

Utah Quality Growth Commission Meeting

Wednesday, April 23, 2008, 11:00 AM,
Large Conference Room, Governors Office of Planning and Budget
Suite 140 Utah State Capitol
Salt Lake City, UT 84114

Meeting Minutes

Commissioners Present

Jaren Davis, Utah Association of Realtors,
Chairman
Leonard Blackham, Utah Department of
Agriculture and Food
Larry Ellertson, Utah County Commissioner
Sally Elliott, Summit County Commissioner
Mayor Darrell Smith, Draper City
Brent Tanner, Utah Cattlemen's Association
Reed Erickson, Member at Large

Commissioners Excused

Justin Allen, Centerville City Council
Mike Styler, Utah Department of Natural
Resources
Ken Mitchell, Utah Association of Home
Builders

Laraine Swenson, Logan City Council
Flint Richards, Utah Farm Bureau, Vice
Chairman
Mike Kohler, Wasatch County Council

Staff Present

John Bennett, Executive Director
Evan Curtis

Visitors Present

Nicol Gagstetter, The Nature Conservancy
Shauna Kerr, the Trust for Public Land
Val Halford, Wasatch Front Regional Council
Gabe Epperson, Envision Utah
Brad Shafer, Senator Bob Bennett's Office

Some commission members joined the meeting by phone for the purpose of obtaining a quorum

1—Welcome and introductions, Chairman Jaren Davis, 5 minutes

Chairman Davis introduced the Commission Members and Visitors.

2—Public Comments--5 minutes

Cache County Critical Land Preservation Bond Information—Nicol Gagstetter of the Nature Conservancy informed the Commission that the Cache County Council acted on the evening prior the Commission meeting to place a resolution on the ballot in the County to authorize a \$10 million bond for critical land conservation. This money could be used in future years to match funds for the LeRay McAllister Fund which the Quality Growth Commission administers. Commissioners asked if the means for deciding on projects was in place. Ms. Gagstetter indicated that she thought, if the bond measure passes, Cache County would use a process similar to the LeRay McAllister Fund process to decide how the funds would be allocated.

Shauna Kerr from the Trust for Public Land indicated that she was also excited about this development.

Commissioner of Agriculture Leonard Blackham asked Utah County Commissioner Larry Ellertson if he thought farmers in Utah County would be interested in doing something similar. He indicated that the fruit industry in southern Utah County was threatened by development and that the only way he could see to preserve some to those orchards was to put easements on them.

Should Commission Consider where, whether and how to protect agricultural lands? Commissioner Ellertson indicated that it seems our farmers work hard to level their fields, and then they become the perfect places to develop. Commission Blackham wondered if the Quality Growth Commission ought to look at the threat to agriculture from development, and where, whether and how to protect Agricultural Lands from Development.

Blueprint Jordan River Information—Gabe Epperson from Envision Utah discussed with the Commission the Blueprint Jordan River project they were just beginning. Mr. Epperson indicated that the project involved all three counties where the river flows (Utah, Salt Lake, and Davis), and all the municipalities through which it flows. He said it was primarily sponsored by Salt Lake County, and Envision Utah was facilitating the project.

He gave the Commission some facts about the river. The river is 58 miles long, it flows north, and it got its name because of the similarities between the Jordan River in Israel, and the Utah river. Both flow from a large fresh water lake to a Salt Lake.

Mr. Epperson indicated that the county is currently working on a trails plan, an open space plan, and a water quality plan. Blueprint Jordan River is an overarching document that will address all of these issues. It will provide the counties and cities design guidelines, land use preferences of residents, and other information that can help the local governments work together to craft plans for the river.

He indicated that a series of open houses was being held. A copy of the flyer with dates and times of the open houses was included in the packet. Mr. Epperson encouraged mayors and commissioners to share that information with their constituents.

3—Approval of Minutes from March 26, 2008 meetings

Commissioner Sally Elliott moved to approve the minutes of March 26, 2008. Mayor Smith seconded the motion. The motion carried 9 to 0 with four absent. Commissioners Justin Allen and Laraine Swenson voted by telephone in favor of approving the minutes.

4—Presentation on New Washington County Lands Bill, Brad Schafer, Senator Bob Bennett's Office, 20 minutes

John Bennett introduced the subject by saying that the commission, through the LeRay McAllister Critical Land Conservation Fund, has taken steps to support the concept of the Washington County Lands Bill in its past versions. Specifically, the Virgin River Headwaters Projects which we have funded were partly supported because they helped to support the concepts in the Washington County Lands Bill.

Mr. Shafer passed out copies of the bill to the Commission. He indicated that they believe they have made some important changes to the bill in the version introduced in the 110th Congress. He mentioned that the Virgin River Headwaters Project was so important that the Senator has gone ahead and worked to fund that project with other funding sources as the bill has been reworked.

Mr. Shafer indicated that the changes had occurred in every title of the bill. He indicated that he would walk the Commissioners through the bill title by title to help them understand what it does, and if they were supportive, he hoped that they would be willing to issue a letter of support for the bill. Mr. Shafer indicated that, unlike the previous version, they have some substantial support for the current bill. The Nature Conservancy, the Wilderness Society, and the Campaign for America's wilderness have all supported the current legislation, and Senator Bennett would like to add the Utah Quality Growth Commission to the list of supporters.

Mayor Smith asked Mr. Shafer if the local community supported the bill. He replied that the County Commissioners were supportive. He said the county commissioners had stretched a lot to support the bill, anything that they could not at least bite their tongues and support was not included. There are things in there that they would rather not have included, but they see the benefits as being worth their support. Mr. Shafer indicated that Commissioner Gardner was challenged by two opponents in the County Republican Party Convention but that he received 70 percent of the delegate votes. This was seen by some as a referendum on the bill. Mr. Shafer further indicated that the environmental and conservation community had stretched as well. He indicated that they have not gotten everything they wanted, but they too feel that the benefits warrant their support.

Title 1—Federal Land Preservation and Wilderness

Mr. Shafer indicated that more than 264,000 acres of wilderness will be designated in Washington County as a result of this bill. The original bill had about 220,000 acres of Wilderness, so there is an increase of nearly 44,000 acres in this bill. 146,000 of those 264,000 acres to be designated as wilderness are within Zion National Park. The remaining 118,000 acres are outside the park on other BLM public lands in the county. About 94% of land in the Wilderness Study Areas (WSA) in Washington County is included in this bill. WSA's make up about 90,000 of the remaining 118,000 Wilderness acres in the bill. When the bill passes, about 20 percent of all the land in Washington County will be in Federally Designated Wilderness; about 1 in every 5 acres in the county.

The bill creates the Red Cliffs National Conservation Area. This encompasses the area currently in the Red Cliffs desert reserve which was set aside as Desert Tortoise habitat. By creating a National Conservation Area it permanently preserves this area. The National Conservation Area totals about 63,000 Acres. A new addition to the bill is an additional designation of 78,000 acres in the Beaver Dam Wash area which includes areas in Utah, Arizona and Nevada that are also critical Desert Tortoise habitat. Most of this area is included in the Utah Wilderness Coalition's wilderness proposal as well.

About 166 miles of the Virgin River Corridor will receive Wild and Scenic River designation; this is the same amount that was contained in the earlier version of the bill. All of these miles of river front are in Zion National Park.

The legislation also requires the BLM to do a travel management plan for Washington County. This plan has not been updated in a very long time. Part of the plan will require the BLM to identify trails that will be designated as the High Desert Off-Highway Vehicle Trail, and it will also require the BLM to identify some possible northern transportation corridors through the county. In the previous version, an ingress and egress point on the north end of St. George were specified. This version simply requires the BLM to identify some possible northern transportation routes.

Land Disposal Title

This title is the other area where there are substantial changes. In this legislation, the BLM is authorized to dispose of up to 9052 acres. These lands are divided into three tiers. Approximately 950 acres have already been identified for disposal and have been cleared through the existing processes. These lands would have to be offered for sale within 18 months of the passage of the bill. An additional 3150 acres have been identified for in the BLM plans but still need to go through the final clearance process. BLM is instructed to complete that process by 2013. The remaining 5000 acres are discretionary. BLM does not have to dispose of these. This is where the Vision Dixie process comes into play. The community and the BLM working together can identify up to an additional 5000 acres that can be disposed of after the initial sales are complete.

All of the money generated from the land sales will remain in Utah. 95 percent will remain in Washington County. 85 percent will go to the BLM and other federal agencies for purchase of environmentally sensitive lands in Washington County—primarily Tortoise Habitat or in holdings in national parks or conservation area that are particularly sensitive. In addition to land purchases, the additional planning and land sales requirements in the act will increase the BLM workload there substantially, so BLM is allowed to keep the lesser of \$15 million or 9 percent of land sales for administrative costs to comply with the act. 10 percent of the funds will go to Washington County for Conservation Projects and some other allowed uses, and 5 percent will go to the State School Trust as required by the Constitution.

Commissioner Ellertson asked if the 85 percent that goes to the BLM will be deposited in a trust fund of some sort. Mr. Shafer said no. The BLM will use them to acquire lands as soon as they have sufficient resources to do so.

Mr. Shafer indicated that the purpose is to dispose of lands that have a lower biological or environmental value and use the proceeds to acquire lands, or in holdings, with a higher environmental or biological value. These lands must be Washington County.

Right-of-way title

Some significant changes to the right-of-way title have been made as well. As previously mentioned, the northern transportation corridor is no longer specified. Instead it will be the subject of a planning process. The Lake Powell Pipeline corridor is no longer specified either. Two reservoir sites which have already been identified and are on current BLM plans are specified.

Several Commissioners asked why the Lake Powell pipeline corridor was not in the legislation. Mr. Shafer indicated that it was controversial, so it was left out. He went on to explain that the project is not adversely impacted by this removal. The previous legislation did not grant a right-of-way, it simply specified a corridor. The state and the water district still have to go through the right-of-way process to get that right granted. This just removes that process from the bill to avoid the controversy. It has no impact on whether the right will be granted using the existing process. That still needs to play out.

Mr. Shafer indicated that these were the major changes. He asked for questions. Mayor Smith asked if the lands being designated as wilderness contained private land. Mr. Shafer indicated that they with one exception they did not. But, they do include state school trust sections. These would be some of the lands that would be purchased using sale proceeds.

He further stated that it should not impact the agricultural producers as the designation does not prohibit prior agricultural uses. Some commissioners indicated that while that is technically true, designation can make it more difficult to continue agricultural uses on the property.

Commissioner Brent Tanner asked Mr. Shafer what happened to those portions of the WSA's that were not included in the designation. He indicated that those lands would be released. He said that most of those lands were left out because managing them as wilderness would be a nightmare, and would make managing other lands difficult. As an example, the WSA included lands in Southeastern Washington County near the towns of Hildale that extended right down to the highway. The Bill now terminates at the bottom of the Cliff face. This would prevent accidental encroachments into the wilderness area by kids riding their bikes, and make maintaining the road and other public uses near the town easier.

Commissioner Ellertson said that it appeared these lands were in all parts of the County, and were not consolidated in one area. He also said that the bill refers to maps, and asked if the maps were available. Mr. Shafer said that the land was spread out throughout the county, and the maps were available at Senator Bennett's website—www.bennett.senate.gov.

Chairman Davis asked what was gained by this bill. Mr. Shafer replied that Washington County is one of the fastest growing counties in the nation, and that public land issues are intimately connected to that growth because everywhere you turn there are boundaries that are public land. This will resolve those issues where only Congress can give certainty to the process. And hopefully gives the communities some certainty about how the lands that impact their communities will be managed.

Chairman Davis asked if the lands in Zion were additions. Mr. Shafer said no. Chairman Davis asked why they were in the bill? John Bennett explained that only congress can designate wilderness. The park recommended that these areas be so designated, and so, they were included in the bill. He also explained that they are already being managed as wilderness by the park, so the designation would not change the situation on the ground.

Commissioner Tanner indicated that this was the reason why he had asked about the land in WSA's not designated. WSA's are managed as wilderness. So, if some of these areas are not being designated, they need to be released, as they are in the bill, so that they can be managed for multiple use. He said that the agricultural community believes that if these areas are not wilderness, then they should not be managed as wilderness. That was the reason for the earlier question.

Mr. Shafer was asked about the results of the hearing on this legislation that occurred the day before the Commission met. He indicated that it was a positive hearing. Washington County Commissioner Alan Gardner testified in support, the Wilderness Society testified in support, and the administration is in support.

Mr. Shafer indicated that he sees this model as being a big change in the way public lands are managed going forward. Currently, this model is only in place in Nevada. This bill would extend the model to Utah, and make it more likely to be used in other areas.

Commissioner Ellertson indicated that he was hearing that some other issues related to Nevada were tied up with this bill. Mr. Shafer assured the Commission that that was not the case. Senator Reid had assured Senator Bennett that this bill is completely separate from other issues that may exist.

Shauna Kerr indicated that this would allow Trust for Public Land (TPL) to work with the park service to buy in holdings in Zion Park. She indicated that there are more than 1800 acres of private land within the park boundaries, and most people would agree that we don't want to encourage development within the park. The proceeds from land sales could be used to buy those in holdings to prevent unwanted development in the park.

Mr. John Bennett asked if the Commission wanted to take a position on this bill. **Commissioner Leonard Blackham moved to support the Bill. His motion was seconded.**

Chairman Davis then asked clarifying questions about the benefits of the bill. Mr. Shafer reiterated that the wilderness designations do not include private land. However, there are private areas in the proposed National Conservation Areas. These private lands are currently not being developed because federal Endangered Species Act prevents it. These lands should be purchased, and the owners made whole, but there has not been a funding source until now. These private lands are some of the most critical for the tortoises.

Mr. Shafer also indicated that there are large school trust sections in these areas. Those sections could be purchased, and the trust compensated with these funds as well.

Chairman Davis then said that he heard Mr. Shafer say these funds would be used to acquire critical lands. He also heard him say that no one would be harmed by losing land that is currently developable.

Mr. Shafer agreed. Commissioner Blackham indicated that he had not heard from agricultural producers who opposed the bill. Commissioner Tanner indicated that the Cattlemen's Association generally opposes wilderness designation because they believe that the goals of conservation can be provided without locking the land up so completely. But, some of these lands are different as they are in a national park. He indicated that the Senator had done a good job with the bill, but he has reservations about the wilderness because rarely do you see the agricultural uses continue as they have in wilderness areas.

Commissioner Reed Erickson asked if this really resolves the issue. He indicated that there are groups that want more wilderness, and their lists are not going away. Brad Shafer explained that they believe that what gives legitimacy to their argument is that there are large WSA's in the county that Congress has not acted upon yet. When congress acts, and disposes of all the WSA's, either by designating them, or releasing them, then the legitimacy of the argument goes away. There will still be those who are agitating to designate more areas as wilderness, but their argument is weakened because congress has acted on wilderness in the county.

Brent Tanner expressed his position that he has full confidence in the Senator and in Commissioner Alan Gardner of Washington County and others. They have worked to protect ranching interests. He indicated that his reservations stem from the use of wilderness designations which he is philosophically opposed to.

Chairman Davis called for a vote on the previous motion. The motion to issue a letter of support for the bill was approved by a vote of 9 to 0 with four absent. Commissioners Justin Allen and Laraine Swenson voted for the measure by telephone.

5—Presentation: Road Show Update, Salt Lake COG meeting, Utah County COG scheduled May 1, 2008, 20 minutes, John Bennett

John Bennett explained that he met with the Salt Lake County COG. Mayor Smith and John Bennett attended. It was a nice discussion about planning. Their major concern was critical lands, recreation and trails planning.

We are scheduled to meet with Utah County COG on May 1, 2008. Commissioner Ellertson will be attending. We need to begin setting up the rural ones so as we do site visits in rural Utah we can include visits to AOG's or COG's at the same time. Sally Elliott indicated that she would get the Quality Growth Commission on the agenda for the Summit County COG on May 14, 2008. John Bennett asked Val Halford of the Wasatch Front Regional Council to put the Commission on the Agenda of the WFRC Regional Growth Committee as well. Mr. Bennett indicated that he would probably work on getting on the agenda for AOG meetings in rural areas because it may be difficult to get to every county.

Mr. Bennett then brought up one additional issue. He indicated that Reed Erickson had invited the Commission to come to Cedar City during the Shakespeare Festival. Unfortunately, he is not available on July 23, 2007. So, we could either move the Commission meeting in July, or schedule the meeting in Cedar City in June or August. Commissioner Ellertson proposed that we schedule the meeting in Cedar City on August 22, 2008. This is a Friday. That would allow commissioners to bring their families with

them to the meeting and to spend the weekend if they want to. The Commissioners present felt that that was a good day and time. They tentatively scheduled it for 12:00 Noon on Friday, August 22, 2008.

6—Green Infrastructure Workshop Update, May 5 through 9, 2008
John Bennett, 5 Minutes

Mr. John Bennett indicated that the Commission agreed to fund the Green Infrastructure Workshop in the amount of \$1000. The workshop begins on May 5, 2008. Evan Curtis will be attending. John Bennett is presenting on Thursday May 8, 2008. Places are still available if others would like to attend.

Mr. Bennett explained that the specific areas the workshop will look at: Jordan River, Corner Canyon, Rose Canyon, are areas that the commission has funded conservation projects in and has been an early leader in these areas.

7—LeRay McAllister Fund 11th Round Update, John Bennett, 5 minutes

Mr. John Bennett indicated that we have been getting phone calls about the use of the fund. Every Mayor in the state received a letter from Mr. Bennett providing information about the fund and the deadlines.

He indicated that the Subcommittee would meet again before the next meeting to review the pre-applications and make a recommendation about which ones will be invited to submit a full application. The commission will act on that recommendation, and the letters inviting a full application will go out by June 1, 2008. Applicants will then have until July 14 to submit the full application.

8—Administrative Matters

Next Meeting, May 28, 2008, Room 140 in the Utah State Capitol