



2
3 **MINUTES OF THE CENTRAL WASATCH COMMISSION (“CWC”) BOARD MEETING**
4 **HELD MONDAY, OCTOBER 4, 2021, AT 3:30 P.M. THE MEETING WAS CONDUCTED**
5 **ELECTRONICALLY WITHOUT A PHYSICAL LOCATION**
6

7 **Board Members:** Chair Christopher F. Robinson
8 Mayor Jeff Silvestrini
9 Mayor Dan Knopp
10 Councilor Jim Bradley
11 Mayor Harris Sondak
12 Mayor Erin Mendenhall
13 Councilor Max Doilney
14 Mayor Mike Peterson
15 Councilor Marci Houseman
16 Ex Officio Carlton Christensen (joined the meeting at 4:28 p.m.)
17

18 **Staff:** Ralph Becker, CWC Executive Director
19 Blake Perez, CWC Deputy Director
20 Lindsey Nielsen, CWC Communications Director
21 Kaye Mickelson, CWC Office Administrator
22 Shane Topham, CWC Legal Counsel
23 Greg Ogden, Auditor
24

25 **Excused:** Mayor Jenny Wilson
26

27 **Others:** Ned Hacker
28 Patrick Nelson
29 Will McCarvill
30 Abi Holt
31 Bob Kollar
32 Brad Rutledge
33 Carl Fisher
34 Michael Maughan
35 Michael McFadden
36 Joshua Van Jura
37 Annalee Munsey
38 Barbara Cameron
39 David Fields
40 Gay Lynn Bennion
41 Marian Rice
42 Jordan Smith

- 1 Laura Briefer
- 2 Catherine Kanter
- 3 Robert Sampson
- 4 Chris Cawley
- 5 Dennis Goreham
- 6 Jenna Malone
- 7 Jennifer Elsken
- 8 Jessica Kirby
- 9 Lance Kovel
- 10 Mark Baer
- 11 Mike DeVries
- 12 Mike Marker
- 13 Patrick Shea
- 14 Patrick Nelson
- 15 Steve Van Maren
- 16 Tom Ward
- 17 Helen Peters

18
19 **OPENING**

- 20
21 **1. Chair of the Board Christopher F. Robinson will Open the CWC Board Meeting and**
22 **Read a Determination Concerning the Electronic Meeting with No Anchor Location, as**
23 **Noted Above.**

24
25 Chair Chris Robinson called the meeting to order at 3:30 p.m.

26
27 The Legislature, pursuant to Section 52-4-207(4), required the Board to make a determination, which
28 was as follows:

29
30 'I, as the Chair of the Board of Commissioners (the "Board") of the Central Wasatch
31 Commission ("CWC"), hereby determine that conducting Board Meetings at any time during
32 the next 30 days at an anchor location presents a substantial risk to the health and safety of
33 those who may be present at the anchor location. The pandemic remains and the recent rise of
34 more infectious variants of the virus merits continued vigilance to avoid another surge in
35 cases, which could again threaten to overwhelm Utah's healthcare system.'

- 36
37 **2. (Action) The Board will Consider Approving the Minutes of the August 23, 2021, Special**
38 **Board Meeting.**

39
40 **MOTION:** Mayor Knopp moved to approve the August 23, 2021, Special Board Meeting Minutes.
41 Mayor Peterson seconded the motion. The motion passed with the unanimous consent of the Board.
42

1 **COMMITTEE AND PROJECT REPORTS**

2
3 **1. Budget/Finance/Audit Committee.**

- 4
5 **a. The Board will Review the Minutes of the September 22, 2021,**
6 **Budget/Finance/Audit Committee Meeting. Chair Jeff Silvestrini will Provide an**
7 **Update from the Budget/Finance/Audit Committee.**

8
9 Mayor Jeff Silvestrini reported that the Budget/Finance/Audit Committee met with Auditor, Greg
10 Ogden via Zoom on September 22, 2021, at which time Mr. Ogden presented the audit for the Central
11 Wasatch Commission (“CWC”). Mayor Silvestrini believed the Commissioners and the general
12 public would be pleased with the results of the audit. He noted that CWC Staff would review the
13 budget at the end of the first quarter of the fiscal year and bring a proposed budget amendment to the
14 Budget/Finance/Audit Committee at the next meeting. The Committee would meet before the next
15 CWC Board Meeting and then present a budget amendment to the full Commission.

- 16
17 **b. Auditor Greg Ogden will Give a Presentation on the FY 2020/2021 Audit Report.**

18
19 Mr. Ogden introduced himself to the CWC Board and indicated that this was his fourth time doing
20 the audit for the CWC. He reported that there were no findings during the audit for fiscal year
21 2020/2021 and commended the CWC for following all the compliance requirements. Nothing was
22 found that would be considered to be a problem or issue. Mr. Ogden stated that the CWC has sufficient
23 revenues and income as well as a good amount built up in reserves.

24
25 Chair Robinson asked Mr. Ogden to explain the reduction in the year-end Fund Balance. Mr. Ogden
26 reported that Page 7 of the Audit Report showed the income and expenses. The CWC brought in
27 revenues of \$680,000 and had operating expenses of \$888,000. There were other sources of revenue,
28 such as interest income and contributions from other governments. The change in net position was a
29 decrease of \$131,000 but still left the CWC with a net position of \$930,750 at the end of 2021. Chair
30 Robinson commented that the negative change in net position was because more of the Fund Balance
31 had been used. Mayor Silvestrini explained that the expenditures that exceeded revenues had been
32 authorized by the CWC Board. The decision had been made to invade the Fund Balance to make
33 progress on the Environmental Dashboard and Visitor Use Study. He thanked Mr. Ogden for the work
34 he had done on behalf of the CWC. Mayor Silvestrini also commented on the fact that Mr. Ogden’s
35 firm had been reviewed by the state auditor, which occurs every three years for auditing firms, and
36 provided good feedback; CWC was one of the firms reviewed as part of that process.

- 37
38 **c. (Action) Motion to Accept the FY-2020/2021 Audit Report.**

39
40 **MOTION:** Mayor Silvestrini moved to accept the FY-2020/2021 Audit Report. Councilor Bradley
41 seconded the motion. The motion passed with the unanimous consent of the Board.

42
43 **2. Executive Committee: The Board will Discuss the Minutes of the September 20, 2021,**
44 **Meeting of the Executive Committee. Chair Christopher F. Robinson will Provide an**
45 **Update from that Meeting.**

46
47 Chair Robinson reported that the Executive Committee held a meeting on September 20, 2021. One
48 of the main areas of discussion related to the agenda for the CWC Board Retreat, which was scheduled

1 to take place at the Silver Fork Lodge on November 5, 2021. CWC Communications Director,
2 Lindsey Nielsen shared the agenda with the CWC Board. Chair Robinson explained that the plan was
3 for Councilor Houseman and Mayor Knopp to welcome those present. This would be followed by a
4 video that highlighted some CWC milestones. One of the most significant areas of discussion would
5 be related to the future of the CWC. There would be discussions to determine whether the CWC is
6 relevant to constituents and if the CWC is on the right track. Chair Robinson noted that there would
7 also be an update on the Stakeholders Council from Co-Chairs Will McCarvill and Barbara Cameron,
8 followed by a gallery walk for projects, led by Councilor Houseman. The gallery walk would focus
9 on deliverables for the coming year.

10
11 Mayor Sondak noted that the CWC Board Retreat would be an indoor gathering with meals. He asked
12 about the vaccination status of CWC Board Members and Staff. Chair Robinson wondered if Mayor
13 Sondak had a recommendation on how to best proceed. For instance, requiring proof of vaccination
14 or a negative COVID-19 test beforehand. Mayor Sondak felt that everyone present should be
15 vaccinated and masks should be worn as well. Mayor Peterson hoped the CWC Board would be able
16 to meet in person since meetings of this magnitude tend to be more impactful in person. However, he
17 stressed the importance of safety.

18
19 Mayor Knopp reported that there was a possibility of the CWC Board Retreat being hybrid.
20 Equipment would be brought down to live stream the Retreat and anyone who is not comfortable
21 participating in person could do so via Zoom. He felt that would be a reasonable compromise. Chair
22 Robinson liked the suggestion but agreed with Mayor Peterson that the Retreat would likely be more
23 effective in person. Councilor Jim Bradley wondered if it would be possible for CWC Board Members
24 to send proof of vaccination to Ms. Nielsen ahead of the Retreat. He did not feel that members of the
25 public needed to be at the event in person and could observe the live stream instead. Chair Robinson
26 stated that he recently participated in an event where a declaration of vaccination status was required.
27 He shared an example with the CWC Board. A similar template could be used, and masks could be
28 worn during the retreat. Mayor Sondak felt comfortable with that suggestion.

29
30 Laura Briefer liked the suggestion for a hybrid Retreat. She noted that there is a lot of uncertainty due
31 to the Delta variant as there are far more breakthrough cases. It was important to make the event as
32 inclusive as possible and a hybrid option seemed to make the most sense. Ms. Briefer felt those
33 attending the Retreat in person should be vaccinated and masked. All recommendations for gatherings
34 would need to be followed. Mayor Mendenhall believed everyone in attendance should be masked
35 the entire time. If food is served, there would need to be some accommodations to distance while
36 eating or it should be possible to eat outdoors. Mayor Knopp reported that there is an adjoining room
37 to the Conference Room, and it would be possible to socially distance during lunch.

38
39 Chair Robinson summarized the conversation. He believed the CWC Board wanted to host a hybrid
40 meeting so it could be as inclusive as possible to participants. Those that chose to attend in person
41 needed to be vaccinated or have a negative COVID-19 test done 72 hours prior to the Retreat. Those
42 who attend in person would also need to wear masks the entire time, except when eating, in which
43 case there would be a larger area that would make it possible to social distance. Councilor Bradley
44 was less comfortable allowing those with a negative test to attend in person. He believed that
45 vaccination should be required. Chair Robinson felt that was reasonable and stated that those
46 attending in person would need to be vaccinated and would need to wear a mask.

1 **3. Legislative Committee: Meeting Took Place on Wednesday, August 18, 2021.**

2
3 **a. The Board will Discuss the Current Draft of the Central Wasatch National**
4 **Conservation and Recreation Area Act and Proposed Resolution 2021-18, with**
5 **Additional Documentation Included Below for Discussion and Approval.**
6

7 Chair Robinson reported that the Legislative/Land Tenure Committee met on August 18, 2021. He
8 explained that the packet included a draft of the Central Wasatch National Conservation Recreation
9 Area Act (“CWNCR”) as well as Resolution 2021-18. The latter was an action item that was
10 scheduled to be voted on later in the meeting. Chair Robinson noted that the CWC Mountain
11 Transportation System (“MTS”) Pillars Document had stated that transportation developments also
12 required some environmental protections. He believed it would be beneficial to have a draft of the
13 CWNCR ready in case someone read the MTS Pillars Document and wanted some input about
14 possible legislation. Chair Robinson did not believe the intention was to seek a sponsor, but it was
15 consistent to have the current draft ready to present when needed.
16

17 Catherine Kanter shared comments on behalf of Mayor Wilson. She appreciated the intention to move
18 the conversation about the legislation forward and did not object to that. However, her concern was
19 the timeliness of the Resolution. It seemed premature, given the fact that the Federal Delegation was
20 not prepared to move forward with it at the current time. She felt it would make sense to wait until
21 there was a window of opportunity to move something forward. Passing something seemed
22 unnecessary and unproductive. Additionally, there was a risk that the Resolution could be interpreted
23 as being heavy-handed. As a result, Mayor Wilson was not in favor of the Resolution and had asked
24 Ms. Kanter to articulate her concerns.
25

26 Chair Robinson explained that the purpose of the Resolution was to state that the CWC Board liked
27 the verbiage of the current draft. A copy of the Resolution was shared for review. Chair Robinson
28 explained that it included some history related to the CWC work and the previous drafts of the
29 CWNCR. The Resolution also stated the following:
30

- 31
- 32 • WHEREAS, the current redraft of the Act, dated 27 October 2021, was prepared under the
33 supervision of the Central Wasatch Commission Legislative Committee Chair, Mayor Jenny
34 Wilson, CWC’s Executive Director, and Salt Lake County Staff and incorporates amendments
35 designed to respond to the concerns and suggestions of interested parties regarding the prior
36 versions of the proposed Act...

37 Chair Robinson believed that language was not what Ms. Kanter wanted to see, because Mayor
38 Wilson was not in favor of the Resolution. He noted that the Resolution also stated:
39

- 40 • NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Central
41 Wasatch Commission that the Board hereby (a) voices its continued support for the Act; and
42 (b) encourages the introduction of the Act by the Utah Congressional Delegation and passage
43 of the Act by the United States Congress...
44

45 Chair Robinson felt it was important to state that the CWC Board agreed with the language in the
46 current draft but were not actively seeking its passage. Mayor Peterson agreed with the comments
47 made by Ms. Kanter. Making this an action item added some formality that may be premature. He
48 wondered whether the latest draft had been viewed by the Stakeholders Council and whether there

1 had been public comment on the draft. CWC Executive Director, Ralph Becker explained that the
2 draft had been considered at a previous Stakeholders Council Meeting. In addition, many
3 Stakeholders were active participants in the Legislative/Land Tenure Committee discussions. He
4 discussed public comments and stated that there was a 30-day comment period on the October 2020
5 version. Many comments were received, summarized, and considered. The Committee also discussed
6 the comments at length. Mr. Becker noted that there was a suggested change that seemed to be
7 supported by the Legislative/Land Tenure Committee Members, which was to add a provision in the
8 planning requirement of the bill to include visitor use management in any new designations.
9

10 Mr. Becker reported that the October 2020 draft version of the bill removed all of the land exchange
11 provisions. That was the only real substantive change reflected in the October draft compared to
12 previous versions of the bill. Since then, some technical drafting matters had been cleaned up. Most
13 of the changes that had taken place occurred in October 2020. Ms. Nielsen shared the redline version
14 of the draft and the changes were reviewed. Chair Robinson noted that a considerable amount of time
15 had been spent reviewing and discussing the document in the past. Whether or not a Resolution was
16 passed, it was important to have the draft of the CWCNRA ready.
17

18 Mr. Becker explained that he had spoken to Ms. Kanter earlier in the day and created an amended
19 version of the Resolution as a result of that conversation. The amended Resolution was shared with
20 CWC Board Members. Whereas clause that mentioned Mayor Wilson had been removed and the
21 resolution clause simply stated that the CWC Board voiced its continued support for the Act. Ms.
22 Kanter noted that she could only speculate about what Mayor Wilson might say regarding the
23 amended Resolution. While it was preferable to the previous version, she did not believe it was
24 necessary to pass a Resolution and was uncertain what it would accomplish. Mayor Wilson did not
25 object to the current state of the draft and was deeply appreciative of all the work that had been done.
26 However, she was not sure why the CWC Board needed to pass a Resolution rather than acknowledge
27 that the legislation was in a decent state and the CWC intended to seek support from the Delegation
28 when and if they were ready. Ms. Kanter explained that this was a difference of opinion on strategy.
29

30 Mayor Silvestrini wondered what communications there had been with the Delegation to indicate that
31 they were not ready to sponsor the legislation. Chair Robinson reported that there had been
32 conversations 18 months ago with Representative John Curtis, who was the most likely sponsor.
33 Representative Curtis had given the CWC a short checklist of things that would need to happen before
34 the timing was right for the bill. Those things had not been achieved. Until there was a consensus on
35 transportation, there would not be consensus on the land protections. They needed to go hand in hand.
36 Further discussions were had about the amended Resolution language. Ms. Kanter did not understand
37 why a Resolution needed to be passed. Her personal opinion was that a Resolution should not be
38 passed unless there was a need to do so.
39

40 Mayor Peterson asked if the Legislative/Land Tenure Committee had recommended the Resolution.
41 Mr. Becker explained that the Committee recommended the matter be brought forward to the CWC
42 Board for consideration. Mayor Sondak noted that he recalled that the Legislative/Land Tenure
43 Committee felt the CWC Board should be consulted on what to do with the draft. Chair Robinson
44 pointed out that the amended Resolution essentially stated what the CWC has written in the MTS
45 Pillars Document and elsewhere. He felt the draft would state what the CWC generally supported,
46 subject to future changing circumstances.
47

1 Councilor Houseman was trying to understand how the Resolution was different from the MTS Pillars
2 Document that the CWC published and shared with the Utah Department of Transportation
3 (“UDOT”). It seemed that the intent was to indicate the things that were important to the CWC. She
4 did not believe the Resolution would be perceived as the CWC trying to dictate any specific decisions.
5 Ms. Kanter believed there was a difference between making comments to UDOT and potentially
6 being perceived as attempting to dictate a particular outcome to Congressional Delegation.

7
8 Chair Robinson wondered whether the item should be sent back to the Legislative/Land Tenure
9 Committee to see whether a recommendation in the form of a Resolution could be moved forward.
10 Councilor Bradley and Mayor Knopp liked the suggestion. Mr. Becker noted that the
11 Legislative/Land Tenure Committee had not taken specific action on a Resolution. At a future
12 meeting, the Committee Members could look at the amended version of the Resolution. Ms. Kanter
13 felt it would be of value to hold another Legislative/Land Tenure Committee Meeting.

14
15 **4. Stakeholders Council: Meeting Scheduled Virtually for October 20, 2021, 3:00 p.m.**

16
17 Chair Robinson reported that a Stakeholders Council Meeting was scheduled for October 20, 2021.
18 Mr. McCarvill explained that the focus of the next meeting was to prepare for the CWC Board Retreat.
19 At the retreat, he would ask the CWC Board for Stakeholders Council direction and in turn,
20 Stakeholders Council leadership would share areas that they felt needed additional attention in 2022.
21 The goal was to come up with a plan for 2022 during the first Stakeholders Council Meeting in
22 January 2022. Ms. Cameron stated that she and Mr. McCarvill had been in contact with all of the
23 Stakeholders. An annual report would be compiled and presented to the CWC Board in the future.

24
25 **PUBLIC COMMENT**

26
27 Chair Robinson opened the public comment period. Ms. Nielsen reported that there was one pre-
28 submitted written comment. Chair Robinson read the comment into the record.

29
30 *Patrick Shea* felt the CWC should object to the UDOT proposal to have the Little Cottonwood Canyon
31 Final Environmental Impact Statement (“EIS”) and Record of Decision issued on the same day. This
32 would prevent there being any chance for public review and comment. Mr. Shea recognized that
33 UDOT had delegated authority from the Federal Highway Administration (“FHWA”). That
34 delegation allowed for a simultaneous release of the Little Cottonwood Canyon Final EIS and Record
35 of Decision, but such an abuse of administrative authority should be opposed.

36
37 Mr. Becker stated that based on his experience with the National Environmental Policy Act
38 (“NEPA”), the normal practice was to issue a Record of Decision and a Final EIS. However, it could
39 be done in different ways at different times. In the case of UDOT, where the Little Cottonwood
40 Canyon Draft EIS included two preferred alternatives, it was a different situation, because there was
41 not one specific alternative shared. However, he did not know whether this was a matter for the CWC
42 to weigh in on. Mayor Mendenhall believed it would be beneficial to allow sufficient time for public
43 comment. There had been a significant response to the Little Cottonwood Canyon Draft EIS, and she
44 felt it would benefit UDOT to spend more time on the process. Councilor Bradley agreed. He did not
45 think there was a downside in separating the Little Cottonwood Canyon Final EIS and the Record of
46 Decision. Mayor Knopp stated that it would be reasonable to request the separation.

1 *Carl Fisher* extended his appreciation for all of the CWC work. He noted that the fall season was a
2 special time in the Wasatch Mountains and shared a fall-themed poem written by Save Our Canyons
3 Co-Founder, Gale Dick, in the Zoom chatbox. Mr. Fisher stated that it was important to look into
4 comprehensive and holistic transportation and conservation solutions for all of the canyons.

5
6 There were no further public comments. Chair Robinson closed the public comment session.

7
8 **ACTION ITEMS**

9
10 1. **The Board will Consider Resolution 2021-17 Approving an Amendment to the Central**
11 **Wasatch Commission Interlocal Agreement with Utah State University for a Visitor Use**
12 **Study. This is a Follow-Up Action to Resolution 2021-16, a Resolution Concerning the**
13 **Visitor Use Study Approved 8/2/2021 by the CWC Board.**

14
15 CWC Deputy Director, Blake Perez reported that Resolution 2021-17 would amend the agreement
16 with Utah State University for the Visitor Use Study. The CWC originally signed an agreement with
17 Utah State University regarding Phase I of the Visitor Use Study and the amendment was a formal
18 Resolution to move forward with Phase II of the Visitor Use Study. Mr. Perez explained that the CWC
19 Board approved Resolution 2021-16 Concerning a Visitor Use Study during the August 2021 CWC
20 Board Meeting and this Resolution 2021-18 was the agreement now being amended to reflect that
21 action and move forward with Phase II of the study.

22
23 Councilor Houseman pointed out that though the Resolution named Utah State University, there
24 would also be work done with the U.S. Forest Service related to the Social Aspects of the visitor use
25 study. Mr. Perez noted that the CWC was still working with the Forest Service on the visitor use
26 work. There did not need to be a Resolution for that work at this time as there was no contract.

27
28 Mayor Sondak pointed out a small error in the document. The Resolution referred to the Phase II
29 Document, but in Table 3 of the Phase II Document, the title mentioned ecological, physical, and
30 social indicators. The table itself only included ecological and physical indicators. Mayor Sondak
31 believed this was a holdover from a previous version of the document. Chair Robinson confirmed
32 that the title should only refer to ecological and physical indicators.

33
34 **MOTION:** Councilor Bradley moved to approve Resolution 2021-17 Approving an Amendment to
35 the Central Wasatch Commission Interlocal Agreement with Utah State University for a Visitor Use
36 Study. Councilor Doilney seconded the motion. The motion passed with the unanimous consent of
37 the Board.

38
39 2. **The Board will Consider Resolution 2021-18 Supporting and Encouraging the**
40 **Introduction and Passage of the Central Wasatch National Conservation Recreation**
41 **Area Act.**

42
43 **MOTION:** Mayor Knopp moved to remand Resolution 2021-18, Supporting and Encouraging the
44 Introduction and Passage of the Central Wasatch National Conservation Recreation Area Act, back
45 to the Legislative/Land Tenure Committee so the Committee can consider a Resolution
46 recommendation and make a recommendation related to appropriate timing. Mayor Silvestrini
47 seconded the motion. The motion passed with the unanimous consent of the Board.

1 **ADJOURN BOARD MEETING**

2

3 **MOTION:** Mayor Knopp moved to adjourn the CWC Board Meeting. Mayor Mendenhall seconded
4 the motion. The motion passed with the unanimous consent of the Board.

5

6 The meeting adjourned at 5:10 p.m.

1 *I hereby certify that the foregoing represents a true, accurate, and complete record of the Central*
2 *Wasatch Commission Board Meeting held Monday, October 4, 2021.*

3

4 Teri Forbes

5 Teri Forbes

6 T Forbes Group

7 Minutes Secretary

8

9 Minutes Approved: _____