

1 **MINUTES OF THE CENTRAL WASATCH COMMISSION MEETING HELD MONDAY,**
2 **SEPTEMBER 17, 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 Andy Beerman,
7 Commissioner Mike Peterson, Commissioner Jim Bradley, Commissioner
8 Harris Sondak, Commissioner Jackie Biskupski, Commissioner Chris
9 Robinson, Commissioner Jeff Silvestrini
10

11 **Staff:** Executive Director Ralph Becker, Deputy Director Jesse Dean, Legal Counsel
12 Shane Topham, Communications Director Lindsey Nielsen
13

14 **Excused:** Commissioner Ben McAdams, Commissioner Carlos Braceras
15

16 **A. OPENING**
17

- 18 **i. Commissioner McCandless will conduct the meeting as Chair of the Central**
19 **Wasatch Commission (CWC).**
20

21 Chair Chris McCandless called the meeting to order at approximately 4:05 p.m.
22

- 23 **ii. The Commission will Consider Approving the Meeting Minutes of Wednesday,**
24 **June 20, 2018.**
25

26 **MOTION:** Commissioner Peterson moved to adopt the minutes of Wednesday, June 20, 2018. The
27 motion was seconded by Commissioner Bradley. The motion passed with the unanimous consent of
28 the Commission.
29

- 30 **iii. The Commission will Consider Approving the Meeting Minutes of Monday,**
31 **August 6, 2018.**
32

33 **MOTION:** Commissioner Peterson moved to adopt the minutes of August 6, 2018, as corrected to
34 change the reference to “Commissioner Peterson Bradley” on page 15 to a reference to
35 “Commissioner Peterson”. The motion was seconded by Commissioner Bradley. The motion passed
36 unanimously with Commissioners Biskupski and Beerman abstaining from the vote.
37

38 **B. PUBLIC COMMENT**
39

40 Mike Maughan reported that he was unable to attend the last meeting, however, his understanding
41 was that legislation was proposed that included the removal of the Alta Ski Area from the proposed
42 land trade with the Forest Service. Mr. Maughan made it clear that Alta Ski Area has not asked to be
43 removed from the land trade or the legislation. He noted that they still have in excess of 565 acres of
44 private land that they are proposing to exchange with the Forest Service in addition to approximately
45 1,300 acres of mineral claims. He explained that the Forest Service was interested in those being in
46 the exchange process. In the original Mountain Accord process, Alta included its private lands in
47 Grizzly Gulch as part of the potential proposed land exchange. The inclusion of those lands was
48 conditional and based on there being a direct connection between Big and Little Cottonwood

1 Canyons. That effort had not progressed and did not appear to be feasible. Consequently, about one
2 year ago the determination was made to remove Grizzly Gulch from the process, simplify the land
3 trade, and provide a connection between the two canyons to accommodate future recreational growth
4 identified in the Mountain Accord process. Mr. Maughan reported that the Alta Ski Area has been
5 operating snow cat skiing in the area for over 15 years. As they reviewed the plans, there was
6 consternation from some of the stakeholders. They made efforts to understand and address the
7 concerns and worked on several alternatives. Mr. Maughan encouraged the CWC to continue to work
8 toward a solution that is beneficial to all.

9
10 Greg Schiffman reported that while he is not a Utah native, he is linked to the Mountain Accord and
11 CWC process. He explained that the main purpose of the CWC is to implement the Mountain Accord.
12 Several times over the past several months he has searched the State's Public Notice Website but was
13 unable to find audio recordings of the Mountain Accord meetings. Mr. Schiffman asked where he
14 can obtain them. With regard to watershed protection, it was stated that the proposed federal
15 designation will protect the water shed. In fact, Chair McCandless stated at a previous meeting that
16 the watershed was the main tenet of the Accord.

17
18 Mr. Schiffman asked about the reports on which the statements are based. He questioned what is not
19 protected currently in the watershed and who is falling short in their duties to protect it. With regard
20 to land values, Mr. Schiffman had heard that land trade ratios with the ski resorts will be 1-to-2. He
21 assumed that means two acres on the mountain for one acre at the resort bottom. The ratio seemed
22 off and assumes that mountainside/back country property is less than \$10,000 per acre yet land at the
23 resort can be worth millions per acre once entitled. With regard to the Mountain Accord status,
24 Mr. Schiffman had read that the Mountain Accord is defunct. He inquired as to the actual status as
25 there are inconsistencies, missing documents, and unkept promises at the core of the Mountain
26 Accord. Mr. Schiffman also asked to be provided with watershed-related documents.

27
28 Chair McCandless stated that he was not sure about the audio recordings for the Mountain Accord
29 but agreed to seek more clarification at the conclusion of the meeting. With respect to the land trade
30 ratio presented by Mr. Schiffman, he indicated that it is inaccurate. He informed Mr. Schiffman that
31 at the last meeting the CWC specifically had the Forest Service address the U.S. Forest Service
32 national land exchange process and evaluation scenarios that would result. In that situation they have
33 an appraised value for appraised value. They are creating a mechanism whereby an exchange process
34 can take place. The process with the Forest Service is extensive, expensive, and time consuming.
35 Chair McCandless explained that it is not up to the CWC to mandate the terms to the federal
36 government of their land exchange with Snowbird, Alta, Solitude, and Brighton. With regard to the
37 watershed documents, Chair McCandless suggested Mr. Schiffman contact Laura Briefer with Salt
38 Lake City Public Utilities. He indicated that both he, CWC Executive Director Ralph Becker, and
39 Mr. Ward have each spoken to Mr. Schiffman about the watershed designations as they relate to the
40 legislation being proposed. If additional information was still needed, Mr. Becker could meet with
41 Mr. Schiffman individually. In terms of hindering the process, Mr. Becker stated that the CWC has
42 done everything in its power to be open and transparent.

43
44 Chair McCandless reported that the Forest Service was invited to attend the last meeting specifically
45 to address Mr. Schiffman's concerns and he left early. In terms of the Mountain Accord, they are not
46 tied to it and are not part of the pending lawsuit. Chair McCandless explained that a great deal of
47 work remains to be done and their focus will be on the issues where they can affect the most change.
48

1 Mr. Becker addressed the issue of the audio recordings from the Mountain Accord meetings and
2 invited Mr. Schiffman to explore that with the Mountain Accord directly. He noted that the CWC
3 has access to some files that he was happy to share.

4
5 Vaughn Cox thanked the CWC and welcomed the new members. He spoke in opposition to the
6 Central Wasatch National Conservation Area Act. He opposed the Act because it allows for the
7 transfer of hundreds of developable acres to the ski resorts in the Cottonwood Canyons. His opinion
8 was that it is land that has not been available for development and should remain so. If the CWC
9 allows the land transfer to proceed, major development will take place in the Canyons and result in
10 new development. When this occurs, the Cottonwood canyons will lose its uniqueness. They will
11 become like many other ski resorts with hotels, shopping malls, and restaurants. This was not what
12 he believed the citizens want in the Cottonwood Canyons. Another consideration was the new
13 infrastructure and who will pay for it. The result of the bill is to take 80,000 acres that are controlled
14 and managed by the U.S. Forest Service and create a new 80,000-acre conservation area. While 10
15 to 15 percent of the area will have new designations and management plans, the majority will remain
16 unchanged. The most significant part of the Act is the ski resort expansion and not the creation of
17 the conservation area.

18
19 Chair McCandless' opinion was that the bill will preserve the north side of Little Cottonwood Canyon
20 that is presently in private property rights. If they do not preserve it today, it will be subject to
21 development tomorrow and involves thousands of acres. The theory was that Snowbird's existing
22 base area is already developed and they are using the property under a special use permit designation.
23 They want to own the property they are presently occupying, however, some of the details need to be
24 sorted out. He suggested that Mr. Cox contact Dave Fields to better understand the situation.

25
26 Susie Albertson asked Chair McCandless if he was part of the Mountain Accord. Chair McCandless
27 explained that he was involved with a number of different organizations prior to and during the
28 Mountain Accord but was not a major party to the agreement. Ms. Albertson attended numerous
29 meetings and the intent was that once the Canyon is developed, to put a 100-foot wide path through
30 the White Pine Wilderness Area to install a 100-foot wide transportation mechanism. She suggested
31 that if that is a possibility, the same should be done with Zions. She did not consider that to be a way
32 to save the Canyon. Ms. Albertson explained that the Mountain Accord spent \$4.2 million but she
33 had not seen how it benefited the County. She also was not pleased with how the excess funds were
34 to be spent. Her perception was that there had been misappropriation of funds and that the transfer
35 of the public lands was intended to make rich people richer.

36
37 John Thomas from the Utah Department of Transportation (UDOT), was charged with conducting
38 the Environmental Impact Study (EIS). Chair McCandless stressed that the decision will be made by
39 UDOT and not the CWC. Ms. Albertson was encouraged to contact Mr. Thomas after the meeting to
40 get more accurate timelines. Chair McCandless referenced Ms. Albertson's comment about excess
41 funds being misappropriated and stated that he was not aware of any misuse of funds. He commented
42 that the specific situation referred to involved the Mountain Accord and not the CWC.

43
44 James Thompson addressed the proposal for the Central Wasatch Conservation and Recreation Area
45 and expressed his support for it and anything that will protect the canyons. He lives near the mouth
46 of Millcreek Canyon and thought more protection was needed because there are many who want to
47 develop there. Mr. Thompson thought it was good for the ski resorts to move forward with the land
48 exchanges and wished Alta would be more cooperative. He did not understand why Alta feels they

1 have a right to access to Big Cottonwood Canyon through a tunnel or ski lift. His preference was for
2 the ski resorts to remain within their present boundaries. He did not object to Alta expanding their
3 base facilities in exchange for other undeveloped lands to become public and remain undeveloped.
4 He had heard that some oppose an additional wilderness designation due to the potential for wildfires.
5 Mr. Thompson considered that to be one of the risks associated with having facilities in the mountains
6 or forests and remarked that every effort should be made to fight fires when they leave the wilderness
7 area.

8
9 Rob Young considered tonight’s discussion to be an anecdote with nothing to do with Mountain
10 Accord or the CWC. He felt it had more to do with the mayors who are present. Mr. Young described
11 an encounter he had with a Mayor Ted Wilson in Little Cottonwood Canyon in the early 1990s when
12 the Church of Jesus Christ of Latter-day Saints was planning to harvest granite in the area. Chair
13 McCandless thanked Mr. Young for his efforts.

14
15 There were no further public comments.

16
17 **C. ADMISSION OF NEW MEMBERS**

18
19 **i. Consideration of RESOLUTION 2018-22 Admitting the Town of Alta, the City**
20 **of Millcreek and Park City as Additional Members of the CWC and Seating New**
21 **Member Commissioners Representing those New Members as Well as a New**
22 **Appointed Commissioner Representing the Interests of the “Wasatch Back”.**

23
24 Commissioner Beerman disclosed a potential conflict of interest and reported that he is the Mayor of
25 Park City which is part of the motion. He indicated that he would be participating in the vote.

26
27 **MOTION:** Commissioner Bradley moved to approve Resolution 2018-22. Commissioner Biskupski
28 seconded the motion. Vote on motion: Commissioner Beerman-Aye, Commissioner Peterson-Aye,
29 Commissioner Biskupski-Aye, Chair McCandless-Aye, Commissioner Bradley-Aye. The motion
30 passed unanimously.

31
32 **ii. Seating of New Commissioners.**

33
34 The new commissioners joined the group on the dais.

35
36 **D. COMMISSIONER COMMENT**

37
38 **E. DISCUSSION OF CWC STAFFING – Executive Director Ralph Becker.**

39
40 **i. Consideration of RESOLUTION 2018-23 Ratifying Employment Contracts for**
41 **Deputy Director Jesse Dean and Communications Director Lindsey Nielsen.**

42
43 Mr. Becker reported that Deputy Director, Jesse Dean and Communications Director, Lindsey
44 Nielsen were recently hired. He reviewed the proposed Employment Agreements for both individuals
45 with final action needed. Mr. Becker also explained that each jurisdiction has been contributing to
46 the Commission and as a result, they have committed funds to the appropriations process. The hope
47 and expectation was that appropriations or other forms of long-term revenue streams could be
48 discussed during the upcoming Retreat.

1
2 Chair McCandless explained that the completion of the Mountain Accord’s designated objectives will
3 take more than one year.

4
5 **MOTION:** Commissioner Peterson moved to adopt Resolution 2018-23 ratifying the Employment
6 Agreements for Jesse Dean and Lindsey Nielsen. Commissioner Biskupski seconded the motion.
7 Vote on motion: Commissioner Beerman-Aye, Commissioner Peterson-Aye, Commissioner
8 Biskupski-Aye, Chair McCandless-Aye, Commissioner Bradley-Aye, Commissioner Sondak-Aye,
9 Commissioner Robinson-Aye, Commissioner Silvestrini-Aye. The motion passed unanimously.

10
11 **F. DISCUSSION OF PROPOSED GRAMA FEE SCHEDULE – Executive Director Ralph**
12 **Becker and CWC Attorney, Shane Topham.**

13
14 **i. Consideration of RESOLUTION 2018-24 Appointing a Records Officer and**
15 **Adopting a Fee Schedule for the CWC Under the Government Records Access**
16 **and Management Act, Utah Code Annotated 63G-2-101 et seq.**

17
18 CWC Attorney, Shane Topham, reported that under GRAMA, the Central Wasatch Commission
19 needs to appoint a Records Officer who will be tasked with keeping track of and indexing records,
20 and also needs to adopt a fee schedule for GRAMA requests. The above resolution appoints the
21 Communications Director as the Central Wasatch Commission’s Records Officer and approves a fee
22 schedule. In order to formulate the proposed fee schedule, the GRAMA fee schedules from the
23 participating entities were referenced along with those of other entities, including the Utah Attorney
24 General’s Office and the Office of the Utah State Auditor. Copy costs ranged from \$.10 to \$.25 per
25 copy. The proposed fee schedule for the CWC charges \$.25 per copy in order to recapture the cost
26 of the staff member making the copies. Because the CWC staff is so small, they do not have low
27 paid staff to perform the work and the \$.25 per copy cost will likely still not recapture all of the
28 associated costs.

29
30 Commissioner Robinson inquired about PDF copies and scanning and suggested the fee for that
31 service also be \$.25 per page. He suggested a fee be charged for photo copying or scanning to
32 electronic media. It was suggested that page four be modified to include fees for photo copies or PDF
33 scans and actual costs for other odd-sized copies or PDF scans.

34
35 **MOTION:** Commissioner Robinson moved to approve Resolution 2018-24 appointing a Records
36 Officer and adopting a Fee Schedule for the CWC under the Government Records Access and
37 Management Act, as amended. Commissioner Silvestrini seconded the motion.

38
39 Commissioner Silvestrini appreciated the research conducted by Mr. Topham and considered the
40 proposed rate to be reasonable. He thought it was appropriate to charge for scanning as well.

41
42 Vote on motion: Commissioner Beerman-Aye, Commissioner Peterson-Aye, Commissioner
43 Biskupski-Aye, Chair McCandless-Aye, Commissioner Bradley-Aye, Commissioner Sondak-Aye,
44 Commissioner Robinson-Aye, Commissioner Silvestrini-Aye. The motion passed unanimously.

1 **G. EXECUTIVE DIRECTOR'S MONTHLY REPORT**

2
3 **i. Presentation by Executive Director Ralph Becker of his Monthly Report.**

4
5 Mr. Becker reported that over the last month, in addition to hiring two new staff members, they also
6 continued to work on federal legislation. It has been an ongoing, sustained effort to address the
7 remaining issues in the legislation and present something that the congressional delegation will
8 consider and introduce. CWC staff had spent a considerable amount of time pursuing a possible
9 resolution and Commissioner Sondak participated extensively in those discussions. Others had also
10 come forward more recently with issues. The major issues they continued to seek resolution on
11 included the Bonneville Shoreline Trail and the White Pine access.
12

13 **ii. Presentation by the Executive Director Concerning the Status of the Search for**
14 **New Office Space.**

15
16 Mr. Becker commented that staff had been searching for alternative space to lease downtown. A
17 Letter of Intent was provided at the last meeting, which was adopted. Staff had since been working
18 on the details of the lease. With the work of both the Commission and the building owners, a lease
19 was drafted with the terms identified in the Letter of Intent but in much greater detail. The intent
20 would be to occupy the space before the end of the year.
21

22 Commissioner Biskupski asked how much was budgeted annually for office space in the last budget
23 cycle. Mr. Becker responded that the budget was based on the existing lease rate with an additional
24 budget for expenses. Because the desired space is downtown, it is slightly more expensive and
25 includes build out costs. The final cost will be only be slightly more than the existing lease. Chair
26 McCandless commented that the actual benefit was that all three CWC employees live near the
27 proposed office location, which will result in increased productivity.
28

29 With regard to parking, Mr. Becker reported that the building is at the Gateway where there is
30 available parking. The original lease including stalls for each member of staff, however, all three
31 intend to use transit, walk, or bike to work. As a result, they are not paying a per stall rate and will
32 purchase daily or hourly coupons that will be available for visitors and Commission Members. As
33 they are used, they will be replenished.
34

35 Commissioner Sondak asked about the anticipated annual rent increase of approximately 3%.
36 Mr. Becker reported that 3% is primarily the standard rate of inflation. In the event of a surge in
37 inflation, they will not be subject to a dramatic increase.
38

39 Commissioner Robinson asked if the allowance of approximately \$60 per foot will be adequate to
40 ready the space for occupancy. He observed that there is a rent adjustment if the final cost comes in
41 higher or lower. He questioned whether that number had been vetted. Mr. Becker explained that the
42 landlord will pay for some of the improvements with \$20 per square foot allocated for that purpose.
43 Staff met with two architects and a contractor to get a sense of the remaining cost. He was comfortable
44 that they will be able to work within the estimate. They also built the balance of the buildout cost
45 into the cost of the lease, which will be amortized over 10 years even though they have a five-year
46 lease. The landlord will be responsible if they do not assume the extension of the lease for five more
47 years.
48

1 Chair McCandless felt that they were very thrifty when negotiating the deal, which is in a great
2 location. He liked the fact that it is next to the Wasatch Front Regional Council’s new headquarters.

3
4 **H. OFFICE SPACE LEASE**

5
6 **i. Consideration of RESOLUTION 2018-25 Approving Entry into a Lease for**
7 **Office Space for the CWC.**

8
9 **MOTION:** Commissioner Robinson moved to adopt Resolution 2018-25, a resolution approving
10 and ratifying entry into a Lease Agreement for office space in the Cicero Building. Commissioner
11 Beerman seconded the motion. Vote on motion: Commissioner Beerman-Aye, Commissioner
12 Peterson-Aye, Commissioner Biskupski-Aye, Chair McCandless-Aye, Commissioner Bradley-Aye,
13 Commissioner Sondak-Aye, Commissioner Robinson-Aye, Commissioner Silvestrini-Aye. The
14 motion passed unanimously.

15
16 **I. STAFF MONTHLY REPORT**

17
18 **i. Presentation by Staff Concerning the CWC Stakeholder Council, the CWC**
19 **October Retreat, the CWC Website and Digital Communications, and the Status**
20 **of the CWC “Environmental Dashboard”.**

21
22 Jesse Dean reported that the Board Retreat will take place on October 19 and 20 at the Midway Resort.
23 No deliberations or decisions would be made at the meeting, however, it will be open to the public.
24 A detailed Retreat overview and agenda was provided. The three objectives of the meeting were
25 identified as follows:

- 26
27 1. Provide input on the development of a CWC Strategic Vision.
28 2. Identify funding strategies and future membership needs.
29 3. Build a common understanding regarding the outcomes of Commission work.

30
31 Mr. Dean next addressed the Stakeholder Council and acknowledged Laura Briefer from Salt Lake
32 City Public Utilities and Carly Castle among other staffers from the various jurisdictions who
33 performed the bulk of the work to get the Stakeholder Council to this point. Mr. Dean noted that the
34 Stakeholder Council was a requirement of the CWC’s Interlocal Agreement and will consist of 28 to
35 35 advisory members from public and private organizations. Their goal is to perform the day-to-day
36 work and be advisory to the Commission. Staff launched the application process on September 12
37 and will be accepting applications through October 1. Their goal was to get at least 100 applications.

38
39 Lindsey Nielsen updated the Commission on the website, which was live. The web address was
40 identified as www.cwc.utah.gov. The website was expected to be fully functional with more
41 information on October 1. They are also live on social media networks including Facebook,
42 Instagram, and Twitter. Publication of the newsletter also began the previous day. Those wishing to
43 submit electronic comments directly were invited to do so at comments@cwc.utah.gov.

44
45 Chair McCandless remarked that Board Member photographs and bios were to be added to the
46 website.

1 **J. DISCUSSION OF THE CENTRAL WASATCH NATIONAL CONSERVATION AND**
2 **RECREATION AREA ACT**

3
4 **i. Presentation by Executive Director Ralph Becker of the Status of the Proposed**
5 **Central Wasatch National Conservation and Recreation Area Act.**
6

7 Mr. Becker reported that since the last meeting none of the issues identified had been completely
8 resolved. With regard to the Alta Ski Lifts Grizzly Gulch issue, all were committed to finding
9 solutions. It was noted that prior to the last Commission Meeting, a draft of the legislation included
10 removing the Alta Ski Lifts exchange from the bill. That remained a possibility if they are unable to
11 find a solution and if the Commission decides to move ahead and resolve the exchange issue later.
12

13 With regard to the Bonneville Shoreline Trail, all agreed to provide for a modification of the
14 wilderness boundary in a location where the Bonneville Shoreline Trail needs to go through and where
15 it would be expected to include mountain bikes. The corridor was preliminarily identified and
16 involved removal of more acreage than many expected in the preliminary reviews. The parties
17 involved had gone back and forth in an effort to resolve the issue.
18

19 Mr. Becker commented that there were two issues related to the White Pine issue that seemed to
20 overlap and involved whether the road to the White Pine parking lot should remain open to mountain
21 biking, which is not allowed in wilderness areas. While it is a special management area, many in the
22 conservation community consider the White Pine Special Management Area to be as close to
23 wilderness as possible and still continue with the existing helicopter skiing permit. There continued
24 to be a strong difference of opinion among some of the parties. Those most interested in the issue
25 continued to negotiate. In terms of priority, Mr. Becker stated that the Bonneville Shoreline Trail
26 issue is acknowledged as the more significant of the two, which may help facilitate a solution on the
27 White Pine Road mechanized use issue.
28

29 Mr. Becker reported that there is also a trail along the bottom of the canyon. Those involved are
30 determining whether the boundary will encroach on the trail. Staff continued to work on a variety of
31 issues. He explained that the Congressional delegation expressed its desire to continue to work
32 toward legislation. Mr. Becker informed the Commission that legislation was not expected to be
33 passed in this congress.
34

35 Mr. Becker explained that one of the outcomes of the Mountain Accord was to establish an
36 Environmental Dashboard to provide a place for much of the environmental data analysis that has
37 been developed over the years in the Canyons. The Commission established a working group and
38 hired a Consultant to help facilitate that effort. The group expected to have an Environmental
39 Dashboard completed by the end of the year.
40

41 Ms. Nielsen reported that the Environmental Dashboard will appear on the CWC website. The next
42 step is to communicate with stakeholders and set benchmarks and timelines. Mr. Becker explained
43 that there is a Steering Committee associated with the dashboard that includes both private and public
44 members. Salt Lake County has also been involved. Mr. Dean mentioned that CWC staff is currently
45 learning about projects that technical staff and jurisdictions have been working on over the past few
46 years. They met with Carly Castle from Salt Lake City as well as the Consultant in an effort to better
47 understand staff's roles.
48

1 Mr. Becker indicated that there have been two meetings with those involved with the Environmental
2 Dashboard. They are performing a significant amount of peer review work but had not contemplated
3 a public involvement element. Staff agreed to provide public vetting of the information as it is refined.

4

5 **K. ADJOURNMENT**

6

7 **MOTION:** Commissioner Peterson moved to adjourn. The motion passed with the unanimous
8 consent of the Commission.

9

10 The Central Wasatch Commission Meeting adjourned at 5:18 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, September 17, 2018.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____