

*The Board of Trustees
of the
School and Institutional Trust Lands Administration*

Subject: Written determinations concerning April 15, 2021 Board Meeting

Roger Barrus, as Chairman of the Board of Trustees (the "Board") of the School and Institutional Trust Lands Administration, pursuant to Utah Code Section 52-4-207(4), hereby makes the following determinations concerning the need to hold an electronic meeting of the Board, without an anchor location, on April 15, 2021.

Facts upon which determination is based:

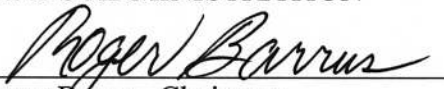
- Federal, State and local authorities have recommended that individuals limit public gatherings and that individuals experiencing symptoms of COVID-19 self-isolate to prevent and control the continuing spread of COVID-19.
- The public monitoring and participation requirements, and the anchor location requirement, in the Open and Public Meetings Act, Utah Code Section 52-4-101 et seq. will gather interested persons, members of the public, and members of a public body in a single, confined location where the risks of further spreading COVID-19 are far greater.

Determination concerning conduct of April 15, 2021 Board meeting:

- In light of the facts referenced above, conducting the April 15, 2021 meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
- The Board, consistent with its recent practice under Utah Executive Order 2020-5, will therefore hold an electronic meeting without an anchor location, and will provide an electronic means by which the public may hear the open portions of the meeting, as well as an electronic means by which members of the public may provide comment to the Board;
- The above findings will be included within the public notice of the April 15, 2021 meeting, and will be read into the record at the beginning of that meeting.

Entered this 5th day of April, 2021.

BOARD OF TRUSTEES, FOR THE UTAH
SCHOOL AND INSTITUTIONAL TRUST
LANDS ADMINISTRATION



Roger Barrus, Chairman

Agenda



Board of Trustees Meeting Agenda

Thursday, April 15, 2021

9:00 a.m.

VIRTUAL ELECTRONIC MEETING

Notice regarding special restrictions for this electronic meeting

In light of federal, state and local COVID-19 guidelines, and consistent with the Board chairperson's written determination dated April 5, 2021, this Board of Trustees meeting will be held via electronic means only. No anchor location will be used, and members of the public will not be allowed to attend this meeting in person. The Board chairperson's April 5, 2021 determination concerning the conduct of the April 15, 2021 meeting included the following:

Facts upon which determination of need to hold an electronic meeting of the Board, without an anchor location, on April 15, 2021, is based:

Federal, State, and local authorities have recommended that individuals limit public gatherings and that individuals experiencing symptoms of COVID-19 self-isolate to prevent and control the continuing spread of COVID-19.

The public monitoring and participation requirements in the Open and Public Meetings Act, Utah Code Section 52-4-101 et seq. will gather interested persons, members of the public, and members of a public body in a single, confined location where the risks of further spreading COVID-19 are far greater.

Determination concerning conduct of April Board meeting:

In light of the facts referenced above, conducting the April 15, 2021 meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;

The Board, consistent with its recent practice under Utah Executive Order 2020-5, will therefore hold an electronic meeting without an anchor location, and will provide an electronic means by which the public may hear the open portions of the meeting, as well as an electronic means by which members of the public may provide comment to the Board;

The above findings will be included within the public notice of the April 15, 2021 meeting, and will be read into the record at the beginning of that meeting.

This meeting will be conducted via Zoom. Interested parties, including members of the public or representatives of county governments or Utah Tribes, may attend the meeting through the following registration link:

https://zoom.us/webinar/register/WN_Y019wHpgRKiyIPC64tFJjA. We recommend registering by 8:50 a.m. to avoid missing the beginning of the meeting. Those wishing to provide public comment will be asked at the beginning of the period designated for such comment to use the "raise hand" feature at the bottom of the screen within the Zoom meeting so they may be called upon to provide comment. Please call Lisa Jones at 801-538-5110 or email lsjones@utah.gov any time before 8:00 a.m. on April 15, 2021 with questions.

1. Welcome

2. Approval of Minutes

March 18, 2021

3. Confirmation of Upcoming Meeting Dates

May 20, 2021 Board tour to Big Water and Delta

June 17, 2021 Regular Meeting

July 15, 2021 No Regular Meeting (only if necessary)

4. SITLA Funds in the Schools by Deena Loyola, Public Information Officer

5. Public Comments

SITLA welcomes comments from the public. The Board sets aside 15 minutes at each Board meeting to hear from anyone wishing to speak. Each presenter is allowed one opportunity and has up to three (3) minutes for remarks. Any member of the public who desires to make a comment shall use the “raise hand” feature during the Zoom meeting. The public comment segment of the Board meeting is not the time for a question and answer discussion. SITLA staff are available for dialogue outside of Board meetings.

6. Chair’s Report by Roger Barrus

7. Advocate Report by Tim Donaldson, Director, Land Trusts Protection & Advocacy Office

8. Director’s Report by Dave Ure

a. **Meeting with new Secretary of the Interior, Deb Haaland**

b. **Ongoing County Commission tour**

9. Notification & Discussion

Notification items do not require Board action and are only informational. Staff is prepared to discuss any of the items if a member of the Board requests it.

a. **Uintah County Railroad update** by Tyson Todd, Oil & Gas – Vernal

b. **Sienna Hills sale of 1.03-acre commercial parcel** by Aaron Langston, Planning & Development – St. George

c. **Big Water sale of .704-acre parcel** by Aaron Langston, Planning & Development – St. George

d. **Ticaboo development lease** by Alexa Wilson, Planning & Development

10. Board Action

a. **Proposed adoption of new rule R850-13 concerning confidential treatment of proprietary information and amendment of rule R850-6 concerning the Government Records Access and Management Act**
by Mike Johnson, Chief Legal Counsel

11. Closed Session

Pursuant to U.C.A. §52-4-205(1)(e), a closed meeting will be held to conduct a strategy session to discuss the sale of real property, including any form of a water right or water shares, where public discussion of the transaction would: (i) disclose the appraisal or estimated value of the property under consideration; or (ii) prevent the public body from completing the transaction on the best possible terms. This discussion pertains to trust land in the vicinity of the new Utahraptor State Park in Grand County.

12. Board Action

Following the closed session, if the Board deems the matter ready for action, the Board will act on the sale of the land in Grand County to the State of Utah for the building of the new Utahraptor State Park. The Administration and Board will publicly disclose and discuss the basic terms proposed for approval prior to the Board taking action.

13. Adjourn

Items may be heard in any order, at any time, at the Board's discretion.

Please be aware that the public portions of this meeting may be broadcast live over the Internet. Also, be aware that an audio recording of the public portions of this meeting, along with any materials presented or distributed in the public portions of this meeting, will be posted on Utah's public notice website. Witnesses with questions, concerns, or handouts should contact staff.

In accordance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact Lisa Jones at 801-538-5110, or by email at lsjones@utah.gov, at least three (3) days in advance.

I, Lisa Jones, SITLA Board of Trustees' Executive Assistant, hereby certify the foregoing agenda was emailed to the Salt Lake Tribune, was posted on the Utah State Public Notice website, <https://www.utah.gov/pmn/index.html>, SITLA's website at <http://trustlands.utah.gov>, and was posted at SITLA's Offices, 675 East 500 South, Suite 500, SLC, Utah 84102. Posted and dated on Monday, April 5, 2021.

9a

Uintah County Railroad Update

BOARD MEMORANDUM

DATE: April 15, 2021

TO: Board of Trustees, Utah School & Institutional Trust Lands Administration (SITLA)

FROM: Tyson Todd, Resource Specialist – Oil & Gas

RE: Uinta Basin Railroad Project Update

BRIEF PROJECT OVERVIEW

The proposed Uinta Basin Railway (UBR) will connect the Uinta Basin to the national railway network at the Kyune station in Utah County near HWY 6 via one of three proposed routes: Whitmore Park, Indian Canyon and Wells Draw. The UBR is a public-private partnership between the Seven County Infrastructure Coalition (SCIC), Drexel Hamilton Infrastructure Partners, and the Rio Grande Pacific Corporation. The SCIC received \$27.9 million from the Community Impact Fund Board to initiate the planning and environmental studies required for the project. Drexel Hamilton will provide private financing, currently estimated to be between \$1.2-\$1.5 billion, to construct and commercialize the railway. Rio Grande Pacific will design and construct the railway and will also provide operations and maintenance. The Ute Tribe will also become an equity partner in the project.

Approval to construct and operate the UBR comes from the Surface Transportation Board (STB), an independent federal agency that has jurisdiction over the construction and operation of new rail lines. The STB's Office of Environmental Analysis is responsible for the environmental review process as appropriate pursuant to the National Environmental Policy Act (NEPA).

PROJECT TIMELINE & EXPLANATIONS FOR STB APPROVAL

- Public Scoping Phase – Purpose is to define what will be studied in the Environmental Impact Statement (EIS).
 - June 19, 2019 – OEA initiated the public scoping process that included six public meetings and receiving written and oral public comment by issuing a Notice of Intent and Draft Scope of Study for the EIS.
 - September 3, 2019 – OEA closed the public scoping process.
 - December 13, 2019 – OEA issued the final Scope of Study for the EIS.
- Draft EIS – Write the Draft EIS given the Final Scope of Study parameters as defined in the Public Scoping Phase and in conjunction with public comment.
 - October 30, 2020 – OEA issued the Draft EIS. Draft EIS analyzes environmental impacts, provided recommended mitigation efforts, and includes the SCIC's voluntary mitigation efforts.
 - OEA hosted six online, public meetings via Zoom between November 16, 2020 and December 3, 2020.
 - OEA with the help of their third-party contractor ICF, wrote the Draft EIS. STB then disbursed 2-3 sections of the EIS every couple of weeks to participating agencies to review the document before submitting it for public comment.
 - Public comment period was extended twice and remained open until February 12, 2021. It was open for a total of 105 days. SITLA submitted oral and written comments.
 - Public Comment Statistics via STB provided on March 10, 2021:
 - 2000 comments

- Majority of Comments (1250) are part of a form letter campaign from the Center for Biological Diversity.
 - 700 individual comments; half in support and half in opposition
 - 50 substantive comments (comments specifically addressing technical and/or analytical aspects of the Draft EIS)
 - *Support for the UBR is 1/3 higher than seen in other rail projects across the country.*
- Petition for Exemption – When approving a new rail, the STB must consider both the transportation merits and the environmental merits of a project. The SCIC filed for a formal regulatory exemption of the transportation portion of the project with the STB. The STB granted conditional approval, exempting the SCIC from ‘formal regulation’ of the transportation side of the STB review based on the criteria that the rail carries out federal rail transportation policy and that the project is of limited scope, or that a proceeding is not needed to protect shippers from the abuse of market power. Although the conditional approval was granted, the environmental review of the project must still be completed and final approval of the railway will not be given until the environmental review is complete, and the analysis of the review supports the construction of a rail.
 - May 29, 2020 – SCIC filed a Petition of Exemption.
 - February 4, 2021 – Effective exemption date.
 - *Petitions for reconsideration were due January 25, 2021. I’m not aware of any successful petitions to reverse the STB’s initial decision.
- Final EIS – writing of this document is currently underway. “The Final EIS will set forth the OEA’s final recommendations to the STB, including recommended environmental mitigation measures. The STB will then issue a final decision that will consider the Draft EIS, the Final EIS, and the entire environmental record. *It is in this final decision the STB will decide whether to authorize the proposed rail line, deny it, or authorize it with conditions, including conditions to address environmental impacts.*”
<http://uintabasinrailwayeis.com/EnvironmentalReviewProcess.aspx>
 - Currently – The STB is scheduling the administrative Final EIS review. They will start sending out 2-3 chapters at a time for review in May 2021 and will go through July 2021.
 - Several other documents are currently being drafted to be included in the environmental record:
 - Section 106 Programmatic Agreement – A multiagency understanding on how cultural resources are going to be managed for the project.
 - Section 7 Consultation – A biological assessment to be submitted to the Fish and Wildlife Service for review.
 - 404 permit - being prepared by the U.S. Army Corps of Engineers that regulates discharge of dredge or fill material into waters of the United States.
 - There will also be a public comment period to review the Final EIS upon completion of its administrative review.

SITLA ENGAGEMENT MOVING FORWARD

- Participate in UBR Stakeholder and STB EIS Cooperating Agency meetings to stay current on updates and timelines.
- Review relevant documents and provide input and public comment where necessary.
- Advocate for SITLA’s interests in all aspects of rail planning and potential construction.

9b

Sienna Hills sale
of 1.03-acre
Commercial
Parcel

Notification

TO: Board of Trustees, School and Institutional Trust Lands Administration
FROM: Aaron Langston, P&DG Utah South
DATE: April 15, 2021
BENE: Schools
RE: *Notice of Minor Development Transaction—Sale of 1.03 Acre Parcel of commercial land in Sienna Hills*

Introduction

Lot C within the 9A Sienna Hills Shopping Center is a 1.03-acre parcel zoned as “Freeway commercial” within the Sienna Hills Planned Community Development (PCD). The lot is completely pad ready with all utilities stubbed to the site. The lot is situated due north from the Maverik gas station.

All lots within Parcel 9A were graded and all utilities were stubbed to the site in 2007. The Maverik gas station was the first project in the development (2007), followed by the Black Bear Diner in 2017. Culvers is getting ready to move forward with their restaurant on lot B. Lots D, E, and I have been approved to be in the auto mall, so the subject lot C is the only available lot in the Sienna Hills Shopping Center plat.

Proposed Project

The buyers, H&H Northwest Companies LLC, plan to construct a Building for an Arby’s restaurant.

Current Offer

When Staff first began discussions with the buyers, Staff made them aware that the Board of Trustees would probably not approve the sale for anything less than \$20 per foot, even though the last appraisal on the property, which was completed on September 11, 2020, valued the parcel at \$13.25 per foot. To meet SITLAs minimum acceptance, the buyers offered \$20 per foot.

Intended Action

Selling the lot at significantly above appraised value will be a great return for the beneficiaries and will help establish higher values for our surrounding lands. As such, Staff will arrange for a timely closing.

This proposal was vetted by the Real Estate Committee on March 22, 2021

FINAL PLAT - AMENDMENT
FOR
SIENNA HILLS SHOPPING CENTER PHASE 1
OF THE
SIENNA HILLS DEVELOPMENT



9c

Big Water Sale
of .704-acre
Parcel

Memorandum

TO: Board of Trustees, School and Institutional Trust Lands Administration
FROM: Aaron Langston, P&DG Utah South
DATE: April 15, 2021
BENE: Schools
RE: *Notice of Minor Development Transaction—Sale of 0.704 Acre Parcel in Big Water*

Introduction

A resident and property owner in the Town of Big Water approached the Trust Lands Administration with a request to purchase a 0.704-acre parcel of open space that abuts the lot of the Buyer's home and a deep ravine known as Wahweap Creek, making it completely landlocked and essentially undevelopable. This request follows three other neighbors who similarly purchased the open spaces behind their respective lots.

The Offer

The Buyer will pay \$17,965 per acre (3% higher than the 2020 appraised price), or the April 2021 appraised value whichever is higher.

Return to the Trust

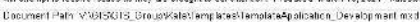
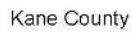
The Trust will meet its fiduciary responsibility by selling this property at or above market value.

Intended Action

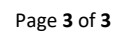
Staff feels the proposed offer will enable the Trust to square off this property and generate some revenue on land that has otherwise not been able to produce anything for the Trust. Upon Board approval, Staff will make arrangements with the buyer for a timely closing.

This proposal was vetted by the Real Estate Committee on March 22, 2021

Depiction of subject parcel



Surveyor's depiction of disposal parcel



9d

Ticaboo

Development

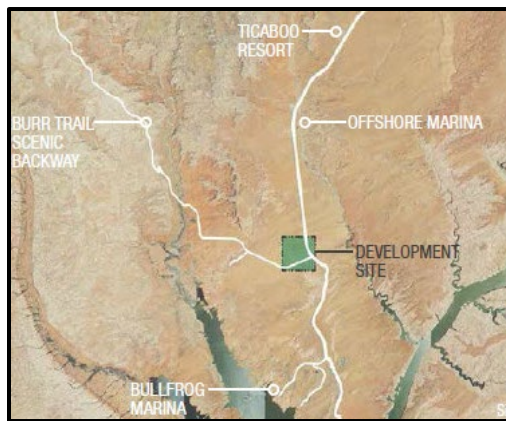
Lease

Memorandum

TO: Board of Trustees, School and Institutional Trust Lands Administration
FROM: Alexa Wilson, Planning and Development Group
DATE: March 30, 2021
BENEFICIARY: Schools
SUBJECT: Notice of Minor Development Transaction
Ticaboo Development Lease amendment and land sale

Introduction

The Ticaboo Resort and the Bullfrog development site are being developed under two development leases. They are managed by the same developing partnership under separate entities.

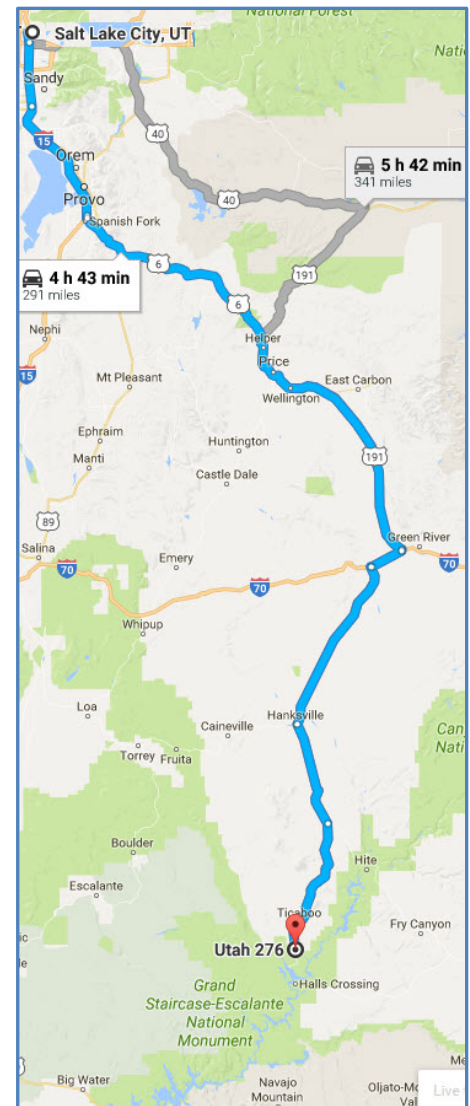


Ticaboo/Bullfrog Area

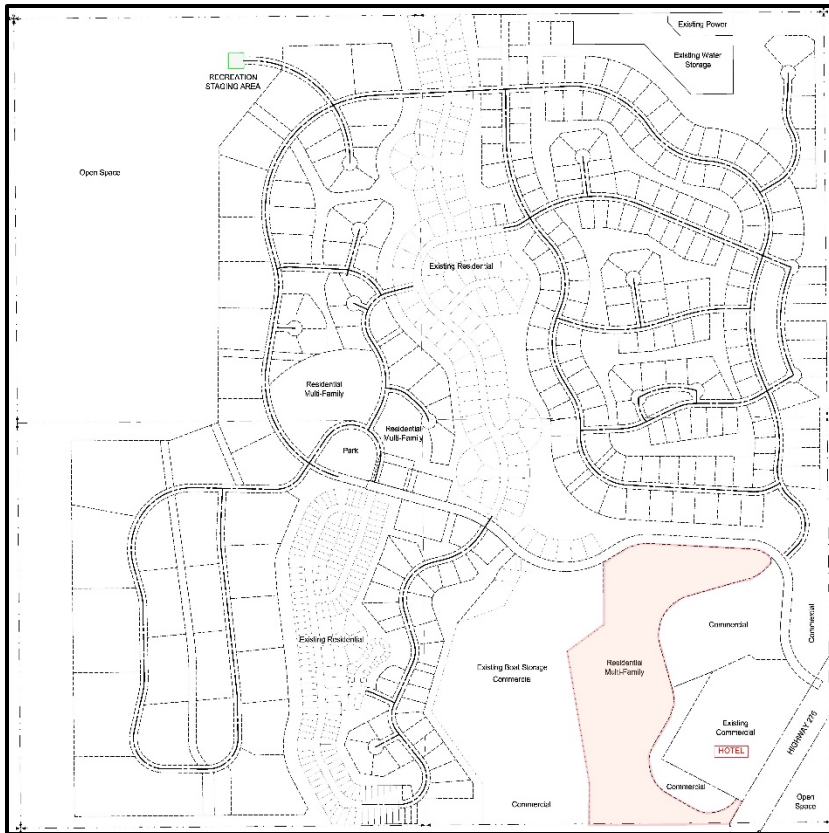
The Ticaboo lease originated in the late seventies as project to provide housing for nearby uranium miners. The current developer acquired the lease in 2012 and has developed a vision based on tourism, related to the spectacular desert environment and nearby Lake Powell. In 2017 we entered into a development lease for the Bullfrog development site with the same developer, which will add a more upscale resort element to the area. Eight miles along highway 276 separates the two projects, the Bullfrog Marina is another 6 miles further south.

The Developer

The developer is a partnership between Dave Curtis (the managing partner) and Bob Mitchell. Dave Curtis has over 20 years of experience managing and developing real estate. SITLA was introduced to the developers, when they bought the Ticaboo lease from a uranium mining company after the uranium mine in the area closed, in 2012. They bought the lease at the Offshore Marina in 2015 and acquired development right on the Bullfrog Block in 2017. They have made significant investments of time and capital in the Ticaboo/Bullfrog area and have proven to be active and reliable development partners.



Developer financing and transaction



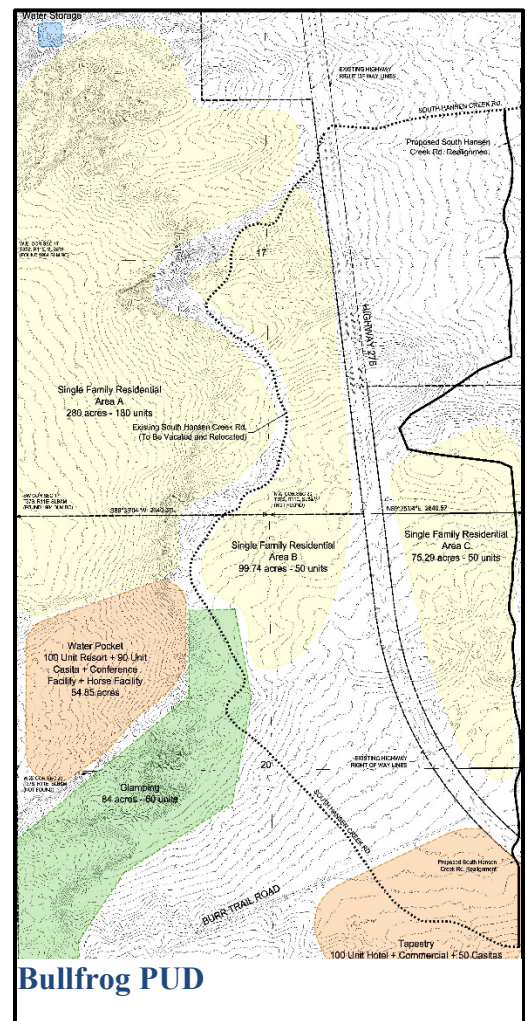
Ticaboo PUD

The following assets will be moved to the new entity and serve as collateral for the loan:

- All existing Ticaboo lots (owned by the developer and SITLA)
- The Ticaboo restaurant and store (owned by the developer)
- The glamping parcel in Bullfrog (owned by SITLA, green on the map to the right)
- An approximately 30-acre commercial parcel in Ticaboo for the RV park (owned by SITLA, shaded on the map above).

The Ticaboo RV park parcel has been appraised at \$12,500 per acre, a more than fourfold increase since 2015, when an adjacent parcel was appraised at a little under \$3,000 per acre. The sale of this parcel requires an amendment to the development lease. All other transactions are addressed in the development leases.

The developer has acquired financing from a local private equity fund, for the development of an RV park in Ticaboo, the glamping in the Bullfrog block and the construction of model homes in Ticaboo. Initially the fund will provide a bridge loan, which will be converted into a 50% equity position in 2 to 3 years. To accommodate this financing, certain assets will be transferred to a new entity with the same two principals.



Bullfrog PUD

Recommendation

This notification informs the Board of Trustees about a proposed amendment of the development lease and a subsequent sale of 30 acres of commercial land in Ticaboo. The Real Estate Committee recommends proceeding with the amendment and sale.



10a

R850-13 &

R850-6

Memo to
follow