

APPENDIX A - References

General References

NOTE: Some of these general references are cited in the EA, others are not but are pertinent to Recreation Residence Special Use Permit administration and continuance.

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36 CFR 215 - Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities.

36 CFR 219 - Planning

36 CFR 251, Subpart B - Special Uses; Subpart C - Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands

36 CFR 261.1a, Special Use Authorizations, Contracts and Operating Plans

FSM 2347.03(2) - Recreation Residences – General Policy.

FSM 2347.1 - Recreation Residences – General Policy.

FSM 2700 – Chapters 10 and 20 - Special Use Authorizations and Administration.

FSM 2721.23e – Recreation Residence Continuance.

FSH 2709.11 - Special Uses Handbook, Chapter 40 – Special Uses Administration.

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WCNF 1985 - Wasatch-Cache Land and Resource Management Plan, 1985

WCNF 2003 - Revised Wasatch-Cache Land and Resource Management Plan, 2003

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WCNF 2006a - Wasatch-Cache Recreation Residence Administrative Guide February, 2006

WCNF 2006b - Porter Fork Tract Association Water System Decision Memo, September, 2006

WCNF 2008 - Wasatch-Cache Recreation Residence Administrative Guide February, 2008

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Federal Register. July 3, 2003. 50 CFR Part 17. Endangered and Threatened Wildlife and Plants; Notice of Remanded Determination of Status for the Contiguous United States Distinct Population Segment of the Canada Lynx; Clarification of Findings; Final Rule. U.S. Fish and Wildlife Service. Washington, D.C.

Federal Register. November 9, 2006. 50 CFR 17. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Contiguous United States Distinct Population Segment of the Canada Lynx; Final Rule. U.S. Fish and Wildlife Service. Washington, D.C.

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APPENDIX B - Response to Comments

During the notice and comment period for this proposal, a total of eight responses were received. Six were from residence owners, one was from Salt Lake City government, and the other was from a Salt Lake City-based environmental group. The following summarizes the comments that were received. A Forest Service response follows each comment which expresses specific concerns about the environmental analysis.

GENERAL

Comment: Appreciation was expressed for the privilege of the use of public land for cabin and the facilities. The facilities are shared regularly with family and friends.

Response: No comment required.

Comment: The need for cost sharing due to increases in property taxes and permit fees has necessitated cost sharing through multiple ownership of cabins. This has expanded the exposure of people to the forest and nature and many more people would be impacted if permits weren't re-issued.

Response: No comment required.

Comment: General expression of appreciation for the Forest Service's efforts in making the re-issuance of permits a reality.

Response: No comment required.

Comment: Homeowner efforts to comply with all applicable statutes, rules and regulations have been 'substantial'; we have diligently cooperated with Forest Service including bringing their cabin into compliance with Forest Plan and Administrative Guide. As an owner we favor re-issuance of existing permits for the cabins in the Porter Fork tract.

Response: No comment required.

Comment: The analysis in Chapter 3 appears generally solid.

Response: No comment required.

Comment: Regulations intended to preserve the forest and prevent further, unnecessary degradation while allowing for public use and enjoyment are supported.

Response: No comment required.

Comment: The Proposed Action, re-issuance of existing permits subject to existing guidelines, is favored.

Response: No comment required.

Comment: To not re-issue cabin permits takes away one of the key uses of a multi-use canyon.

Response: No comment required.

WATER/RIPARIAN AREA

Comment: The Forest Service should resolve the water right issue with the Elbow Fork residence by requiring proof of a water right, or by requiring that the homeowner enter into an agreement with Salt Lake City and comply with all Salt Lake City Watershed Ordinances.

Response: Compliance with applicable State and local government requirements is a condition of all recreation residence permits. As noted in the EA, homeowners who are not in compliance with the terms and conditions of their existing permits will not be issued a new 20-year permit and will eventually be required to remove their cabin and other improvements from the National Forest. The owner of the Elbow Fork cabin has been notified of these requirements.

Comment: All future permits should conform to all current local standards for watersheds.

Response: As noted in section 1.4.1 of the EA and above, Forest Service requires permit holders to be in compliance with all applicable requirements before they can be issued a new authorization when their current one expires.

PROCEDURAL

Comment: The analysis of cumulative effects in Chapter 3 is incomplete. A full accounting of impacts of the human environment in the residence tract areas of 70 occupied residences would result in a disclosure of significant direct, indirect and cumulative impacts.

Response: The analysis in Chapter 3 has been updated based on public comments and further work by Forest Service biologists and resource specialists.

Comment: Chapter 2 needs the addition of at least one alternative approving permits for residences in compliance with current laws and rules, but denying renewal for those not presently in compliance: These are not new requirements; non-compliant permit holders have failed to follow the existing, required, laws and rules.

Response: This is essentially the Proposed Action. Please refer to section 2.3.2 in the EA for details.

REPAIR/MITIGATION REQUIREMENTS

Comment: Multiple comments from cabin owners about the approval status of bridges, a water wheel, and play equipment were received.

Response: The Forest Service appreciates the work that has been done to date by homeowners to remove or modify these facilities. Nonconforming improvements will be authorized only if documentation of prior Forest Service approval can be provided. In limited circumstances, some nonconforming facilities may be conditionally accepted to be removed at a future date.

WILDLIFE

Comment: There are not enough MIS (Management Indicator Species) monitoring sites to ever be able to determine if there is or is not any relationship between habitat changes and population changes from Forest Plan implementation which is done via projects such as this one. Additional MIS monitoring site and data need to be added at the top and bottom of the canyon to get useful results. Lacking useful monitoring data makes implementation of the adaptive management approach impossible.

Forest Service Response: Our responsibility at the project level is to determine the project's effects on MIS population trends. MIS population trends are monitored according to Forest Plan requirements. Please see section 3.2.1.3 of the EA for MIS effects.

Comment: Selection of an MIS that is not present in the community and habitat makes no sense. If the species is not present, how can the alternatives result in changes to that MIS?

Forest Service Response: MIS species are determined on a Forest-wide basis at the direction of the Forest Plan. Each species may or may not be present within any project area. Each alternative for every Forest project is examined with respect to impacts that may occur to each MIS.

Comment: Additional snowshoe hare monitoring grids are needed in the tracts and throughout the canyon to obtain useful trend data. Without additional sites it seems obvious that the trend data is meaningless in adaptively managing these tracts and implementing Forest Plan in the surrounding area.

Forest Service Response: See response above.

Comment: Chapter 3 needs to more fully disclose and address the issue of detrimentally degraded goshawk habitat condition. Lack of goshawk occupation of existing suitable habitat may be related to residence occupancies and uses.

Forest Service Response: Habitat can be provided on the National Forest, but must be selected for use by the Goshawk. There is precedent for Goshawk habituation to human activity and for Goshawk nesting within recreational residence areas as documented in the Brighton-Silver Lake area where permittees observed fledglings' first attempts at flight from their porch.

CULTURAL

Comment: Cabin was passed down from grandparents as an inheritance and a legacy that has had a large effect on the extended family. They are a cherished part of hundred's of peoples lives: remaining close to Utah and Mill Creek Canyon is taken into consideration when life choices are made.

Forest Service Response: No comment required.

Comment: Values and training gained as a result of being a cabin owner is passed from generation to generation: to not pick wildflowers, stay on the trails, and to keep wilderness areas clean; respect for wildlife and plant life benefits cabin regulars and guests.

Forest Service Response: No comment required.

Comment: Please consider the investments made by ancestors in Mill Creek Canyon and still made today by families who love the canyon, nature, wildlife, and preservation.

Forest Service Response: No comment required.

Comment: Cabin owners have been generous in their assistance to those injured in accidents, lost or caught unprepared for the rigors of nature. They have also been instrumental in fire awareness and prevention. The presence of cabin owners is beneficial in the canyon; please re-issue the permits.

Forest Service Response: No comment required.

Comment: Cabins have been, or soon will be, on the National Historic Registry. They add a sense of charm and history to the area.

Forest Service Response: No comment required.

Comment: The Forest Service and Mill Creek cabin owners share a long history of cooperation to preserve and enjoy the area that stretches back over 50 years.

Forest Service Response: No comment required.

Comment: The condition of the cabin area gives credit to the hard work in maintenance and clean-up from cabin owners committed to preserving the area for people and wildlife. As the population of Salt Lake City grows and Mill Creek Canyon gets busier it receives heavier use and impact. I feel the cabin owners help preserve the area.

Forest Service Response: No comment required.

Comment: Substantive comments on the proposed action were previously submitted.

Forest Service Response: Public comments previously received during the scoping process can be found in the project record. We have provided updated responses to them given new information.

APPENDIX C - FIRS AND ELBOW FORK TRACT COMPLIANCE

The table below indicates (√) where work may be needed by the permittee to achieve compliance with their current authorization and be eligible for a new, long-term permit. The items noted were developed based on the Wasatch-Cache National Forest Recreation Residence Administrative Guide, the 2003 Wasatch-Cache Land and Resource Management Plan, terms and conditions listed in the each permit holder's 20-year special use permit, inspections conducted in 2006 and 2007, and input provided by Salt Lake City Department of Public Utilities and the Salt Lake Valley Health Department (SLVHD). Additional details on each category are included below.

FIRS AND ELBOW FORK (EF) TRACT COMPLIANCE - Dec. 2007									
Cabin #	Work Needed for Compliance								
	Waste Water	Stream Structures	Lighting or Wiring	Lawn	Bridge	Play Equipment	Maintenance	Other Improvements	Other Improvement/Uses Remarks
1	* √						√		
2	*								
3	* √								
4	* √								
5	* √							√	sports court, fire ring
6	* √							√	hammock
7	* √								
8	√		√					√	unauthorized spring development, fence, sports court
9	* √		√					√	fence
10	* √		√					√	outdoor fireplace, sign
11	* √							√	sign post
12	√							√	hammock
13	*								
14	* √						√		deck and railing
15	*							√	hot tub
16									
17								√	metal poles, sports court
18	*		√			√		√	hot tub, sports court
19	√							√	sandbox
20	* √								
21	* √								
22	* √					√			

FIRS AND ELBOW FORK (EF) TRACT COMPLIANCE - Dec. 2007									
Cabin #	Work Needed for Compliance								
	Waste Water	Stream Structures	Lighting or Wiring	Lawn	Bridge	Play Equipment	Maintenance	Other Improvements	Other Improvement/Uses Remarks
23	* √								
24	* √								
EF #3	* √						√	√	junk storage shed, unauthorized water system, discarded pipe

Waste Water - (√) addresses cases where indoor flush toilets, tank high water alarms, or other facilities must be installed. (*) denotes cases where an outdoor vault toilet must be removed or rendered inoperable. (Utah Onsite Wastewater Code (R-317-4) and SLVHD regulations).

Stream Structures - covers dams, ponds, placement of logs, retaining walls, located in or adjacent to the stream channel which need to be removed.

Lighting or Wiring - includes wires and lights attached to trees, cabins and other structures which needs to be removed or modified.

Lawn - addresses cases of lawn watering must cease.

Bridge - footbridge spanning a stream channel that may be unneeded.

Play Equipment - addresses cases where the number, location, or type of swings, tetherball poles, zip line cables, etc. exceed what is allowed in the Administrative Guide.

Maintenance - general clean-up of trash, firewood, or building materials, and restoration of eroded or bare soil areas.

APPENDIX D - PORTER FORK TRACT COMPLIANCE

The table below indicates (√) where work may be needed by the permittee to achieve compliance with their current authorization and be eligible for a new, long-term permit. The items noted were developed based on the Wasatch-Cache National Forest Recreation Residence Administrative Guide, the 2003 Wasatch-Cache Land and Resource Management Plan, terms and conditions listed in the each permit holder's 20-year special use permit, inspections conducted in 2006 and 2007, and input provided by Salt Lake City Department of Public Utilities and the Salt Lake Valley Health Department (SLVHD). Additional details on each category are included below.

PORTER FORK TRACT COMPLIANCE - Dec. 2007									
Cabin #	Work Needed for Compliance								
	Waste Water	Stream Structures	Lighting or Wiring	Lawn	Bridge	Play Equipment	Maintenance	Other Improvements	Other Improvement/Uses Remarks
1	*				√			√	fireplace, greenhouse
1B	* √								
2	√		√		√	√		√	water basin, guest house
2B				√					
3	*	√			√				sign
3B							√		barrels, cable spool
4	* √		√						
4B									
5	√		√			√	√		lumber pile
6	* √					√	√		horseshoe pit
7	* √		√						
8	* √								
9									
10				√				√	fire ring, pole, shed
11	* √	√							
12								√	satellite dish, water pump
13		√			√			√	sign, stone waterfall
14	*			√	√			√	water wheel, fire structure, steps
15			√					√	mailbox
16									
17	*	√			√		√	√	fireplace
17B	*					√	√		sign, broken pipes
18									
18B							√		sandbags

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PORTER FORK TRACT COMPLIANCE - Dec. 2007									
Cabin #	Work Needed for Compliance								
	Waste Water	Stream Structures	Lighting or Wiring	Lawn	Bridge	Play Equipment	Maintenance	Other Improvements	Other Improvement/Uses Remarks
18C				√				√	cable line/trolley, tree swing
18E	* √							√	fire ring
19	* √						√	√	cable
20	*						√		
21	√		√			√			
22A	*						√		fire ring
23	*		√			√	√	√	sauna, swing, wood debris
24		√				√	√		swing
25									fire ring
26	*			√		√		√	sand box, sand box
27			√			√			rope swing
30	*					√		√	rope swing
31	√		√					√	wood box, fire ring, sign
32	* √		√			√		√	signs, parking, rope swings
33									
34								√	snowmobiles, fuel, pipes, fire ring
35	*								
36	*		√				√	√	sprinkler pipes, snowcat storage, yard ornaments
37								√	fire ring
38						√			
39									

Waste Water - (√) addresses cases where indoor flush toilets, tank high water alarms, or other facilities must be installed. (*) denotes cases where an outdoor vault toilet must be removed or rendered inoperable. (Utah Onsite Wastewater Code (R-317-4) and SLVHD regulations).

Stream Structures - covers dams, ponds, placement of logs, retaining walls, located in or adjacent to the stream channel which need to be removed.

Lighting or Wiring - includes wires and lights attached to trees, cabins and other structures which needs to be removed or modified.

Lawn - addresses cases of lawn watering must cease.

Bridge - footbridge spanning a stream channel that may be unneeded.

Play Equipment - addresses cases where the number, location, or type of swings, tetherball poles, zip line cables, etc. exceed what is allowed in the Administrative Guide.

Maintenance - general clean-up of trash, firewood, or building materials, and restoration of eroded or bare soil areas.