



File Code: 5300

Date: October 12, 2018

Town of Alta
Attn: Mayor Sondak
P.O. Box 8016
Alta, Utah 84092-8016

Re: Closure Order 4-19-85

Dear Mayor Sondak,

This letter responds to your August 16, 2018, letter requesting the Forest Service exempt the Town of Alta from the Order prohibiting dogs on National Forest System (NFS) land for watershed protection. In my response, I hope to provide some background information as to why dogs in the watershed are a concern; the overlapping jurisdictions resulting in conflicting laws, regulations and ordinances; and a proposal to move forward seeking resolution. I look forward to working with you and your community as we resolve these complex natural resource management issues.

Issue Statement

Dog waste contains high levels of bacteria as well as other harmful microorganisms such as *Cryptosporidium* and *Giardia* that can survive under harsher conditions and for longer periods of time than bacteria. Since becoming District Ranger in February of 2016, I have received numerous complaints from National Forest visitors and Forest Service employees regarding the dogs on NFS land within the Town of Alta. Most of the complaints were verbally expressed and concerned dogs running through the creek, swimming in Cecret Lake, running loose, and dog owners not disposing of their dog waste properly.

Our Land Management Plan directs me to manage the National Forest System lands along the Wasatch Front and within culinary watersheds to prioritize watershed protection. The Metropolitan Water District treatment plant is nine miles downstream from the Town of Alta. It takes less than 24 hours for water to flow from the headwaters on National Forest System lands within the Town of Alta to the water taps in Salt Lake City. What goes on the land within the watershed ends up in our water supply – from forest to faucet. The best way to ensure we have high quality and safe drinking water for current and future generations is to protect it at its source. That is why areas within culinary watersheds for Salt Lake County have special restrictions concerning camping, swimming, and domestic animals.

Conflicting Laws, Regulations and Ordinances

Within the limits of the Town of Alta, Federal, State, and local laws, regulations and ordinances apply. The Forest Service's Closure Order was signed July 11, 1997, by the Forest Supervisor. The Watershed Regulations were adopted by the Salt Lake Valley Board of Health December 3, 1981. The Town of Alta's Town Code was most recently amended in 2017 (Town Code). On July 11, 1997, Forest Supervisor Richard Kline signed closure order number 04-19-85, which applies to all



National Forest Lands “...within the Little Cottonwood Canyon Watershed Area lying east of the mouth of Little Cottonwood Canyon” amongst other areas providing culinary water along the Wasatch Front. This order prohibits “possessing, storing or transporting any bird, fish or animal or parts thereof. [36 CFR 261.58 (s)].” To be exempt from this closure on National Forest System lands, a permit issued under 36 CFR 261.50 (e)(1) may be issued to specifically authorize the otherwise prohibited act.

The purpose of Salt Lake Valley Health Department Watershed Regulations (December 3, 1981) is to “regulate the use and occupancy of watersheds within Salt Lake County in a manner that will protect and promote public health....” This regulation prohibits dogs within watershed areas (4.2.9). Domestic animals are prohibited to run at large within the watershed area except by permit obtained from the United States Forest Service and the Director of Public Utilities, and under no circumstances shall domestic animals be permitted to run at large within 1,000 feet of any watercourse or source of water supply within the watershed (4.2.10). Section 4.3 outlines the requirements and procedures for keeping dogs within watershed areas. As you are aware, section 4.3.2 states that “Dogs licensed in the town of Alta may be maintained by their owners within the corporate limits of that community.” The Regulation does not define or delineate what was included in the corporate limit.

The Town of Alta’s Town Code contains a number of regulations and prohibitions regarding dogs within the Town of Alta. Although there is an ordinance that states dogs must be leashed on certain trails, areas, and times of day, there are no restrictions for dogs being off leash near waterways. The latest ordinance to have passed (11-9-2017), but has not yet been codified, increases the number of dog licenses issued from no more than 15% of the town’s population to no more than 25% of the town’s population. The Town of Alta has also increased the area within it’s corporate limits since the Forest Service Closure Order was signed and the Watershed Regulations were adopted. When the FS Closure Order was signed, the town encompassed the area as defined in the original 1970 boundary, and had annexed the Hellgate and Cecret Lake Area. When the Watershed Regulation was signed in 1981, the Town had annexed Patsey Marley and Albion Basin. Since then, the Town has added Blackjack and Michigan City (Figure 1).

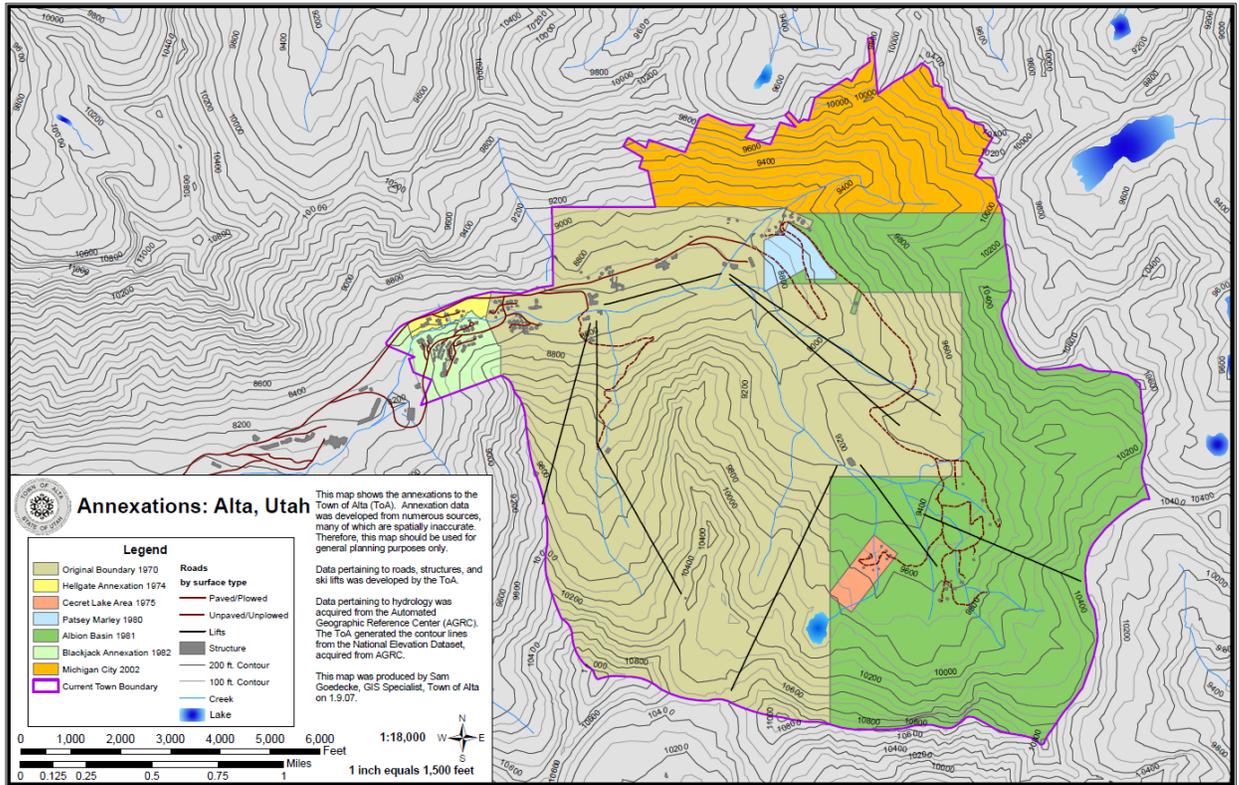


Figure 1. Town of Alta Annexations (source: <https://townofalta.com/wp-content/uploads/2016/01/Annexation-map.pdf>).

The town boundary now extends from the cluster of homes along the Bypass Road and State Route 210 south along Peruvian Ridge to Bald Mountain, east along Sugarloaf Mountain’s ridge line to Devils Castle, northeasterly along the ridge to Sunset Peak, north along the ridge to Mount Tuscarora, west along the ridge around Mount Wolverine and north towards the ridge line between Honeycomb Cliffs and Grizzly Gulch, and then south and west along Alta Ski Lift’s property line back to SR 210. Approximately 80% of the land within the Town’s corporate limits are National Forest System Lands administered by the Forest Service (Figure 2).

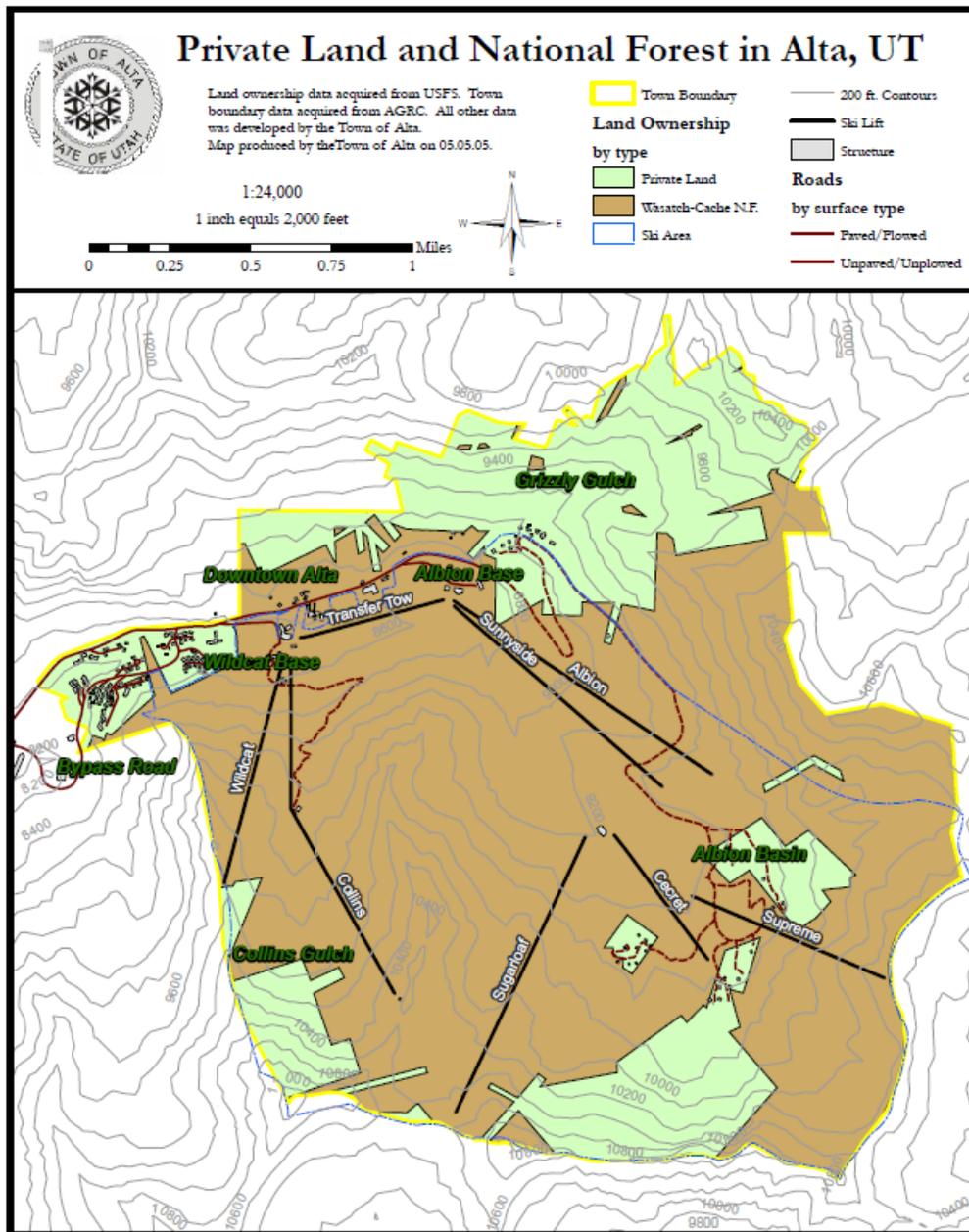


Figure 2. Land ownership within the Town of Alta (source: <https://townofalta.com/wp-content/uploads/2016/01/Fsownership.pdf>).

Resolution

I have reached out to the Town of Alta to collaborate on resolving our conflicting laws, regulations and ordinances to ensure they are, and remain, consistent with each other. The Forest Service may consider issuing a new Closure Order to provide for greater consistency. However, we cannot consider an exemption to the Closure Order that allows dogs on all the National Forest System lands within the Town of Alta's corporate limit as it would be inconsistent with our Land Management Plan. Therefore, I respectfully request the Town of Alta consider requesting an exemption from the closure order as proposed in figure 3. This will allow the Town of Alta permitted dogs to be walked within the main town area as well as up onto the private property within Grizzly Gulch. Please note that much of the town area is within 1000' of a stream, and therefore dogs should be kept on leash. The map below reflects this and is only applicable for lands administered by the Forest Service.

Proposed Closure Area Exemption for Town of Alta Permitted Dogs

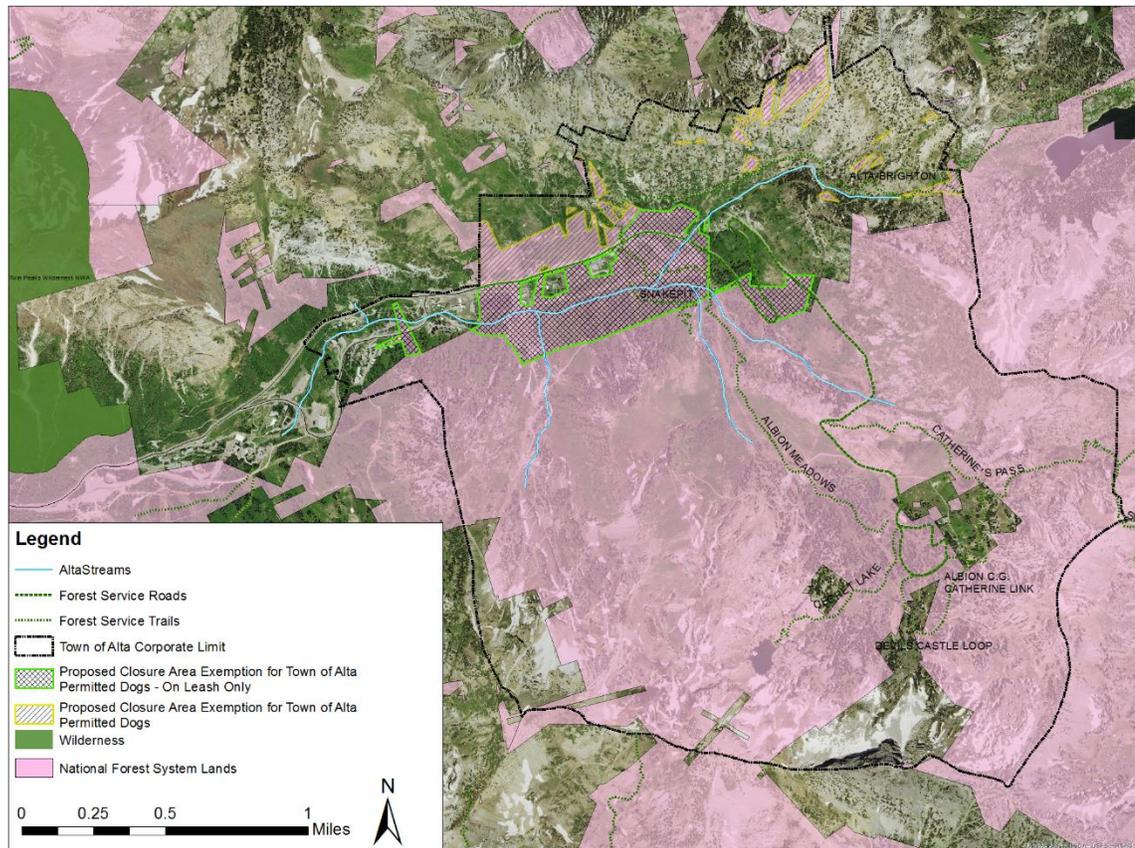


Figure 3. Proposed Closure Order Exemption for Town of Alta Permitted Dogs.

The new closure order would need to be reviewed annually. I request the Town of Alta monitor water quality leaving their town boundary to ensure water quality standards are not degraded because of dog waste. Should water quality not be affected and permitted dogs remain in compliance with Town of Alta's Code (which is reviewed by the District Ranger for the National Forest System lands when the Code changes and overlaps jurisdictional boundaries), the closure order will be extended for another year. However, if water quality deteriorates and / or permitted dogs are not being kept in compliance with the Town of Alta's Code, a closure order may be written to exclude all dogs from all National Forest System lands, including all National Forest System lands within the Town of Alta's corporate limits.

I look forward to working with the Town to come to a resolution that works best for the residents of Alta, citizens of Salt Lake Valley, and the American public.

Sincerely,

Rebecca Hotze
District Ranger
Salt Lake Ranger District
Uinta-Wasatch-Cache National Forest