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### SLC worries road fight could affect watershed

County adds to list: Seven trails -- some in water-sensitive areas -- could be redefined as county roads;  
Water supply in middle of road fight

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*The Salt Lake Tribune The Salt Lake Tribune*

Protecting Salt Lake City's water supply has been a critical mission from the start of city government. Soon after arriving in the valley, Mormon pioneers passed ordinances to safeguard their drinking water. Today, city officials fear Salt Lake County may be undermining the efforts.

Leroy Hooton, director of the city's public utilities, is concerned the county is trying to designate as roads seven trails in Forest Service areas in Big Cottonwood Canyon that cross watersheds. The designation could allow the paths to eventually be paved, jeopardizing the valley's water supply and drastically changing hikers', bikers' and skiers' experiences in the canyon, say city water stewards and environmentalists. Even worse, they say, once the trails are paved, other development could follow.

"Potentially you could have roads bladed up these side canyons," Hooton said Wednesday. "These canyon watersheds are so critical. If there's anything happening at all, it should be part of a public process and we should be part of it."

David Stanley, Salt Lake County's public works director, acknowledged the county submitted some canyon trails to the state, but would not name them. County leaders have said the Attorney General's Office will not let them release the list, which might include other popular trails in watershed areas.

Hooton wrote a letter to County Mayor Nancy Workman last week, frustrated with the secrecy. The city may eventually file an open-records request to obtain the information. He also urged her to help preserve the watershed.

Hold on, says Assistant Attorney General Ralph Finlayson.

Gov. Mike Leavitt and U.S. Interior Secretary Gale Norton signed a legal settlement in April clearing the way for counties to **claim** rights across 100,000 miles of dirt roads and trails. But there are no Forest Service lands included in that agreement, Finlayson said.

"It's premature to be concerned about," he said. "We're not **claiming** anything in a forest or anything not passable by a car or a truck."

The controversial Norton-Leavitt deal concerned Revised Statute 2477, a 19th century law that allowed states to build "highways" across public land. Congress repealed the law in 1976, but no records showed where roads were.

The settlement has been cheered by many rural counties, which insist they have the right to develop the R.S. 2477 byways. Besides Salt Lake water officials, it also has alarmed private property owners and national park managers in the West whose land might be the target of **road** development.

"Hooton is to be commended for being concerned about the watershed," Finlayson said. "But I'm not sure R.S. 2477 is imperiling it. I perceive there is some misunderstanding," he added, noting that "consideration of these roads is not imminent."

Jeff Niermeyer, Hooton's deputy, doesn't buy it. "They have a grand plan here. If they want to come out and say they're never going to include watershed lands in any of these **claims**, then we'll go away quietly. If they're not going after these, why the big secret?"

Growing list: Stanley said the county gave the state a list of "some 22" byways it wanted designated as roads as part of a state lawsuit. Fifteen on that list were approved by the now-defunct County Commission in 2000 during a public meeting. Seven others were added later, though no record exists to show they were approved by the commission or County Council. The county has refused so far to release the names of the other seven roads.

Some of those may be dropped for lack of proof they were roads before 1976, when Congress tossed R.S. 2477, said Stanley.

"We want to assist Salt Lake City in protecting the watershed to the extent we possibly can legally," Stanley said. He vowed that if the trails are not needed, he would consider eliminating the watershed-critical trails from the list.

County Councilman Joe Hatch, who has been pushing to make the list public, says the seven roads were added secretly by "bureaucrats."

"No one on the Salt Lake County Council and no one in the [County] Mayor's Office has formally approved these roads," he said. "Some of these roads are on the list and should not be on the list."

Most of the trails that Hooton lists in his letter were once used to get to mining shafts: Willow Heights, Silver Fork, Days Fork, American Hollow, Mill D South Fork, Mineral Fork and Honeycomb Fork. The city is also concerned about Mill D North Fork, which the county submitted to the state in 2000.

Clean streams: Big Cottonwood Canyon's gold and silver mining heyday ended by the 1940s. While remnants remain, people seek out the trails to access alpine meadows and to traverse "pristine" watersheds, says the city. The streams from the side canyons contribute to Big Cottonwood Creek, which quenches the thirst of city and county residents.

ATVs are allowed on the Mineral Fork trail, according to the Forest Service. People with mining **claims** are allowed to drive up Days Fork, according to the book Hiking the Wasatch by John Veranth. Honeycomb's dirt **road** is mostly eroded, according to the book.

Salt Lake City recently purchased 155 acres for \$1.9 million in the Willow Heights area, which once housed a dirt **road**. Hooton said the city started buying watershed lands in the 1800s and continues through a 50-cent charge each month on residents' water bills.

"The trails in no way resemble highways as contemplated by R.S. 2477, nor would they ever be appropriate for vehicle access, which such a designation would foreshadow," Hooton wrote Workman.

Niermeyer, Hooton's deputy, said development is not prohibited in watersheds, though there are hurdles.

Riley Cutler, manager of Wasatch Touring, which sells backcountry equipment, said he would be "shocked" if the county listed the Big Cottonwood Canyon trails. And he predicted the public would fight a future designation.

"You physically can't drive up them without doing **road** work," Cutler said. "You get all this car traffic on them, all the sudden you get this air pollution in the side canyons. You're just pushing out all those hikers."

Gale Dick, president of Salt Lake City-based Save Our Canyons, said the designation would be "disastrous. Even if a **road** was never built, this could be used to take control of vehicle access -- ATVs and snowmobiles -- away from the Forest Service. We would be very concerned" if these roads are actually added.

Hooton suggested the city might sue if the county or state pursues **road** designation. Salt Lake City has the right to protect its watershed, even though the canyon is outside the city limits, he said.

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**Caption:** Graphic: Future roads? (map); Jump Page A7: Right-of-way **claims** (list)

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