



1
2 **MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) LEGISLATIVE/**
3 **LAND TENURE COMMITTEE MEETING HELD WEDNESDAY, AUGUST 18, 2021, AT**
4 **10:00 A.M. THE MEETING WAS CONDUCTED ELECTRONICALLY VIA ZOOM**
5

6 **Present:** Mayor Jenny Wilson
7 Mayor Harris Sondak
8

9 **Staff:** CWC Executive Director Ralph Becker
10 CWC Deputy Director Blake Perez
11 CWC Communications Director Lindsey Nielsen
12 Office Administrator Kaye Mickelson
13

14 **Excused:** Mayor Erin Mendenhall
15 Mayor Jeff Silvestrini
16

17 **Others:** Jeff Niermeyer
18 Lance Kovel
19 Catherine Kanter
20 Carl Fisher
21 Michael Maughan
22 Mike Marker
23 Dave Fields
24 Dennis Goreham
25 Laura Briefer
26 Pat Shea
27 Steve Van Maren
28 Carolyn Keigley
29 Laura Hanson
30 Chris McCandless
31 Casey Hill
32 Jenna Malone
33 Douglas Johnson
34

35 **1. Opening.**
36

- 37 **a. Jenny Wilson will Conduct the Meeting as the Chair of the Legislative/Land**
38 **Tenure Committee.**
39

40 Chair Jenny Wilson called the Central Wasatch Commission (“CWC”) Legislative/Land Tenure
41 Committee Meeting to order at approximately 10:05 a.m. and welcomed those present.

1
2 **Jenny Wilson will Read the Determination Letter Referencing Electronic**
3 **Meeting as Per Legislative Requirements.**
4

5 The Legislature, pursuant to Section 52-4-207(4), required the Committee to make a
6 determination, which was as follows:
7

8 ‘Notice is hereby given that the Central Wasatch Commission Legislative/Land Tenure
9 will hold a meeting at approximately 10:00 a.m. or soon thereafter, on Wednesday, August
10 18, 2021. In view of the current COVID-19 pandemic, this session will occur
11 electronically, without a physical anchor location, as authorized by UTAH CODE ANN.
12 52-4-207(4). The public may register for the meeting through the following link. Once
13 registered, meeting attendees will receive an email with a personal meeting access link.’
14

15 **(Action) The Committee will Consider Approving the Minutes of the February**
16 **12, 2021, Committee Meeting.**
17

18 **MOTION:** Mayor Sondak moved to approve the minutes of the February 12, 2021,
19 Legislative/Land Tenure Committee Meeting. Chair Wilson seconded the motion. The motion
20 passed with the unanimous consent of the Committee.
21

22 **2. Discussion and Action Items.**
23

24 **a. Review of Legislative/Land Tenure Committee Work and Direction.**
25

26 CWC Executive Director, Ralph Becker discussed the Legislative/Land Tenure Committee work
27 and direction. He explained that the CWC had been working on the legislation continually since
28 June 2018. The CWC Board previously approved a version of the Draft Bill, but the Congressional
29 Delegation was not ready at that time. Mr. Becker noted that the Legislative/Land Tenure
30 Committee will now consider the latest version of the Draft Bill, the October 27, 2020, Draft Bill,
31 Central Wasatch National Conservation and Recreation Area (“CWNCRA”), which included
32 public comments. The Draft Bill went out for a 30-day public comment period. Public comments
33 were reviewed and summarized by staff. Mr. Becker noted that the Committee would review the
34 comments and discuss potential changes to the Draft Bill. It could then move forward to the full
35 CWC Board.
36

37 **b. Review of 10/27/2020 Legislative Draft and Public Comments.**
38

39 Mr. Becker shared a document titled, “Possible Legislative Changes – Based on Staff Review of
40 10/27/2020 Draft and Issues Relating to Draft CWNCRA.” He explained that CWC staff, along
41 with Catherine Kanter, summarized the public comments there. The document also included
42 columns related to the CWNCRA as well as possible provision changes. Mr. Becker highlighted
43 key information included in the document as follows:
44

- 45 • Public Comment and Suggested Legislative Change:

- 1 ○ Removal of helicopters in White Pine, either/or allowance for both helicopters and
2 mountain bikes in White Pine.
- 3 ▪ No change was recommended at this time.
- 4 • Public Comment and Suggested Legislative Change:
- 5 ○ Adjust Draft Bill language to mirror that found in the Bonneville Shoreline Trail
6 Advancement Act.
- 7 ▪ No change was recommended at this time.
- 8 • Public Comment and Suggested Legislative Change:
- 9 ○ Remove the term “and mechanical” from line number 425 in the Draft Legislation.
- 10 ▪ Since the existing White Pine provision had been carefully crafted to
11 represent a prior compromise, no change was recommended at this time.
- 12 • Public Comment and Suggested Legislative Change:
- 13 ○ The boundaries of the Mount Olympus, Twin Peaks, and Lone Peak Wilderness
14 Areas should be adjusted for the purpose of ensuring the existing and future
15 Bonneville Shoreline Trail is aligned outside of the designated wilderness so that it
16 can be constructed efficiently and legally utilized by mountain bikes in its entirety.
- 17 ▪ Changes to the map to reflect any agreed-upon changes for the Bonneville
18 Shoreline Trail will be made upon confirmation that a subsequent
19 agreement has been reached.
- 20 • Public Comment and Suggested Legislative Change:
- 21 ○ Provide language in the Bill that protects Grizzly Gulch, Patsey Marley, Wolverine
22 Cirque, Lake Mary, and the Twin Lake area.
- 23 ▪ No change was recommended at this time.
- 24 • Public Comment and Suggested Legislative Change:
- 25 ○ Add language to the Bill that blocks ski interconnect.
- 26 ▪ The topic of more specific direction in the Draft CWNCRRA Legislation
27 should be discussed. There was some guidance in the existing Draft Bill.
- 28 • Public Comment and Suggested Legislative Change:
- 29 ○ Add language to the Bill precluding a canyon-to-canyon connection between Big
30 Cottonwood Canyon and Little Cottonwood Canyon.
- 31 ▪ The topic of more specific direction in the Draft CWNCRRA Legislation
32 should be discussed. There was some guidance in the existing Draft Bill.

33
34 Additional items included in the document did not come through during the public comment period
35 but were either ideas from staff or items that had been discussed previously. The first related to
36 visitor use management. Mr. Becker explained that the current Legislation would require a new
37 Management Plan to be created. Some direction and guidance for that Management Plan was
38 included in the existing Legislation. For instance, looking at Mountain Accord, the Uinta-
39 Wasatch-Cache National Forest Plan, and local plans. Given all of the work done by the CWC
40 related to visitor use management, an idea that had been arrived at by staff was to include a Visitor
41 Use Management Element in the Management Plan. It would address the work that was being
42 done by the CWC and also make it clear to the U.S. Forest Service that visitor use management
43 needs to be addressed. Staff recommended adding the provision.

44
45 Mr. Becker reported that the last two sections included in the document were not recommended
46 changes but issues that arose during discussions. He noted that in some of the more recent drafts,

1 the language attempted to distinguish between ski lifts and ski areas as there had been confusion
2 about whether a ski lift could be considered a means of transportation. However, a ski lift differs
3 from an actual transportation system. There were definitions in the Draft Bill to address the topic.
4 Mr. Becker noted that the transportation section of the Draft Bill also referenced a Mountain
5 Transportation System (“MTS”) and there had been some confusion around that. No changes were
6 recommended but further review was requested.

7
8 The final item included in the document related to transportation provisions. Mr. Becker reported
9 that some questions had been raised. For instance, if a transportation solution was arrived at and
10 there was agreement. There were questions about whether that that transportation solution would
11 be addressed more directly and specifically within the CWNCRA. Mr. Becker explained that this
12 was something to keep in mind as the Draft Bill is further considered.

13
14 Ms. Kanter informed the Legislative/Land Tenure Committee Members that Mayor Harris Sondak
15 had left the meeting. She believed the document should still be forwarded to the full CWC Board
16 for consideration, even if there was not currently a quorum of the Committee to make that decision.
17 Chair Wilson suggested that three or four main areas could be highlighted for further discussion
18 and an agenda item could be added for a future CWC Board Meeting. This would allow for more
19 robust discussions. She reminded the Committee Members that whatever the CWC recommends
20 will ultimately need to be considered by the Sponsor of the Bill as well.

21
22 **c. Consider Potential Changes to Draft Legislation and Any Recommendations**
23 **to the CWC Board.**
24

25 Ms. Kanter further discussed the recommendation related to visitor use management. She felt it
26 was important to highlight that item as the concept had really come out of the CWC analysis of
27 the Utah Department of Transportation (“UDOT”) Little Cottonwood Canyon Environmental
28 Impact Statement (“EIS”). The CWC reached consensus about the importance of visitor use
29 management. As a result, Ms. Kanter felt it was important to further consider that concept.

30
31 Chair Wilson mentioned the response she and Jim Bradley would issue for Salt Lake County as it
32 related to the UDOT Little Cottonwood Canyon EIS. It would oppose the implementation of a
33 transportation solution without the CWNCRA Legislation moving forward. She felt it was
34 important that the implementation of transportation be coupled with land protections. Mr. Becker
35 added that the significant substantive changes made to the October 27, 2020, Draft Bill pertained
36 to the removal of the land exchange provisions.

37
38 **3. Public Comment.**
39

40 Chair Wilson opened the public comment portion of the meeting.

41
42 *Carl Fisher* appreciated the comments shared by Chair Wilson about making the Legislation a
43 priority and coupling it with transportation decisions. One of the concerns of Save Our Canyons
44 pertained to how the legislation had been pushed to the side in favor of the transportation
45 discussions. He appreciated that Chair Wilson was focused on the Legislation and asked that she
46 speak to the CWC Board to make sure that outstanding issues on Legislation are a priority.

1
2 Mr. Fisher liked the recommendation from staff related to visitor use management. He noted that
3 there was an overwhelming desire to have transit access to trailheads and that was not a provision
4 that was currently allowed for in the Forest Plan. Mr. Fisher wondered if the intent of the
5 recommendation was to look at visitor capacity and visitor use and incorporate transit to trailhead
6 initiatives throughout the Central Wasatch. Chair Wilson asked for clarification related to the
7 question. Mr. Fisher believed that the current Forest Plan did not support transit service to
8 trailheads in the Central Wasatch. Visitor use was limited by parking availability, but that had
9 been eroded due to roadside parking not being enforced. There would either need to be a Forest
10 Plan amendment or it would need to be added to the Legislation.

11
12 *Lance Kovel* from the Forest Service explained that there was nothing in the Forest Plan currently
13 that would prohibit transit to trailheads. However, the Forest Service would need to conduct
14 additional analysis if transit was proposed to trailheads. This would ensure that the infrastructure
15 at those trailheads could handle the visitation levels. It would also analyze any additional impacts
16 that may occur as a result. Mr. Kovel explained that one way to limit visitation at trailheads had
17 to do with parking capacity. Introducing transit would create an unknown variable in terms of
18 visitation levels and would require additional analysis. That was a Forest Service decision and
19 there could potentially be a Forest Plan amendment in the future.

20
21 Mr. Becker reported that he created a draft that included the addition of visitor use management.
22 This had been done for the purposes of discussion. He explained that under the Management Plan
23 requirement, an addition had been made to state:

- 24
25 • Establish visitor use management guidelines in order to protect the range and quality of
26 visitor experiences.

27
28 Mr. Becker reminded the Committee Members that the addition had not yet been vetted and was
29 simply included for the purposes of discussion.

30
31 Mr. Fisher believed that in light of the UDOT Little Cottonwood Canyon EIS, certain issues
32 needed to be addressed at the top of Little Cottonwood Canyon, in areas such as Grizzly Gulch,
33 Alta, Brighton, Solitude, and surrounding environments as it pertained to an interconnect. He
34 wanted to see if there was a way to resolve those issues or outline strategies that would either
35 mitigate issues or increase protection. Mr. Fisher worried that if certain areas are not protected, it
36 would imply that those areas were not important enough to protect and that development would be
37 considered appropriate.

38
39 Chair Wilson noted that Mr. Fisher had described a long-standing conversation. She wondered if
40 it would be worthwhile to engage with the full CWC Board and discuss possible options at the
41 next CWC Board Meeting. It was important to address that critical set of concerns. Mr. Fisher
42 felt it would be beneficial to have the potential sponsors of the Bill be part of the conversations as
43 well. He did not believe the Bill would be introduced to Congress in the next 60 to 90 days and
44 assumed there were opportunities to have more in-depth conversations related to some of the
45 outstanding issues. Chair Wilson agreed that resolution was important. When the public

1 comments and recommendations were shared with the CWC Board, it was also important to bring
2 up the comments shared by Mr. Fisher during the current meeting.

3
4 *Laura Briefer* commented that part of the Mountain Accord agreement pertained to land
5 protections, such as the CWCNRA and the previous exchange. Salt Lake City committed to
6 potential increased snow-making contracts for ski resorts if those protections happened. She had
7 received requests from ski resorts to permanently increase those contracts. However, she felt there
8 was more work to be done in order to see whether the intentions that were initially agreed to in the
9 Mountain Accord could be met.

10
11 *Dave Fields* discussed the disintegration of the land exchange. He reported that Snowbird pursued
12 the idea of a conservation easement linked to transportation. They had spoken to Utah Open Lands
13 but he was open to other options to preserve the 1,100 acres originally set aside by Snowbird. He
14 was interested to hear suggestions about what they could do beyond a conservation easement.
15 Mr. Fields was nervous about linking the transportation into a Federal Bill, especially as the
16 Legislation involved wilderness and would increase Federal oversight of lands in Utah. He
17 explained that the anti-Federal Government sentiment in the State of Utah as it related to land
18 management would create pushback on the Legislation.

19
20 Chair Wilson noted that Mayor Sondak had returned to the meeting.

21
22 *Chris McCandless* appreciated the work that the Legislative/Land Tenure Committee had done.
23 He explained that he was part of the CWC previously and supported the CWCNRA Legislation in
24 the past. He was happy to see that it was moving forward in some form. Mr. McCandless
25 supported the UDOT Little Cottonwood Canyon EIS as well as the Visitor Use Study that the
26 CWC was doing. However, he felt that linking together transportation and lands protections would
27 be difficult. It would be better to keep them separate, but at the same time, make sure all of the
28 pieces fit together. That would make it possible to progress further.

29
30 Chair Wilson wondered if Mr. McCandless was recommending abandonment of the Federal
31 Legislation for the time being. For instance, more conservation easements instead.
32 Mr. McCandless clarified that the Federal Legislation should move forward but it was important
33 to identify the conflicts associated with the three primary elements: transportation, the recreation
34 area, and the capacity of the canyons. He felt those three areas needed to be separate. They could
35 be separated and the objectives could be achieved one piece at a time rather than trying to do
36 everything at once. He saw the latter as a stumbling block. Further discussions were had about
37 the best path forward for the Federal Legislation. Chair Wilson believed there was an opportunity
38 to tackle important issues with the movement of a transportation solution.

39
40 Mr. Becker believed he was hearing from Committee Members and participants that they wanted
41 to actively pursue those three primary elements. He noted that one element would be examined at
42 the Congressional level and one primarily at the State level. The capacity of the canyons was
43 being explored at the CWC level. Invariably, the three primary elements would not be conditioned
44 directly to each other because they were in different forms.

1 *Pat Shea* did not agree with the suggestion made by Mr. McCandless to separate out the three
2 primary elements. Until there was more information about how many visitors could be in the
3 canyons, transportation changes could cause serious ecological impacts. Mr. Shea felt it would be
4 beneficial to visit with Senator Mitt Romney and Representative John Curtis in person to see if
5 they were willing to prioritize the CWNCRA. He believed that separating out the three primary
6 elements would lead to transportation changes but would not lead to protections.

7
8 Chair Wilson believed it was important to have a transportation solution as well as protections for
9 the land. It was not an interwoven process but there would be two separate parallel paths. Mayor
10 Sondak suspected that once the three primary elements were separated, there would not be much
11 traction, because there would not be a coalition on any one of the issues.

12
13 Ms. Briefer explained that the reason the Mountain Accord process began in the first place was
14 because there were so many piecemeal decisions being made. She was happy to see the Legislation
15 move forward but felt it needed to be parallel to transportation. Ms. Briefer reported that the
16 comments from Salt Lake City related to the UDOT Little Cottonwood Canyon EIS would raise
17 the issue of interconnections between transportation, land use, and land protection. She did not
18 believe the primary elements could be separated because they all impacted one another.

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

21
22 Chair Wilson believed there had been some great comments shared and direction was given for
23 future CWC Board Meeting discussions. Chair Wilson recommended sharing the full list of
24 synthesized public comments with the CWC Board. Additionally, she suggested that there be
25 robust discussions related to the critical issues that were highlighted during the Legislative/Land
26 Tenure Committee Meeting.

27
28 **5. Adjournment.**

29
30 The Central Wasatch Commission Legislative/Land Tenure Committee Meeting adjourned at
31 approximately 11:16 a.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the Central*
2 *Wasatch Commission Legislative/Land Tenure Committee Meeting held Wednesday, August 18,*
3 *2021.*

4

5 Teri Forbes

6 Teri Forbes

7 T Forbes Group

8 Minutes Secretary

9

10 Minutes Approved: _____