchange. Of great importance is the definition of market value.

25
26 Land valuation issues were discussed. Mr. Frome explained that the cornerstone of any real estate
27 appraisal is the highest and best use determination for each property. Federal land exchange
28 regulations define highest and best use and is the appraiser's supported opinion of the most probable
29 and legal use of a property based on market evidence as of the date of valuation. Various
30 considerations are used in the highest and best use analysis. In the appraisal of the federal property,
31 the federal parcels are considered to be privately owned and available in the open marketplace. Once
32 the highest and best use is determined, the appraiser can compare the exchange parcels to private land
33 sales having a similar highest and best use and other market evidence to estimate value. Frequently
34 property values are not equal. Ways to equalize the exchange were described.

35
36 Mr. Lewis stated that once the appraisal process is complete and a determination has been made on
37 the public benefit, the Forest Service will issue a draft NEPA decision that will be provided to the
38 general public and posted on their website. It describes the rationale for proceeding or rejecting the
39 proposal and denying the exchange. Following the formal objection period, the decision will be
40 finalized. At that time the Forest Service may enter into a binding exchange agreement that identifies
41 the properties to be conveyed, any incumbrances, the market value of the land, the cash equalization
42 payment that may be required, and a description of the responsibilities of the Forest Service and
43 private party moving forward. Once the exchange agreement is signed, they will begin working
44 toward closing. Sometimes a land exchange cannot be completed because of unknown factors.

45
46 Chair McCandless asked who selects the appraiser. Mr. Frome responded that typically they select
47 from a group of appraisers who have shown themselves to be able to do perform the standards
48 necessary throughout the region; however, in the case of an appraisal where they have properties that

1 are somewhat unique, they expand their search of those who might be qualified to do the work. The
2 non-federal party will be able to concur on the selection of the appraiser. The final decision is the
3 authorized officer of the Forest Service with the recommendation of the regional appraiser.
4

5 Chair McCandless used Solitude as an example and stated that the land exchange that Solitude is
6 giving versus receiving has certain levels of entitlements associated with their base area exchange.
7 He assumed that those entitlements, whether perceived or real, will be taken into consideration when
8 performing the evaluation. Mr. Frome explained that much of that will relate to the location of a
9 property and entitlements and land use regulations affecting property value will be considered. He
10 explained that the cash equalization option is limited to 25% of the federal and value. Some changes
11 in the configuration of either side of the exchange could occur to bring them closer to equalizing.
12

13 Mr. Whittekiend explained that the private landowner does not dictate price, which is based on the
14 appraised value. For this process, they go through the land exchange process. He pointed out that it
15 will still be subject to NEPA. When Congress passes legislation that directs them to do a land
16 exchange, to some degree they have deemed it to be in the public interest. At that point they are
17 bound to move forward. They cannot bind the private landowner to go through the process. The
18 Agreement to Initiate and the Feasibility Analysis takes place behind the scenes. He noted that his is
19 a complex land exchange and they are trying to complete some of the background work so that when
20 and if legislation passes, they will be in a position to move forward expeditiously and meet the
21 timelines given.
22

23 **H. CONSIDERATION AND POSSIBLE RECOMMENDATION REGARDING THE**
24 **CENTRAL WASATCH NATIONAL CONSERVATION AND RECREATION AREA**
25 **ACT.**
26

27 **i. Presentation by Executive Director, Ralph Becker of Updated Summary and**
28 **Analysis of Public Comments and Proposed Amendments to the Text and Maps**
29 **of the Central Wasatch National Conservation and Recreation Area Act (the**
30 **“CWNCRA”) to Respond to Public Comments.**
31

32 Mr. Becker reported that beginning in June, the Commission requested that staff engage the public in
33 considering potential Congressional legislation to be introduced this year. The process was initiated
34 and a series of open and public meetings were held where they received public input from that date
35 forward. They have been noticing the work and the results on the Utah Public Notice website and
36 there has been a lot of public feedback, which has helped shape the drafts of the bill. A bill based on
37 the first round of public comments was drafted and put out for additional public comment on July 17.
38 After that time, there was a public meeting of the CWC and then of the Executive Committee to
39 receive additional public comment. By email they have received hundreds of comments.
40

41 Mr. Becker indicated that they also held a series of informal meetings. A narrative summary was
42 distributed of the changes made or being considered, which included a Bonneville Shoreline Trail
43 issue, which would involve pulling away a strip of the edge of wilderness area to provide for the
44 Bonneville Shoreline Trail and particularly non-wilderness uses such as mountain biking on the trail.
45 All of the entities involved have been working continuously on the specifics of the boundary
46 adjustment. It was noted that it has not yet been finalized. To this point the best trail corridor has
47 been clearly identified.
48

1 Mr. Becker stated that there is also a unique change involving wilderness. Not long ago 400 acres
2 were acquired for the Forest Service that was part of the Boy Scout Camp in Millcreek. The land is
3 being evaluated because it is adjacent to wilderness being proposed for potential inclusion in
4 wilderness as well.

5
6 With regard to Grandeur Peak and the Mount Air Wilderness Area, there has been concern from
7 private property owners about whether they would be adequately protected if wilderness was created.
8 Those issues continued to be evaluated. An adjustment of the wilderness boundary was being
9 considered to provide more of a buffer between the wilderness line and the private property to provide
10 additional fire prevention measures and better staging of activities near private property.

11
12 Mr. Becker commented that the biggest issue in terms of a departure from Mountain Accord involves
13 Alta Ski Lifts. He explained that Alta Resort signed on to the Mountain Accord Agreement and a
14 land exchange to exchange properties they own in Grizzly Gulch for base property. They also gave
15 a nod to include that in the 2016 legislation. Since then, there has been a change in management and
16 position at Alta Ski Lifts and they do not want to see the Grizzly Gulch properties exchanged. That
17 has been the subject of ongoing discussion and possibilities for what may satisfy a land exchange.
18 Thus far, the proposals and discussions have not led to any agreement. In the August 2 draft
19 legislation, the Alta land exchange will be pulled out of the legislation. That would leave Alta Ski
20 Lifts in the same position they are in today. The Mayor of Alta suggested that they conduct another
21 round of discussions. The boundary for the new National Conservation and Recreation Area will
22 remain the same and Alta's rights and opportunities will continue to exist as they did before.

23
24 Transportation issues were of enormous concern and one of the driving issues that persist today. The
25 legislation only deals with transportation solutions as way to remove potential barriers that exist in
26 federal law. The issues identified were a potential alignment for a transportation corridor in Little
27 Cottonwood Canyon that can be wider than the existing corridor and allowed where a wilderness
28 boundary exists. A sliver of wilderness land would remain in the forest but pulled out of wilderness
29 consideration along the Little Cottonwood Canyon road system. There would be a buffer zone around
30 the road as well. Mr. Becker explained that coming out of the Mountain Accord there was clear
31 direction that transit solutions were the priority for solving transportation problems in the canyons.
32 They have not yet vetted the language but considered adding language to the legislation.

33
34 Mr. Becker reported that they have received numerous comments about private land and protecting
35 property rights, water rights, and water systems. They added a number of provisions to provide
36 additional clarification. His understanding was that it has always been the intent of the bill language
37 to provide protection for private property owners. A number of provisions were added to the bill to
38 clarify that. Some of the comments received question whether the language drafted adequately
39 addresses protection of the water system. A meeting was scheduled for later in the week to meet with
40 water company representatives and others to talk through the issues. Comments received about not
41 protecting water rights and water systems are addressed with very specific new language. Comment
42 summaries and responses were also available on the Utah Public Notice website that show each
43 comment received by topic and person. It also includes a response to each in terms of how it has been
44 or may be addressed in the future. They also added a column showing where in the draft legislation
45 the comments are addressed.

46
47 Mr. Becker commented that very legitimate concerns have been raised about where the money will
48 come from to pay for the needed improvements to accommodate the increasing number of people

1 who are visiting the canyons. He explained that a provision was added in the draft bill to provide
2 authorization for additional federal funding to help direct more funding toward a newly designated
3 area if the legislation were to pass. Their intention was to continue with as many drafts as needed to
4 get the bill into the hands of the Congressional delegation if it is the will of the Commission.
5

6 Chair McCandless thought the questions had been answered very well by the Forest Service in terms
7 of the fact that it is not a CWC decision. They can ask that it be placed in the bill and Congress can
8 elect to leave it there. In the end, however, it will be a Forest Service decision. The second issue he
9 hears a lot about is the water resource protection for both watershed and irrigation systems. He
10 supported the comment about fire protection and suppression and wilderness areas and how to protect
11 them.
12

13 **ii. Consideration of RESOLUTION 2018-21 Approving Amendments to the**
14 **CWNCRA Proposed by the Executive Committee in Consultation with the**
15 **Executive Director as Directed in Resolution 2018-18 and Supporting and**
16 **Encouraging Introduction by the Utah Congressional Delegation and Passage of**
17 **the CWNCRA in 2018.**
18

19 Commissioner Peterson appreciated the years of effort with the Mountain Accord and the feedback
20 received. He felt they were moving in the right direction. Nevertheless, to him personally in light of
21 the fact that this membership is changing drastically within the next 30 days, he was uneasy moving
22 forward and approving the resolution without the full CWC membership in place. He recommended
23 the matter be tabled to the next meeting.
24

25 Commissioner Bradley noted that there are competing interests. He looked forward to reaffirming
26 the CWC's commitment to moving forward with legislation.
27

28 Chair McCandless agreed with Commissioner Peterson and felt that the sentiment surrounding the
29 outcome will be split 50/50. He remarked that the resolution does not commit them to specific
30 legislative language but he expected there to be changes. He suggested the CWC move forward with
31 additional modifications, correspondence, and meetings with individuals who have unresolved issues.
32 The hope was that they would be resolved within the next 30 days.
33

34 Commissioner Peterson believed they were moving in the right direction.
35

36 **MOTION:** Commissioner Peterson Bradley moved to postpone approval of Resolution 2018-21 to
37 the September meeting. The motion was seconded by Commissioner Braceras. Vote on motion:
38 Commissioner Bradley-Aye, Chair McCandless-Aye, Commissioner Peterson-Aye, Commissioner
39 Braceras-Aye. The motion passed unanimously. Commissioner McAdams was not present for the
40 vote.
41

42 **I. ADJOURNMENT**
43

44 **MOTION:** Commissioner Bradley moved to adjourn. The motion passed with the unanimous
45 consent of the Commission.
46

47 The Central Wasatch Commission Meeting adjourned at 6:17 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, August 6, 2018.*

3
4
5
6
7
8
9



10 Teri Forbes
11 T Forbes Group
12 Minutes Secretary
13
14 Minutes approved: