

**Minutes
Alta Town Council
Work Session
March 14, 2018
3:00 PM
Alta Community Center
Alta, Utah**

1. The Mayor called the meeting to order at 3:00 pm. All members of the Town Council were present.

Also in attendance were Piper Lever, Kate Black, Mike Morey, Karen Travis, Rich Mrazik, Marshall Alford, Mimi Levitt, Susie Mills, Frank Buselli, Kim Goldsmith, Jodi McLoughlin, Dominic Mallamo, Crystal Jagels, John Reynolds, Dave McReynolds, Barbara Jordan, Tara Thomas, Rebecca Kellogg, Kevin Dennis, Dan Foxman, Ginny Marie Leines, Leslie Reynolds, Judith Danforth, and Michael Bauer.

The Mayor provided an opening statement on the structure of the meeting and then introduced Marshall Alford from the USFS. Bekee Hotze, District Ranger, was called to a budget meeting and could not attend.

2. Discussion of USFS dog policy on forest system lands in Little Cottonwood Canyon – Marshall Alford, USFS – 00:02:15

Marshall Alford, Recreation staff officer for the Wasatch, Cache, Unita National Forest District. Marshall provided a land ownership map of the lands inside the Town of Alta. A similar map showing land ownership can be found here on the Town of Alta website.

Marshall provided an overview of the desire of the forest service related to dogs in Little Cottonwood Canyon and the Town of Alta. Marshall reviewed the 1997 Special Forest Order # 04-19-85 dated July 11, 1997 that prohibits certain acts on forest service lands in Little Cottonwood Canyon.

Marshall emphasized that the USFS would like to work collaboratively with the Town of Alta to define an area that would be acceptable for dogs to exist in and it needs to be an area that makes it clear to visitors that the dogs are part of the Town of Alta program. Marshall also emphasized that private land inside the Town of Alta is exempt from this order.

Marshall represented the land owner, which articulates the desired condition of the land owner is through a forest closure order and through the USFS Management Plan.

Council members Sheridan Davis and Cliff Curry queried on the following matters - 00:09:38

- Does the Salt Lake Valley Health Department provision, Section 14, supersede the forest order?
- Mr Alford referred that question to Ms. Hotze to answer.

- Does the forest order provide an exemption for “permitted animals” like the animals permitted by the Town of Alta? Town’s legal counsel, Rich Mrazik, stated that his understanding was that “permit” in this context meant USFS special use permit not the Town’s permit/license program.
- The review of the CFR’s related to the definition of a permitted animal. There was a disagreement on the interpretation of “permit” between Mr. Mrazik and Mr. Curry.

3. Citizen Input – 00:12:10

A. The following citizens asked question regarding the following matters and Mr. Alford responded: Ginnymarie Leines, Frank Buselli, Susie Mills, Kim Goldsmith, and Kevin Dennis.

- The timing of the forest closure: when was the order enacted and who and why was it enacted.
- If complaints had been filed with the USFS, could they provide a copy or a summary of those complaints?
- Was the USFS familiar with the Town of Alta Animal Control Ordinance?
- The confusion about the many levels of regulations on the issue of dogs in the watershed and Little Cottonwood Canyon.
- The impact of dogs in the watershed
- Signage in the canyon related to the permitted dogs in the Town of Alta.
- Methods of identifying dogs licensed in the Town of Alta.
- Clarification of the word “permit” in the forest order.

A summary of Mr. Alford’s responses are as follows:

- Mr. Alford reiterated that he wanted the conversation to be about not what was done wrong in the past but a conversation about a constructive forward-looking solution that works for those that have Town of Alta dog permits.
- The USFS wants this to be a collaborative effort to define and create a rule in the USFS order addressing the Town of Alta situation related to dogs.
- The USFS will determine written complaints were issued and forward them on to the town.
- The word “permit” is defined in USFS regulation as a Special Use Permit (SUP).

B. The Mayor and members of the Town Council asked questions about the following matters and Mr. Alford responded. – 00:40:28

1. Sheridan Davis – Ms. Davis was curious about the history of the USFS special order and asked why the original Special Order of 1997 did not trigger a NEPA process and why the current priorities of the USFS do not do the same. Sheridan also asked why, after 21 years of practice, does the USFS feel that changes to our dog ordinance and practices top their agenda. The Valley Health Department regulation related to dogs in the Town of Alta was also discussed and why this regulation is not the ultimate arbiter on dogs in Little Cottonwood Canyon and the Town of Alta.

The NEPA process would be initiated by a SUP application request by the Town of Alta to address this situation. Marshall did not know the history of the special order.

Marshal opined that the Salt Lake Valley Health Department regulations related to dogs in the watershed do not supersede the USFS special order on this matter.

2. Elise Morgan – Elise asked if the USFS would be willing to work with the Town of Alta in obtaining a SUP for the Town’s dog policy. Elise asked how long it would take to go through the NEPA process to get a SUP. SUP’s are written for specific terms and Elise asked about the term such as this– 5, 10 or 20 years for example. Elise asked about the steps of the NEPA process and about the possibility of this being a categorical exclusion (CE).

Marshall could not estimate the term of this proposed SUP. Marshal reviewed the steps involved in the NEPA process and thought this SUP would fit into the CE category.

00:48:54

3. Cliff Curry – Cliff asked about the process that lead up to the forest order being enacted in 1997 and asked if there was a file that was associated with this process. Cliff asked if this order was ever intended to apply to dogs and noted that the order did not mention the word dog(s). Cliff referred to the pamphlets that were attached to the order, more specifically where it said that permanent residents of the canyon watershed area may obtain special permits for one dog per household. Cliff brought up language in the order that states that persons with a permit are exempt from this order and asked where it stated in forest service regulations (CFR) that that meant a SUP. Cliff asked how many dog closure orders are in place in the country.

Marshall opined that it would be difficult for him to address the process that took place in 1997 but would inquire about the file/information on the decision in 1997. Marshall opined that the order was intended to apply to dogs and mentioned the language of the order referring to “...any animal”. Mr. Marshall reviewed the issue of the language in the pamphlet and when the forest service uses the term permit it means a SUP.

4. Margaret Bourke – Margaret’s expressed concern about the educational component on various public websites, citing- it is difficult to understand what the rules are and where dogs are allowed and not allowed in watersheds. Margaret referred to the history of the Town of Alta’s Animal Control Ordinance and the timing of the forest order 21 years later – the town is trying to understand why the order came into play.

Margaret inquired about a possible Congressional Act in the 1930’s that said the forest had to comply with the Salt Lake County watershed requirements – was that an overlay to the forest prohibitions and restrictions.

Marshall was not familiar with this Act but would be interested in reading the language. It is worth noting that in the context of dogs being prohibited in the watershed there is an exemption outlined

in the Salt Lake Valley Health Department (SLVHD) Regulations. Marshall opined that there is now an opportunity to become consistent with the exemption mentioned in the Salt Lake County regulations by issuing the Town of Alta a SUP – this would serve as an exception to this prohibition.

00:59:00

5. Harris Sondak - Harris asked what the goal was for the 1997 forest order. Harris asked if the USFS would see someone taking fish out of the canyon as a violation of this order. Harris mentioned that you can apply for a watershed permit from SLVHD in Big Cottonwood Canyon but you have to keep your dog on your own private property.

Harris commented that the concept of a SUP in this context was not discussed with Ms. Hotze but applying for a SUP is a simpler process for the Town of Alta to engage in than law suit with the USFS. Harris felt that the Town of Alta and USFS have many common interests and it behooves us not to be combative or confrontational.

Marshall felt that there was an effort to be consistent with how the USFS implements a closure for the prohibition of animals that contaminate the watershed. This 1997 order provided the USFS with the ability to write citations in violation of the USFS regulation – the USFS cannot write violations under the County or Town regulations.

Marshall confirmed that you can fish in Little Cottonwood Creek but did not know if it was catch and release only. Marshall felt that in the literal interpretation of the order, taking fish out of the canyon could be a violation but went on to opine that he suspected that was not the intent.

If the Town were to apply for a SUP, It appears that the USFS would like the town to identify places the town wants dogs to be allowed and where dogs would not be allowed on public lands. Harris asked Marshall to identify where the USFS thinks those areas should be in the Town of Alta – is the USFS open to different areas during different seasons of the year? Also, when the term visitors are used by the USFS are they referring to any person who visits public land or rather people who don't reside in Alta?

Marshall felt that 'seasons' would be appropriate to consider. Marshall did not feel he could point to one specific area that the USFS would find acceptable in the town and would like to narrow the area down from the entire jurisdictional area of the Town of Alta. Related to Harris's comment on the word visitor; Marshall was using the word inter-changeably between both definitions.

Margaret Bourke noted that much of the national forest area within Alta geographic jurisdiction is also within the ASL's SUP. If the town were to go through the NEPA process to apply for a SUP for its dog program, how would that interplay with ASL's SUP and their desires and wants?

Marshall explained that during the NEPA process consideration is given to other uses of the land – the USFS would take into consideration the uses of other SUP holders in area such as the ASL.

01:08:10

Cliff Curry suggested a better approach would be to identify areas where dogs have been a problem rather than define areas where dogs have not been a problem.

Marshall agreed with this approach and added that areas in and around water ways should have a buffer zone around them as well as areas where there is a lot of visitor interaction. The impact on the watershed related to such areas should be considered.

Sheridan Davis asked about the best alternative to a negotiated agreement - if the council decides to do nothing, what would happen from the USFS perspective? Sheridan commented about the impact of heavy equipment, snowmobiles, snowcats, cars, gasoline and diesel dripping machinery on the watershed. The impact of Alta dogs in relation to all of the aforementioned is infinitesimal.

Marshall deferred to the District Ranger regarding the best alternative to a negotiated agreement and feels that we should engage in a conversation to find a solution.

Rich Mrazik opined given the way the situation has involved, he recommended that the town focus on the program it wants related to the SUP.

4. The Mayor thanked Marshall for his time and went on to explain the structure of the remainder of the meeting – 01:16:23

The Mayor explained and reviewed the issue related to the number of licenses that are currently in place which is contrary to the number specified in the current ordinance. Currently there are 57 permanent dog licenses that fall in Class A, B, and C and approximately 30 long term temporary licenses that fall into Class D.

After some discussion, the council agreed to address the number and classes of dog licenses for the rest of the time allotted for the meeting.

Kate explained the process of changing/amending an ordinance in the Town Code.

Members of the council weighed in and discussed the following matters related to the number and classes of dog licenses – a copy of the current ordinance was brought up on the TV screen during this discussion.

- Perceived ambiguity in the ordinance.
- History of the practice in the Town.
- Annual adjustments and the basis for such adjustments.
- Grandfathering existing temporary dog licenses.
- Current lottery system and tying the number of licenses to the official census.
- Number of dogs per household.
- Transferability of licenses.

- Classes of licenses.
- The effects of dogs on the watershed in Little Cottonwood Canyon
- The social component of having a dog in Alta, the effects on the watershed and how these two issues should affect the final decision on then number of dogs allowed in the town.

Rich Mrazik reviewed what would be helpful to staff to draft a proposal for the council to consider.

The Mayor recognized Judith Danforth who joined the meeting after the period for citizen input. Ms. Danforth commented on her situation at Powder Ridge and asked the council to keep in place the option of having more than one dog per household.

01:54:19 Piper Lever made a recommendation on changes to the language of the ordinance as follows:

- The last sentence in section 5-2-3(C) should be removed – it states “However, in no event shall the number of dog licenses exceed fifteen percent (15) of the population of the town as determined by the most recent census figure from the United State census bureau.” If this were removed the council could still address the number of licenses allowed each year by resolution – This complies with the current provision in the code.
- The council could “tweak” the definition of each class found in 5-2-3(1)(a) – (e).
- The current long term permanent licenses could be moved to one of the classes outlined in section 5-2-3(1)(a) – (e).
- In the definition of Class A, Piper asked how the council feels about tying the issuance of a dog license to voter registration.

There was discussion on the pros and cons of the staff recommendations. There was also discussion by the council on how to define a resident and the number of dogs per household in the ordinance.

•

It was decided that the council should hold another work session and request that staff prepare some recommendations on the changes to the ordinance related to the number of licenses and the definition of the classes of licenses.

The council decided to hold a work session on Wednesday, March 21st at 4:00 pm.

5. Motion to Adjourn – 02:03:41

Hearing no further business before the town council, there was a motion by Elise Morgan to adjourn the meeting. There was a second by Cliff Curry and the motion was carried.

Passed and approved this 12th day of April 2018

s/Katherine S.W. Black
Town Clerk