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Motorized access to Cardiff Fork property under review

Canyon property access is under review

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Steve Baker/The Salt Lake Tribune The Salt Lake Tribune

CARDIFF FORK -- They call the route up **Cardiff Fork** a "road" because until about 80 years ago, the place teemed with miners and their heavy equipment in a quest for silver and gold. Today, the **road** is more like an extra-wide trail, frequented by hikers,

mountain bikers and skiers who enjoy the rugged beauty of this steep, scenic side canyon, whose most popular feature is Doughnut Falls.

Many of those who use **Cardiff Fork Road** probably don't notice the occasional "no trespassing" or "private property" signs along the nearly three-mile journey to the **road's** terminus at the old **Cardiff Mine**.

But they do notice the occasional all-terrain vehicle or snowmobile, which many consider an intrusion into the otherwise serene quiet of the canyon.

Those intrusions may become more common as the U.S. Forest Service prepares an environmental review to decide whether to allow motorized access to those who own the private property in **Cardiff Fork Canyon**.

"It's not going to become a busy highway, but there could be some increased [motorized] use," said Loren Kroenke, district ranger for the Wasatch-Cache National Forest.

About 40 percent of the approximately 3,000 acres that comprise **Cardiff Fork Canyon** is privately owned. At least three of a half-dozen property owners have applied for special-use permits from the Forest Service to allow them to drive motorized vehicles on **Cardiff Fork Road**.

Motorized access for the general public ended in 1992 when the Forest Service, largely at the request of Salt Lake City, installed a gate at the trailhead. The **road** was closed to motor vehicles primarily to protect the watershed.

However, landowners in the canyon were allowed continued motorized access, but only on a permitted basis.

By law, the Forest Service must provide "reasonable access" across forestland to private property owners.

"We decide it on a case-by-case basis. It depends on what type of use could legally occur on their private property. In this case, the private property can be used for ATV [all-terrain vehicle] riding, camping, fishing, hunting and snowmobiling," said Kroenke.

Currently, only one landowner, Cyle Buxton, holds a special-use permit for motorized access -- and that permit expires at the end of December.

Buxton, who owns patented mining claims southwest of **Cardiff** Mine, said he doubts his permit will be renewed. He said he has been harassed continually by the Forest Service during the past decade, especially since Kroenke took the helm of the Salt Lake Ranger District a few years ago.

"The new ranger is so anti-private property rights it makes me sick," said Buxton, who was cited by the Forest Service for illegal trail construction in Days **Fork** Canyon to the east.

Kroenke countered, "There's a good chance that motorized access will be provided for . . . under certain conditions."

The ranger said his office respects private property rights but also must abide by laws that call for the protection of the forest's natural resources.

"Some landowners believe they have unrestricted motorized access up the **road**," Kroenke said.

Forest and Salt Lake City officials worry that those who own old patented mining claims in **Cardiff Fork** will engage in activities -- such as trespassing with ATVs or snowmobiles onto adjacent forestland -- that may harm the watershed, wildlife habitat and wildernesslike character of the area.

One landowner, a company called Canyon Ventures, owns property adjacent to Buxton's property and has expressed an interest in developing a commercial skiing operation, including a lodge, on its property.

While Canyon Ventures could be granted a motorized-access permit, the company's proposed development probably would require an upgrade to the **Cardiff Fork Road**.

Kroenke said such an upgrade is not on the table at this time because "these [proposed Canyon Ventures] developments are not considered 'reasonably foreseeable' " under current local ordinances and land use plans.

The Salt Lake Tribune could not find the principals of Canyon Ventures for comment.

If Kroenke approves a motorized permit for owners of property near **Cardiff** Mine, they may face another hurdle: Salt Lake City.

The Forest Service permit would apply only to portions of the **road** on forestland, but part of the **road** runs through city conservation property about half a mile down the canyon from **Cardiff** Mine.

The city does not intend to allow any new motorized access there, said Tom Ward, the city's water resources manager.

"When the city spends millions of dollars to protect land for water quality, we're not going to provide new easements or access to activities that will harm the watershed," Ward said.

Were the city to deny Buxton and other up-canyon property owners access, the property owners could ask the Forest Service to allow a new **road** to be built around the city property -- a request the Forest Service is hoping to avoid.

Or the landowners could sue under state and federal right-of-way laws to force the city to allow access to what they believe is a public thoroughfare.

One unresolved issue is whether **Cardiff Fork Road** constitutes a so-called RS2477 right of way. Revised Statute 2477 is a provision of the 1872 Mining Law that granted rights of way on public land for mining and other ventures.

The statute was repealed in 1976, but existing rights of way were left intact.

Cardiff Fork Road has never been formally recognized or claimed as an RS2477 right of way.

The state is negotiating with the federal government over which routes constitute RS2477 roads. The state so far has refused to disclose which routes are on the table.

Public comment on the environmental review of motorized access in **Cardiff Fork** is being accepted until Nov. 3.

More information is at <http://www.fs.fed.us/wcnf/projects/proposed.shtml>.

Caption: Much of the land along **Cardiff Fork** is private property, and owners may get motorized access.; Only landowners in the canyon are authorized to use four-wheel-drive vehicles up **Cardiff Fork**.

Al Hartmann/The Salt Lake Tribune

Graphic: Map to **Cardiff Fork** Canyon

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