Case Description

Mill Creek Canyon is a popular recreation area less than one hour's drive from Salt Lake City. Eighty-one percent of the canyon is national forest land. In the past, high-density recreation use in the canyon had resulted in high rates of vandalism and other crimes, extensive damage to picnic and trail areas and the surrounding land, and severe degradation of Mill Creek's water quality. According to the Forest Service, 70 percent of the recreation sites were in “sub-standard” condition and deteriorating. “When I started working here in 1989, I told friends it was like working in the ruins of Rome,” said Jim White, the former Salt Lake Ranger District’s Recreation Forester. “It was embarrassing to go up there as manager.” The Forest Service, however, did not have enough funds to do the necessary rehabilitation. Since that time, the agency found a solution: recognizing that Salt Lake County also had an interest in providing safe, quality recreation in the canyon, the Forest Service and the County Department of Public Works and Recreation and Parks as well as the Board of Health entered into a Memorandum of Understanding (MOU) outlining ways in which they could work together to protect the canyon.

The centerpiece of the existing MOU was a creative way to get more funding for the Forest Service to restore and manage the Canyon's resources. The agencies wanted to charge an entrance fee to the canyon, but at the time, a national forest could not keep for itself the entrance fees it charged. So, the county agreed to administer the fee and then donate the money to the forest in the form of matching funds for a Challenge Cost-Share grant. The fee was set at $2 per car or $20 for a season pass, and an entrance station was built at the mouth of the canyon. The MOU also set up an inter-agency Canyon Management Team to “assist Salt Lake County in the implementation of the fee program and the Forest Service in the management of Mill Creek Canyon.” The Management Team included members from the Forest Service, the county departments, plus the County Sheriff. The team was responsible for developing an annual operating plan for the partnership, which outlines needs and priorities for canyon management. In addition, a Stewardship Committee was set up to serve as a watchdog group for the partnership program, with the primary responsibility of ensuring that fee revenues are put to effective use in the canyon. The Stewardship Committee was comprised of five citizens appointed by the county commission.

The fee program partnership has been a tangible success in many ways. “For once in my career,” White said, “we have the financial resources to do our thing. We are implementing rehabilitation and reconstruction projects all through the canyon.” After keeping $100,000 in collected fees for start-up and administration costs, the county donated $208,000 to the Forest Service for rehabilitation work in 1991 and 1992. As a result of these contributed funds, the Forest Service received an additional $352,000 from Congress in Challenge Cost-Share money. The
partnership and funds from the county have also been used as leverage to receive funding on additional projects. These include a $60-70,000 grant from the EPA on stream restoration. Since 1998, the county collects approximately $250,000 to donate to the Forest Service each year for continued maintenance and rehabilitative projects.

The Forest Service used these funds to complete several projects including the construction of ten parking, picnic and trailhead areas at several points along Mill Creek. The money also paid for the daily presence of a ranger who gives guided walks and interpretive talks. The County Sheriff reported that vandalism and other forms of disorderly conduct in the canyon dropped 42 percent after the effort began. Also, the partnership spawned contributions from volunteers who helped with clean-up and trail construction. For example, the Boy Scouts spent 5200 “volunteer hours” picking up trash on “Clean-up Mill Creek Day.” Other groups volunteered 7600 hours to construct 2.4 miles of trail. The rehabilitation effort has made the recreation area a safer, more pleasant place for rest and relaxation. White believes these kinds of achievements are important because they are visible to community members.

Getting the project off the ground was a difficult task. The process was essentially begun in 1989, but took two years to complete. The idea originally came from a Forest-Service-sponsored workshop on urban forestry that a former Salt Lake District Ranger Michael Sieg attended. At that workshop, Sieg heard about a forest in California that had attempted a fee/cost-share scheme, though it had not worked well. At about the same time, Salt Lake County published a Wasatch Canyon Management Plan which blasted the Forest Service for poor management of Mill Creek Canyon. As a result of these two events, Sieg, the county director of public works and several county commissioners got together to discuss potential solutions to the Mill Creek Canyon problem. They came up with the fee administration scheme, and began the process of getting approval for an MOU from the relevant Forest Service and county authorities.

At first, White said, there was resistance from the Budget and Finance people in the Forest Service regional office, primarily because such a fee scheme had not been tried before and because nothing expressly authorized it. Eventually, however, a U.S. Department of Agriculture Office of General Counsel lawyer said, according to White, that “nothing says you can do this, but nothing says you can't.” After gaining further approval from the Forest Supervisor and the Regional Forester, Sieg moved ahead with the plan. Passage of the fee-demo authority by Congress in the mid-1990s has validated this approach to fund-appraising on national forest lands.

The county administrative agencies supported the proposal from the beginning for several reasons. First, the county was responsible for assuring adequate recreation opportunities for its citizens, and Mill Creek Canyon was a prime resource that was not living up to its potential. “It was
completely worn out,” said Bruce Henderson, then Director of Park Operations for Salt Lake County’s Parks and Recreation Division. “Stream banks were denuded, picnic areas were destroyed. People were not going up there because it wasn’t kept up.” Citizens also avoided the area because of what Henderson called “inappropriate activities” taking place, including late-night partying by high school students and drug dealing. “It was not a safe place,” he said. Understandably, this situation gave the county Sheriff reason for concern, and led him to support the plan. Finally, the county agencies supported the plan because the water coming out of Mill Creek was both polluted and filled with silt from stream bank erosion. “Water quality is the primary responsibility of the county,” Henderson explained.

The main roadblock for the project, however, proved to be county commission politics, driven by a small faction of citizens against the proposal. “There was a little bit of underlying resistance to the project,” Henderson commented. “Some people saw it as another way for local government to get their tax dollars.” White believes that the press exacerbated the problem. “The press picked up on this,” White explained, “and they tried to whip something up over it.” Perhaps due to this unfavorable press coverage, two of three county commissioners came out in opposition to the plan, one of whom had supported it previously. And without their approval, the proposal could not go forward. These two commissioners, however, were up for reelection in 1990. As the campaign progressed, Sieg used every opportunity to speak to the press about the problems in Mill Creek Canyon and the benefits of a fee program. Sensing an opportunity, the challengers seized the Mill Creek Canyon proposal as a central issue and used it to gain votes. Both challengers won decisively, even though one was considered to have no chance of winning. With the new county commission strongly in favor of a fee program, the MOU was soon signed and the partnership got underway.

The Mill Creek Management partnership is considered a success because it has produced a variety of tangible results. To date, major structural improvements have been made throughout the canyon. Every picnic site has been renovated and “hardened,” a process of pouring concrete platforms to maintain the integrity of surrounding habitat in heavy use areas, and trails have been improved and signed. Stream erosion and stream bank restoration projects were one of the primary goals of the project and have continued since 1992. Hillsides are significantly more vegetated now and stream quality has greatly improved. Finally, the part-time presence of the sheriff’s department (on-site for 20 hours/week) and the full-time presence of staff and caretakers has greatly decreased crime rates while encouraging higher levels of use. “It make us feel great,” says White, “we have done what we said we would do.”

Recently high rates of growth in the Salt Lake City region have added pressures to Mill Creek Canyon, causing the management group to move beyond fixing facilities to more direct management
of people. They began regulating the use of bicycles on trails and limiting the number of leashed
dogs in the canyon by implementing an alternating day regimen. If a change in a particular use
pattern is anticipated, the proposed changes are posted at trailheads and in the local paper one year
before any change would be mandated. Any eventual recommended actions will then be based in
the feedback received from canyon users through these channels. Managers are now considering the
idea of some sort of public transport system into the canyons, especially for weekends when the area
is subjected to heavy use and parking spaces are fully utilized.

The partnership has become a popular example used by some managers within the Forest
Service. While serving as the Salt Lake Ranger District's Recreation Forester, Jim White sent out
packets of information to those who request it. “They love us,“ he says. “This is a model. People
go, 'why don't you do this? Look what they did at Salt Lake.“ Requests for information on Mill
Creek increased since the passage of the fee demo authority. White continues, “People are saying
'Oh my god, they want me to charge fees. How am I going to do this?' And of course we set the
tone in some ways with this program.” Recreation Manager Carole Majeski notes that Mill Creek is a
popular destination for Forest Service-led tours for federal agency groups as well as private citizen
groups attending conferences in Salt Lake City, due to its proximity to an urban center with a major
airport.

After more than ten years under the existing MOU, the members of the partnership are
currently developing a new MOU to reflect the needs of the Canyon today. Presently the
Stewardship Committee and other “working groups” have been phased out over time due to the
efficiency of revenue collection and effective communication and decision-making processes
amongst the partners, according to Carole Majeski, the current Recreation Manager for the District.

What is fostering progress?
Success was possible in the Mill Creek case in part because of the open-mindedness of
former District Ranger Sieg. He saw the potential of an idea applied elsewhere, amended it to fit his
forest's needs and situation and was willing to take some risks in order to rectify what was inarguably
a bad situation. According to Wayne Johnson, the current Director of Park Operations for Salt Lake
County's Parks and Recreation Division, “Everyone agreed that something had to be done up
there.” Sieg proactively enlisted the involvement of several county agencies and effectively tapped
local media networks in order to dispel mistrust of the agencies involved and misinformation about
their collaboration. The result was a project with significant on-the-ground resource improvements
and broad -based public support. In fact, Majeski points out that, “Once the fee structure was
implemented and differences became visible, people who had previously written objections to the
partners then wrote to send their approval.” Furthermore, having tangible success has been critical to continued success with this project as partnership members as well as user groups have been able to see and benefit from visual improvement in the site.

The Forest Supervisor and Regional Forester were willing to take a risk and support an arrangement that had not been implemented elsewhere in the agency. From the beginning, it was not completely clear if fee program was legal, even though the Office of General Council determined it was not illegal. While some in the agency feared the Forest Service might be sued because of this fee arrangement, no lawsuits have ever been filed. Agency leaders were willing to take that risk in an effort to be innovative in solving the problems that existed, and generating the resources that were necessary to do so.

Success was also possible in this situation because the Forest Service and the County had similar goals and mandates and all partners recognized this reality. The Forest Service is responsible for management of its own lands. The county is responsible for water quality, public safety and recreation throughout the county, all of which were compromised by the degradation of Mill Creek Canyon. Thus all the agencies had an interest in seeing the canyon management improved. As the current MOU states: “The county.... and the Forest Service... have a mutual interest in the protection and management of Mill Creek Canyon.” Furthermore, “having an official document in place (in the form of an MOU) has helped to clarify the roles and responsibilities and the various parties while actively working towards common goals,” says Johnson.

Flexibility within the agency’s vision for the canyon also helped the partnership. According to White, “We had our grand idea on how it ought to work, but as we proceeded down the road, it became apparent that the more people got involved or threatened or interested or interfaced with us, the planning team, we realized that for this thing to succeed, we needed to give here and give there and compromise over there. And we ended up changing some basic program operating fundamentals, where I know my tendency would have been to say, 'Hey man, leave me alone. I know what I'm doing.' But by listening and changing and tinkering, not losing sight of the vision but not wanting to lose the opportunity to do this at all, our flexibility helped us to be very successful.”

What challenges were faced and how were they overcome?

The biggest challenge to this effort was the opposition of local newspapers and the county commissioners, despite polls indicating two-thirds of the public were supportive throughout the process. White believes that much of the opposition was based on misunderstanding and that Sieg's ability to work with the media essentially solved these problems. “The District Ranger was really good at being upfront with the press,” White observed. Often, Sieg would not wait for the press to
call him, he'd call them with news or comments. According to White, “This was a departure from the traditional bureaucratic way of being as closed as possible. The openness of the District Ranger with the press helped sway public sentiment and turned the opinions of the press around. In the end they were portraying us as the good guy.” He admitted that, “Forest Service [leaders were] nervous about this candidness at first, but it worked.” White says this openness helped clarify the issues, which ultimately enabled the MOU to be signed.

Another difficulty in the design phase of the project arose when local Boy Scout troops, who ran a camp in the canyon, and private landowners in the canyon opposed the fee program. The entrance station was to be at the mouth of the canyon, so these citizens would have to pay every time they went to the Boy Scout camp or their homes. This problem was easily solved by exempting Boy Scouts and landowners from the entrance fee. More recent dialogues between resource managers and user groups have resulted in another compromise: the entrance fee is also waived for anyone who walks or bikes into the canyon. Johnson estimates that, “a fair number of people take advantage of that fee waiver, especially on the weekends.” In fact, Majeski points out that the major challenges now are, “not working with the partnership members, but more with balancing the needs of the varied user groups.” One lesson from this experience is the need to provide opportunities for diverse interests to be meaningfully involved in the dialogue about management of a particular area. There will invariably be a range of legitimate concerns that need to be addressed: “the public” is not monolithic. And it is in understanding and accommodating the variation in needs that effective programs can be developed.

What lessons can be drawn for future partnerships?

One key lesson that can be drawn from this collaboration is that there are ways to creatively solve funding problems. Creativity, innovation, and the recognition that other groups have goals similar to the Forest Service’s, enabled ideas to come forth that might not otherwise. The Challenge Cost-Share program, in particular, provided a useful vehicle for getting outside funds into the agency and used directly for forest management.

That kind of innovation may require some risk taking and perseverance by agency staff. White’s advice is, “Don't take no for answer. We got 'no's for a year. If you want to make things happen... If you gotta bend a few rules, take a few risks, that's probably what it will take. When we did this, there were no rules written.”

Additionally, by involving a cross-section of users and county agencies, the Forest Service provided a forum that enabled the resources, energies and dedication of those groups to be devoted to restoring the Canyon and improving the recreation experience now available. The level of public
support for the project and number of volunteers hours invested is a vivid testimony to what can happen when you give people an opportunity to contribute in positive and productive ways to a resource about which they care. As Johnson points out, "joint partnership has been very beneficial for all involved as everyone gave input in initial stages of project development and all agreed that improvements to the site were necessary through a fee structure of some kind."

This situation also illustrates the benefits of a proactive and open approach with the press and the public. The public often views national forest decisions as occurring with a “black box,” which can lead to mistrust and misunderstanding of the agency's motives. Openness, on the other hand, allows the public to understand the motives and goals of the agency, and provides an opportunity for outsiders to contribute as well as judge Forest Service decisions and plans on their merits.

Finally, the topography and land-ownership patterns of Mill Creek Canyon clearly made this partnership unique. Mill Creek Canyon has only one entrance road; there are no other ways in or out. Also, there was some, but not much private property. “Too much private property might make it unmanageable,” Henderson said. On the other hand, if there were no private lands involved, it is unclear if a local agency would have the authority to administer a fee program.

For further information

Carole Majeski, Recreation Forester, Salt Lake Ranger District with the Wasatch-Cache National Forest, (801) 733-2662, cmajeske@fs.fed.us

Wayne Johnson, Director of Park Operations, Salt Lake County Parks & Recreation, (801) 463-5701, wjohnson@co.slc.ut.us