**Central Wasatch Commission: Stakeholders Council**

**Mill Creek Canyon Committee**

**Notice Date & Time: February 16,2021 - 1 p.m.**

**Description/Agenda:**

**Mill Creek Canyon Committee Meeting**

 **Tuesday February 16, 2021, 1:00 p.m. - 3:00 p.m. Video/Audio/Telephonic Conference:** [**https://zoom.us/j/97731523167?pwd=ZGlBRSt0R2ZDTmxGS0tlVnpROUVQUT09**](https://zoom.us/j/97731523167?pwd=ZGlBRSt0R2ZDTmxGS0tlVnpROUVQUT09)

**NOTICE OF ELECTRONIC MEETING**

**In view of the current COVID-19 pandemic:**

 **This meeting will occur only electronically, without a physical location, as authorized by the Governor's Executive Order dated March 18, 2020 (the 'Governor's Order') and related legislation enacted by the Utah Legislature since that date (HB50020.**

 **The public may remotely hear the open portions of the meeting through live broadcast by connecting to:**

 **The meeting will be opened by Chair Paul Diegel. The Chair shall read the letter of determination concerning electronic meeting anchor location pursuit to Utah Code Ann. 52-4-207(4).**

**1:00 p.m.**

1. **Review and approval of the Minutes from the January 19, 2020 meeting.**

1. **Update on the clarification of dog leash rules on the Porter Fork Road and effort to make the signage describing the rules clear and consistent. (Tom Diegel)**

 **3. Update on Camp Tracy status and future. (Del Draper)**

1. **Update on efforts to work most effectively with the Salt Lake Ranger District in Mill Creek Canyon. Committee members are encouraged to look at Forest Supervisor Wittekiend’s presentation to the CWC Board on February 1, 2021 (**[**https://www.utah.gov/pmn/files/681723.pdf**](https://www.utah.gov/pmn/files/681723.pdf)**) and the recent email exchanges between Salt Lake Ranger District (SLRD) Supervisor Hotze and Paul Diegel and between SLDR Supervisor Hotze and Ed Marshall (below). (Paul Diegel).**

 **5. FLAP grant: status update and discussion of how the Mill Creek Canyon Committee can participate in determining the FLAP work scope, assuming the FLAP grant is awarded. (Helen Peters and Rita Lund)**

1. **Discussion of how to best direct the efforts of this committee for 2021. What should we be working on? (Paul Diegel)**
2. **Other Business relating directly to Mill Creek Canyon.**

**3:00 p.m. Adjourn**

**Supplemental material:**

**Email exchange between Paul Diegel and SLRD Supervisor Hotze:**

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| **Paul Diegel <pddiegel@gmail.com>** |

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At this stage, we are trying to figure out our role, if we even have a role, and how we can most effectively benefit the Mill Creek Canyon experience for its many varied users. The simple answer is all of the above. We are not an incorporated entity and don't really have the ability to raise funds directly, but we could support other fundraising expenses; for example by continuing to offer support and advice to the FLAP grantprocess. Members of our group are experienced at traditionalvolunteer effort; putting boots on the ground, carrying loads, and swinging tools to improve trailconditions in the canyon.

But beyond that, we feel like we can act as an advisory board, representing a user perspective and providing a view of activity and conditions ~~f~~rom the road corridor to theremote corners of the canyon that could helpinform the more-formalresource management ofthe canyon. My experience in the world of for-profit technology development and in non-profit avalanche forecasting and education has taught me the benefits of paying close attention to the needs, desires,and use patterns of customers and users - those can vary a lot from what those managing the process or resource believe them to be or think they should be. The most successful organizations, whether for-profit, non-profit, or governmental, are all highly sensitive to the experience of their "customers", which may not always be obvious without their voices in the room.

The recent conversations regarding the confusion among users surrounding dog leash rules on the road above the Maple Grove gate and in Porter Fork is a good example of how our group can help improve management of the canyon. I don't sense that understanding of the leash rules was perceived as an issue to the Forest Service, but I'm quite certain, based on many hours on those trails (and being scolded by a Forest Service employee for having my dog off leash on an odd day), that a common, accurate understanding of the rules doesn't exist. The presence of conflicting signs is clear evidence of that and user conflicts are inevitable.

Mill Creek Canyon is not experiencing the level of use or degree of challenges that exist in Big and Little Cottonwood Canyons.  However**,**use is growing dramatically (the Wasatch Backcountry Alliance’s trailhead counts are showing close to a 2x increase in trail use this winter - and the backcountry skiing has not really taken off yet due to the lack of snow) and we think it would be wise to keep preparing for future increasing use. We'd like to help and I think the best way we can do that is to work closely with you and your team. Knowing your needs, plans, goals**,**and constraints will help us figure out our role and how we can be most effective.

Paul

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| Hotze, Rebecca (Bekee) - FS |

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Hi Paul,

If the group wants to be a boots on the ground (even if they don’t leave an office) volunteer group, we can work directly with the group.  Volunteers can help with field work (installing signs) or administrative work (developing sign plans).  When you start mentioning an advisory board to improve management, then the first thing that comes to mind is the Federal Advisory Committee Act (FACA).  FACA outlines how Federal advisory committees are established and how Federal agencies work with them.  They are established by Congress, although the Act says that the President or the agency can also establish them.  I’ve only ever worked with one group established by congress under FACA.  So my experience is limited.

[https://www.fs.usda.gov/wps/portal/fsinternet/cs/main/!ut/p/z1/04\_Sj9CPykssy0xPLMnMz0vMAfIjo8zijQwgwNHCwN\_DI8zPwBcqYKAfDlZggAM4GuhHEaMfj4Io\_MaH60dhtSLMB2ECITO89KPSc\_KTIN51zEsytkjXjypKTUstSi3SKy0CCmeUlBQUW6kaqBqUl5frpefnp-ek6iXn56oaYNOSkV9coh-BqlK\_IDc0wiDLNKfMx1ERAMzc-30!/dz/d5/L2dBISEvZ0FBIS9nQSEh/?pname=Forest%20Service%20-%20FACA%20Resources&navtype=BROWSEBYSUBJECT&ss=119985&pnavid=111000000000000&navid=111120000000000&ttype=main&cid=null](https://www.fs.usda.gov/wps/portal/fsinternet/cs/main/%21ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfIjo8zijQwgwNHCwN_DI8zPwBcqYKAfDlZggAM4GuhHEaMfj4Io_MaH60dhtSLMB2ECITO89KPSc_KTIN51zEsytkjXjypKTUstSi3SKy0CCmeUlBQUW6kaqBqUl5frpefnp-ek6iXn56oaYNOSkV9coh-BqlK_IDc0wiDLNKfMx1ERAMzc-30%21/dz/d5/L2dBISEvZ0FBIS9nQSEh/?pname=Forest%20Service%20-%20FACA%20Resources&navtype=BROWSEBYSUBJECT&ss=119985&pnavid=111000000000000&navid=111120000000000&ttype=main&cid=null)

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| **Paul Diegel <pddiegel@gmail.com>** |

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Wow, that is new to me.  I wonder how Friends groups fit into that?  My work with the Utah Avalanche Center was done as a collaborating organization with no official standing for many years (eventually transitioning to an Operating Agreement to more formally define our respective roles). The non-profit Friends group began with just raising money and transferring it to the FS via collection agreement, but, by the time I became involved, the Friends group had established the paid observer program, assumed responsibility for the website and education programs, and more.  Acting in an advisory role was a big part of our relationship and we were able to provide a lot of value to the FS by providing user perspectives and communication and strategy advising (according to several UW-C NF Supervisors and Karl Birkeland, National Avalanche Center Director, not just my opinion). Stripping away the advising role the Friends group plays with the FS UAC would effectively destroy the collaborative effort and bring an end to the Utah Avalanche Center's flagship role in developing programs and standards for the other FS avalanche centers around the country. It seems like there must be an easy way to establish an advising role, clearly acknowledging that no jurisdictional or decision-making authority is granted to the advisory group. It's difficult to imagine that you would be restricted from listening to input from a public group.

FYI, I'm looping the CWC team into this conversation string to meet my obligation to keep all CWC-related communications transparent and retrievable.

Paul

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| **Hotze, Rebecca (Bekee) - FS** |

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Hi Paul,

FACA has been around since 1972.  FACA was established so that certain groups didn’t have disproportionate influence over management actions.  An advisory committee is established for the purpose of obtaining advice or recommendations on ”issues or policies within the scope of an agency official’s responsibilities.”

I’m not familiar with the Utah Avalanche Center so won’t speak to the specifics of that group. According to their webpage:

The Utah Avalanche Center is a collaborative effort between the Forest Service Utah Avalanche Center and the Friends of the Utah Avalanche Center, a 501(c)(3) non-profit organization. The Forest Service Utah Avalanche Center is responsible for avalanche forecasting and accident investigation and reporting. The Friends of the Utah Avalanche Center is responsible for fundraising, avalanche awareness and education programs, events, the website, and business issues.

Based on this information, the Friends group isn’t advising the Forest Service on how to manage issues or policies within the scope of the agency’s responsibilities.

When we’ve met with the Millcreek Sub-committee, we’ve said that we would be willing to consider any proposals the committee wants to provide.  This led to the CWC sending me a 5-page letter submitting the sub-committee’s proposals.  I then spent the next 3 weeks working with my staff to address the proposals raised by the committee (letter attached).  What you are proposing below, however, is to be an advisory board to provide advice on how to improve management of National Forest System lands. It’s within your prerogative as a committee to meet without the Forest Service to continue to provide proposals that we can take into consideration and consider your proposals.

To most effectively help us get work done on the ground, with the goal of meeting our management objectives, we would like to continue to work together.  For instance, the Millcreek Sub-committee made several recommendations on adding signage.  When I met with the committee, we discussed this.  From our perspective, adding more signs to an area already overloaded with signs will not increase the number of people who read the signs.  It actually has the opposite effect (people stop reading signs because of information overload).  We currently have a plan to update all of our large kiosks across the entire Forest, with the first few being updated this summer hopefully.  What we could use help on, however, is updating our sign inventory of all other signs.  After we have an inventory, we could work with you to develop a sign plan that can communicate Forest Service rules simply and clearly.

I’m not sure if you’re seeing the nuances of providing information and proposals versus advising how to manage National Forest System lands. I would be happy to discuss in more detail with you at your convenience.

Bekee

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| **Paul Diegel <pddiegel@gmail.com>** |

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Hi Bekee, thanks for getting back to me. I understand the constraints that FACA presents, but I also understand that there is room for interpretation, should an agency choose to accept help from those outside the agency or the federal government.  Indeed, I think everyone involved at the Utah Avalanche Center, including Dave Whittekiend and Sean Wetterberg, would agree that the Utah Avalanche Center would not exist or, if it still did, would have a tiny fraction of its current benefit to public safety, recreationist experience, and winter Forest management without its symbiotic relationship with the non-profit Friends group, which includes sharing operations and resource strategy management responsibilities equally. By mutual trust and respecting and taking advantage of our respective capabilities and constraints, the collaborative organization has provided far greater mission success than either entity could achieve alone. I am not implying that the SL Ranger District should enter into that degree of co-managed collaborative effort, but I am challenging the strict interpretation of FACA that you have presented and the implication that an advisory group has very little to offer to the Salt Lake Ranger District.

The Forest Service, represented by Dave Whittikiend, participated, and supported the Mountain Accord process which led to the creation of the CWC. The CWC and its subcommittees are committed to respecting and working within Forest Service and County responsibilities and constraints to provide well-vetted and consensus-based recommendations. We believe that our participation can add to your quiver of management tools and need not impede or add to your management burden in any way.

While the Mill Creek subcommittee understands the value of volunteer labor, that is not within the scope and mission of the CWC, the Stakeholders Council, and the MC subcommittee. We believe that we are in a good position to help inform management decision-making by providing the voice of regular users; shining a light on issues that might otherwise not be on the dashboard of Forest personnel.  A good example is the recent discussion about dog leash rules on the Porter Fork road/trail. It is hard to argue that conflicting signs describing the dog rules and the resultant confusion and user conflict being experienced today is good management practice, but no one in a Forest management role appeared to be aware of that problem until one of our subcommittee members brought it up.

My concern about making proposals without your input and support is that we don't know your priorities or what you can use help with.  That seems likely to waste our time working on the wrong issues and waste your time reviewing and responding to inappropriate recommendations. I certainly do understand the nuance between providing information and advising you on how to manage the Forest. What I am asking for is some input on what kind of information is helpful to you and a commitment to keep abreast of what we are working on, and I'm suggesting that some level of advising on management of the District, if done properly, would be allowable and could be of great benefit to you.

Thanks for continuing to engage in this conversation. I am encouraged that we share a common goal of seeing the Salt Lake Ranger District managed responsively and responsibly, informed by the best information available to us.

Paul

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| **Hotze, Rebecca (Bekee) - FS** |

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Hi Paul,

Dave Whittekiend will be presenting to the CWC next Monday.  Let’s touch base again after that meeting.  And I think it may be more helpful for me to meet with you and the Millcreek Subcommittee as a whole to discuss the concerns you raise and hopefully I can provide more clarity.

And an email exchange between Ed Marshall and SLRD Supervisor Hotze regarding Utah Office of Outdoor Recreation Grants:

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| **Edward Marshall** |

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Hi Guys,

Our newsfeed from the Governor's Office of Economic Development says that the 2021 Utah Office of Outdoor Recreation grants opened up today.  Up to $150,000 grants for trail restoration projects, plus new infrastructure grants.  You no doubt already know about these grants, but I thought I'd make sure you know that they opened up today.

Ed

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| **Hotze, Bekee - FS** |

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Thanks Ed,

Please coordinate with my office if you are proposing a new project that hasn’t already been discussed with one of my staff.  As you know, our program of work is a 5-year program of work.  It takes us months to get projects ready to submit for this grant.  Let me or Marshall know if you have questions.

Bekee

**Please take notice that a quorum the Board of Commissioners (the 'Board') of the Central Wasatch Commission (the 'CWC') may attend the meeting of the Stakeholders Council Mill Creek Canyon Committee scheduled for Tuesday/February 16, 2021 beginning at 1 p.m. electronically. The agenda for that meeting of the Committee is accessible here: Utah Public Notice Website, CWC's website, The Salt Lake Tribune, and Deseret News.**

**DETERMINATION OF THE CHAIR OF THE Mill Creek Canyon Committee TO THE Stakeholders Council of the CENTRAL WASATCH COMMISSION CONCERNING ELECTRONIC MEETING ANCHOR LOCATION PURSUANT TO UTAH CODE ANN. 52-4 207(4). As Chair of the Mill Creek Canyon Committee of the 'Mountain Accord Stakeholders Council of the Central Wasatch Commission, I hereby determine that conducting council meetings at any time during the next 30 days at an anchor location presents substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, The Governor of the State of Utah, and the Salt Lake County Mayor and Salt Lake County Health Department, have all recognized that a global a pandemic exists related to the new strain of the coronavirus, SARS-CoV-2.**

**Due to the state of emergency caused by this global pandemic, we find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the location. According to the information from state epidemiology experts, Utah is currently in an acceleration phase, which has the potential to overwhelm the state's healthcare system.**

**CERTIFICATE OF POSTING:**

**At or before 3:00 p.m. February 11, 2021 the undersigned does hereby certify that the above notice and agenda was:**

**Posted on the Utah Public Notice Website created under UTAH CODE ANN. 63F-1-701; and**

**Provided to The Salt Lake Tribune and/or Deseret News and to a local media correspondent.**

**Final action may be taken in relation to any topic listed on the agenda, including but not limited to adoption, rejection, amendment, addition of conditions and variations of options discussed.**

**Members of the Central Wasatch Commission Mill Creek Canyon Committee may participate electronically. Meetings may be closed for reasons allowed by statute.**

 **Kaye V. Mickelson**

**CWC Office Administrator**

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