

June 7, 2010

Dear Congressman Matheson,

I attended the open house on May 17, 2010 at Skyline High School regarding the Wasatch Mountain Wilderness Bill being proposed by your office. I appreciated meeting and speaking with you there.

As we discussed, I believe this Wilderness Bill is a travesty. **First, it's no more than a land grab by the environmental community** whose leadership is corrupted by Salt Lake City politics especially the Salt Lake City Water Department (i.e. Ralph Becker, run by Jeff Niermeyer of Public Utilities). The bill attempts to usurp local control of our beautiful canyons and give it to an incompetent and over-reaching federal government. It's funny that the local Salt Lake City Water Company feels it must now use the federal government to restrict land use in the canyons – something it has been doing for decades using watershed and denial of water sales as its anti-development tool. Instead of advancing the unpopular, left-wing environmental agenda of more wilderness designation, what you should be doing legislatively here is decertifying current wilderness and returning land to the State of Utah.

Surprisingly, the majority of the land being included in the bill is not wilderness and it in no way qualifies for wilderness designation. This proposed Wasatch Front wilderness area is fraudulent wilderness. Why? Because it is not roadless and it is not untrammelled by man. Quite the contrary, a lot of the land is privately owned and has a rich mining history. There are mine tunnels and mine shafts everywhere within the boundaries of the proposed wilderness in Big and Little Cottonwood Canyons. Consultation with any reputable map service would have revealed this fact to your legislative people. There are hundreds of roads and side spurs that were heavily used in the late 1800s by pioneers, miners and loggers accessing private property and they are either legally used today or the rights to use those roads still exist today. Most of these roads predate the very existence of Salt Lake Forest Reserve creating the Forest Service in 1904. Therefore, all pre-1904 roads cannot be Forest Service Roads by definition. They are private roads, and in many cases, public roads overlap private road ownership. **Those areas do not have wilderness characteristics and they are chock full of roads—(hardly a roadless area).** Despite Salt Lake City's and the Forest Service's efforts to buy and/or control this private premiere recreational land, they now are turning to your office as a final attempt to designate as wilderness what is not wilderness and control what is not theirs.

Instead of proposing this new wilderness designation, preservation of the history of the tri-canyon area should be paramount. The mining camps, old cabin sites, waterworks and infrastructure should be preserved via legislative fiat under the Historic Preservation Act. I would urge your office to reverse its course, and protect the historic nature of these canyons.

I have watched the Forest Service and environmentalists over the years illegally block these mountain roads with large boulders and gates (i.e. Camp Tuttle area, Brighton Bowl roads going to Lakes Martha and Mary, Cardiff Fork road, Days Fork Road, Silver Fork Road and others just in Big Cottonwood Canyon). The Forest Service has misrepresented road status and ownership records in attempts to illegally assert ownership claims over public and private roads in Alta (Albion Basin, Catherine's Pass, Grizzly Gulch road to Michigan City and Twin Lakes Pass), Cardiff Fork, Days Fork, Silver Fork and other Wasatch Front canyons.

There has been a long pattern of harassment of private landowners by the Forest Service, Salt Lake County Sheriff's through their mutual law enforcement agreement with the Forest Service and by Salt Lake City Watershed cops. Your office has piled on to this pattern of harassment by acting in concert with these same people to keep the landowners out of the early phases of wilderness discussions, and, in fact, has given the Forest Service and Salt Lake City control over the drafting process and has failed to do the necessary research to avail itself of public documents that would provide the legal documents such as land ownership, real property rights, describing the fine nature of this historic mining and logging area, including easements to roads and RS-2477 rights of way through this proposed wilderness. The rights of property owners to build their mountain homes in the middle of your wilderness makes your bill a joke. Sewer lines, gas lines, water lines, power lines, road improvements, must all traverse your proposed so-called wilderness.

Private landowners have rights of way by virtue of Federal Grants allowing the location of minerals and by federal law as an appurtenance to patented private land. Patent holders have appurtenant rights of ingress and egress to their private property that came with the patent grants. RS2477 rights of access were also granted by an Act of Congress. The legal status of these roads (through areas you propose to be wilderness) has not been adequately researched by your staff. In fact, the maps presented at the public meeting are faulty and fail to show existing roads, private property boundaries and even federally created recreation zones located within your wilderness boundary proposals.

I can see how all of these mistakes happened. From the beginning, the real stakeholders (the private landowners) were left out. Without having done your homework, the chicken has come back to roost. .

This misguided "Wilderness Bill" effort is about the elite environmentalists trying to seize private property rights in the context of applying the most extreme land zoning regulations to our beautiful state. The parcels that are currently federally owned land (much of it bought from Utah private owners) should be returned to state ownership). What has been very disconcerting about the bill is how the environmentalists elbowed their way in and locked out the landowner/stake holders from the outset. The landowners were repeatedly denied access to sit at the table. Instead, Salt Lake City Public Utilities in collusion with Save Our Canyons, the Town of Alta and other special interests were given priority over the real

landowners/stakeholders. That is wrong and goes against what has traditionally been a democratic party platform plank of maintaining governmental transparency.

The process has been further degraded and marred by the manner in which the future of the Wasatch canyons public surveys were conducted. The questions were rigged by being crafted to elicit pro-watershed, anti-development responses. These were biased surveys and specifically constructed with forethought about steering answers toward pro-environmental theology. Public opinion is in favor of no more wildernesses, yet these rigged polls from the Salt Lake County Masterplan Wilderness proponents, and Envision Utah falsely suggest the opposite. The House subcommittee on National Parks Forests and Public Lands should be educated about these two abuses of process.

Another abuse of process in this bill involves the use of false propaganda. Salt Lake City Public Utilities has committed a fraud by misusing watershed propaganda and spreading untruths about the need for more wilderness in order to protect the watershed. Now all reasonable people want to protect their drinking water (i.e. no one wants to drink poison) and most people want to lead long healthy lives. “Watershed protection through wilderness designation” is made to sound good to an uninformed audience.

The fact is wilderness will not do what the Salt Lake City Water Department and their zealous environmental religionists say it will. **This bill does nothing to independently protect the watershed that is not already being done or could be done.** For example, this wilderness designation will:

- 1) Not make more rain fall in the Wasatch Mountains.
- 2) Not stop the leaking septic tanks in Albion Basin that Salt Lake City Public Utilities allows to fecally contaminate Little Cottonwood Creek. (NOTE: Salt Lake City allows the degradation of the watershed with human waste because it believes a sewer line to collect raw human sewage will lead to more landowners building cabins in the mountains. The Town of Alta and Salt Lake City have known about this environmental hazard for years. Mayor Bill Leavitt even tried to dissolve the Alta Sewer Special Service District.
- 3) Not stop the Town of Alta/Alta Ski Lifts from continuing to spew antimony-contaminated water throughout the watershed area at the headwaters of Little Cottonwood Creek. (NOTE: Alta ski lifts uses antimony contaminated water from the Bay City Tunnel at Alta for snowmaking—with the full knowledge and consent of Salt Lake City Public Utilities). This anti-watershed practice is allowed by Salt Lake City because they are afraid that increasing water sources like drilling wells or using Quincy Mine’s clean water will open up new development of private property. In other words, Salt Lake City would rather use a heavy metal-contaminated water source then to develop alternative clean sources because of raw fear that more water sources would enable private land development.

- 4) Not motivate Salt Lake City to clean up their watershed canyon properties that are continuing to dump mine waste and heavy metals into the canyon streams of Big and Little Cottonwood Creeks. One obvious case in point is the Price Tunnel/Mine contamination on land Salt Lake City owns in Cardiff Canyon/Big Cottonwood Canyon.
- 5) Not clean up the bacteria and other pathogens left by animals living in the watershed. Using Salt Lake City's Dog Demonizing logic, animals that defecate in the watershed are bad for water quality and should all be killed (that includes all birds, deer, beavers, fish, rodents, elk, moose, coyotes, mountain goats, etc.. If animal dung is bad, then more wilderness is bad because it would encourage animal infestation in the canyons. Wilderness therefore hurts the watershed. The reality is because we treat our water we don't need to kill all the animals and dogs are ok in the watershed too; at least they are no worse than Wasatch beavers or coyotes.

Let's stop the nonsense. **Utah is against more wilderness.** We don't need more acres devoted to private parks for the environmental elite. We need to respect private property rights and rescue our state from (not give more of it to) the federal government. This is a bill whose underlying purpose is sinister. It is not just a nice way to protect the watershed.

The environmentalist mantra that, "Wilderness is good for Utah and that more wilderness is needed to protect the watershed" is rubbish on both counts.

We simply expect more from your office. The environmental research for this bill has been abysmal and agenda-driven. The process of arriving at boundaries has been manipulated by special interests and the faux questionnaire supposedly designed to represent public opinion has been rigged and now is being used to formulate public policy going forward. This is patently absurd. And as I say in the beginning, a travesty.

Do the right thing. Kill this bill and introduce a new one whose purpose is to de-certify existing wilderness like Mount Olympus, Twin Peaks, Nebo, and Lone Peak Wilderness areas. The tri-canyon area is very important for the future in terms of its resources, skiing, and recreational values. We should not be constraining the future use of such an incredible multi-use canyon area with the likes of another wilderness bill.

Sincerely,

Kevin D. Tolton, M.D.