

TO: CWC Stakeholder Council

RE: Current Conflict in Upper Cardiff Canyon

Like much of the Central Wasatch, Upper Cardiff Fork has long been a confusing mosaic of public and private lands, but the difference between Cardiff and other areas of the Wasatch is that many of those private parcels have been actively occupied. Conflict has a long history in the canyon that has occurred between private landowners who typically access their property and the naive public accustomed to unfettered non-motorized access to public lands in Cardiff Fork. To address the conflict, ten years ago a Special Use Permit (SUP) was granted by the US Forest Service (FS) allowing landowners to travel across public land on motorized vehicles only on the very rough historic mining road in exchange for allowing the public to cross the private lands to access the adjacent public lands. There were multiple Notices of Violations (NOV) of the permit issued due to vehicles going well beyond the permitted road onto the adjacent public land both in the drainage and higher terrain. The permit had an expiration date of May 31, 2022, and the owner's association chose not to apply for a reissue of the permit. In addition, in 2020 a yurt was built on a private parcel high above the bottom of the drainage/top of the permitted road without permission/permitting by Salt Lake County that was consistently accessed via ATV/snow machines off of the permitted route.

Conflict between the public and landowners has festered for years, with reports of harassment and confrontation from both sides for many years and periodic trespassing citations. Law enforcement is complex due to the difficulty of accessing the upper reaches of the canyon. Private property boundaries are difficult to identify due to the complex topography, the fact that the boundaries were established in the 1800's as mining claims, the perception that claims may have pre-dated FS designation and thus supersede FS management, and incomplete County property records.

The Forest Service has, accordingly, now banned all motorized use in Cardiff Canyon. However, due to the remote nature of the area and the potential lack of enforcement resources by the FS it is possible that the landowners will continue to illegally access their inholdings. Additionally, they are now free to defend their boundaries against trespassers who are accustomed to unfettered access and are often unaware that they are on private land, with some confusing and misleading "no trespassing" signs, potentially leading to increased levels of conflict.

The FS, Salt Lake County, Salt Lake City (by right of the perennial flow of Cardiff Fork water into the Big Cottonwood watershed, and the SLC ownership of adjacent parcels) are all formal stakeholders, with the town of Brighton as a concerned stakeholder due to its proximity. Cardiff Fork is the most popular winter trailhead in Big Cottonwood and the public is accustomed to the historical access it provides to public lands. These agencies will all be in need of support from the community, and as a leader of that community the Central Wasatch Commission should take formal action to support those agencies in their efforts to determine solutions to this ongoing issue.

The public, especially winter recreationists, strongly want to maintain access to the USFS lands above the private properties up Cardiff Fork Canyon. That requires public access across the private properties as there is no reasonable alternative route above and around the private parcels to get to the USFS land high in the canyon. We believe the current scenario compromises the ability of both landowners and public recreationists to legally access Cardiff Fork, greatly complicates law enforcement in the canyon, and sets the stage for potentially violent confrontations.

Proposed Motion: The Stakeholders Council recommends that CWC Board Members consider a request that encourages and supports all efforts to establish access agreement(s) to be struck between the USFS, SLCo, and/or SLC and the private property owners as soon as possible allowing public access across the parcels. An alternative would be for the County, State, or USFS to procure funding to purchase the needed properties outright or to purchase an easement across the properties.