

**ALTA TOWN COUNCIL SPECIAL MEETING  
MINUTES  
AUGUST 31, 2016  
10:00 AM  
ALTA COMMUNITY CENTER  
ALTA, UTAH**

1. The Mayor called the meeting to order at 9:00 am. All members of the Town Council were present; Harris Sondak attended the meeting via internet video conference.

2. Mayor's Report – 00:00:43

Mayor Pollard presented the interlocal agreement (ILA) for funding of the Central Wasatch Commission (CWC), which is an organization of elected officials along the Wasatch Front convened to implement aspects of Mountain Accord. Mayor Pollard indicated the partners hope to have all contributing parties sign the ILA by September 15<sup>th</sup>, and that he will ask the town council to discuss the ILA at its September 8<sup>th</sup> regular meeting. Mayor Pollard described that the CWC will continue to expend funds originally appropriated to Mountain Accord Phase II on projects originally agreed to under the Mountain Accord Phase II agreement, and that the CWC ILA essentially extends the Mountain Accord Phase II agreement. Mayor Pollard also described that a provision was added to the CWC ILA allowing signatories to “opt out” of funding the project at any time, rather than being committed for the entire three-year period of time to which the ILA applies.

3. Discussion with possible action on Resolution 2016-R-7 – A resolution regarding the Central Wasatch National Conservation and Recreation Area Act—00:03:35

Mayor Pollard introduced Resolution 2016-R-7, which was based on a proposed resolution discussed, but not adopted, by the council at its August 11<sup>th</sup> meeting. Mayor Pollard indicated that the version of the resolution before the council reflected comments and concerns raised at the August 11<sup>th</sup> meeting. Mayor Pollard opined that to be most effective, the council should pass a resolution as soon as possible so that it can be delivered to Congress. The Mayor indicated that the Central Wasatch National Conservation and Recreation Area Act (the “Act”) has been scheduled for a hearing in the House of Representatives Committee on Natural Resources on September 27<sup>th</sup>.

Mayor Pollard indicated that the town had received comments on the proposed resolution immediately prior to the meeting. Cliff Curry stated that he'd read the comments and appreciated them, and indicated he felt that it was more important to move forward with adopting an effective resolution than it was to revise the resolution in order to reflect various recent comments. Paul Moxley added that he'd also reviewed the recent comments, and observed that while he also agreed with most of them, the process of drafting a resolution “by committee” makes addressing every concern more difficult. Paul stated that he supported the current resolution. Harris Sondak thanked staff and legal counsel for their work on the resolution, and stated that he would like to hear from Alta residents and from Alta Ski Lifts representatives, and that he generally supported the resolution in its current form. Elise Morgan opined that while the current resolution was preferable to previous versions, she continues to be concerned about aspects of the legislation itself, particularly the potential that the writing of a management plan for the proposed Central Wasatch National Conservation and Recreation Area could impact the Town of Alta in ways it does not yet understand.

Mayor Pollard invited audience members to address the council. Margaret Bourke described that while the proposed resolution frequently mentions businesses and business interests in Alta, it does not adequately address the residents of the Town of Alta.

Roger Bourke observed that the proposed resolution does not address the proposed Albion Basin Special Botanical Area. Roger opined that such a designation could impose regulations which may affect the Town of Alta adversely. Paul Moxley asked legal counsel Rich Mrazik whether he'd considered the potential impacts of creating an Albion Basin Special Botanical Area. Rich described that the legislation allowed the Secretary of Agriculture (the "Secretary") to consider establishing such a designation, but that it does not require the Secretary to do so. Chris Cawley added that he had researched USFS Special Botanical Areas, and found such areas with a variety of management prescriptions and levels of accessibility. Chris suggested that because of this variability, there may not be a precedent example for how such areas are managed

Jen Clancy, Friends of Alta, commended the Town for emphasizing that any land exchanges or management planning processes pursuant to the Act adhere to the National Environmental Policy Act and the Federal Land Policy and Management Act. Jen clarified the Act's provision regarding establishment of a Special Botanical Area in Albion Basin, which is that the Act does merely enables the Secretary to consider establishing such a designation. Paul Moxley asked Jen whether she supports the resolution as drafted, and Jen stated that she supports the resolution as drafted.

Mark Haik opined that the Town of Alta should be specifically excluded from the Central Wasatch National Conservation and Recreation Area. Mark observed that while the proposed resolution addresses various current uses of federal land within the Town of Alta, it does not address some other uses such as access of private properties throughout Alta other than commercial properties. Mark observed that previous versions of the proposed resolution addresses "valid existing rights," and recommended that a future version of the proposed resolution include such language. Mark also noted that parking areas along the Utah State Route 210 (SR 210) addressed in the proposed resolution, and recommended that the council move to clearly identify the SR 210 right-of-way.

Onno Wieringa, Alta Ski Area, indicated that Alta Ski Area was still considering its support for language contained in the most recent version of the proposed resolution. Onno stated that Alta Ski Area continues to support the language included in the Mountain Accord agreement negotiated by the Town of Alta and Alta Ski Area regarding Alta Ski Area's agreement to work with the Town of Alta to maintain existing uses, such as access to Town of Alta businesses across what is currently federal land, in the event that Alta Ski Area acquires private land in its base area. Onno indicated that Alta Ski Area had worked to adjust language in the Act which would reduce the effect of the National Conservation and Recreation Area designation on areas currently managed under special use permits by ski areas. Onno also described Alta Ski Area's concerns regarding the proposed Albion Basin Special Botanical Area, stating that while Alta Ski Area supports continued preservation and management efforts in Albion Basin, it is not clear that Albion Basin is distinct enough from other areas in the Wasatch Mountains to warrant a special designation. Onno agreed with Elise Morgan's comment regarding the uncertain effects of the Act on the Town of Alta, and indicated that Alta Ski Area intends to work with Mountain Accord stakeholders to propose an amendment to the Act as currently drafted that would reflect shared concerns.

Harris Sondak asked Rich Mrazik to describe his understanding of the effects of the Act on the current forest plan and on areas currently managed under special use permits. Rich contended that the Act as

drafted may preclude some uses common to ski area development, such as the development of new service roads, within special use permit areas. Mayor Pollard recalled that the Uinta-Wasatch-Cache National Forest Supervisor had provided some assurance to the council during its first work session on the Act that the Act was not intended to restrict such activities within ski area special use permit areas, and Elise opined that while the Forest Supervisor's testimony had been reassuring, she remains concerned that turnover in Forest management may cause any management planning activities pursuant to the Act to proceed in a manner that is less favorable to the Town of Alta's interests.

Mayor Pollard asked Onno Wieringa whether he is working with Mountain Accord to address Alta Ski Area's concerns regarding the effects of the Act on ski area special use permits. Onno indicated that the Mountain Accord stakeholders are trying to find consensus on as many proposed modifications to the Act as possible, and that consensus modifications will be included in a single amendment to the Act, which will be proposed by the group of stakeholders. Paul Moxley asked Onno whether he would prefer the Town Council defer action on the proposed resolution. Onno opined that it was preferable for the Town and Alta Ski Area to present a consensus position on the Act to Mountain Accord stakeholders as amendments to the Act are considered. Onno indicated that his concerns with the proposed resolution were specifically in regards to the language in Section 5, which requests that the terms of the proposed land exchange "shall require" Alta Ski Area to preserve certain uses of base area lands. Harris Sondak opined that the language in Section 5 reflects a recent conversation between Town of Alta representatives and an Alta Ski Area representative on that subject and was intended to be acceptable to all parties.

Mayor Pollard stated that the town council needs to act as quickly as possible to settle on language for a resolution. Onno Wieringa recommended that Town of Alta legal counsel and Alta Ski Area representatives attempt to reach agreement on language that both entities can support. Rich Mrazik asked Onno whether Alta Ski Area supports the rest of the proposed resolution, and Onno indicated that he does not take issue with other aspects of the resolution.

Pat Shea, legal counsel to Friends of Alta, opined that the Act will not move through Congress prior to the November 2016 presidential election, and that any action on the Act will be subject to Utah Senator Orrin Hatch's political preferences. Pat opined that various economic interests are working to prepare Alta and Snowbird to host future winter Olympic events, and that the canyon railway and tunnel to Brighton being evaluated by Mountain Accord are related to a future Olympic proposal. Pat suggested that Mountain Accord should be considering transportation alternatives such as an aerial system, and recommended that the Town Council retain strong language in the proposed resolution. Pat supposed that Friends of Alta will support such language, and again opined that Senator Hatch's position on the Act will be of more consequence to the movement of the Act than the scheduled hearing on the Act by the House Committee on Natural Resources.

Mayor Pollard suggested that if the council prefers not to act on the proposed resolution during the meeting, it will need to act on a resolution at the September 8<sup>th</sup> Town Council meeting in order to be effective. Mayor Pollard opined that the Town needs to make its positions known prior to the Act undergoing a legislative mark-up, and asked legal counsel to consider the effects of the act on various permitted activities.

Cliff Curry opined that while the Act and the associated designation may change the substance of USFS regulations regarding various permitted uses within the designation and within Alta, it is unlikely that the Act will significantly affect the processes by which USFS adopts new regulations, and that USFS

administrative procedures and standards are unlikely to change significantly in the event of USFS personnel turnover. Elise Morgan added that she remains concerned about how little is known regarding the real effects the Act will have on the Town of Alta. Rich Mrazik added that while there may be significant uncertainty regarding the effects of the Act on the Town, the Act and the designation will not supersede various federal land management regulations that currently dictate, and will continue to dictate, USFS policies and procedures.

Mayor Pollard asked town staff to consider comments regarding the effect of the Act and the proposed land exchange on various public uses of the Albion Basin Summer Road.

#### 4. Motion to Adjourn

**Mayor Pollard asked for a motion to adjourn the Town Council meeting. Paul Moxley made such a motion, Cliff Curry seconded the motion, and the motion was carried.**

**Passed and approved this 8th day of September, 2016.**

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**Piper Lever, Assistant Town Clerk / S**