



## State of Utah

SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

## Department of Natural Resources

JOEL FERRY  
*Executive Director*

## Public Lands Policy Coordinating Office

REDGE B. JOHNSON  
*Director*

September 9, 2024

*Submitted electronically:* <https://cara.fs2c.usda.gov/Public/CommentInput?Project=66370>

Russell Hanson  
Pleasant Grove District Ranger  
Uinta-Wasatch-Cache National Forest  
U.S. Forest Service  
390 North 100 East  
Pleasant Grove, UT 84062

Subject: **Emerald Lake Shelter Project**  
RDCC Project No. 86225

Dear Mr. Hanson:

The State of Utah (“State”), through the Public Lands Policy Coordinating Office (“PLPCO”), has reviewed the scoping letter for the Emerald Lake Shelter Project. The State appreciates the U.S. Forest Service’s (“USFS”) commitment to reconstruct the Emerald Lake Shelter. While the State is supportive of this project, the State submits the following scoping comments and issues that must be addressed for your consideration.

First, the State encourages the USFS to take a hard look at what the Utah Wilderness Act of 1984 requires.<sup>1</sup> Since the Emerald Lake Shelter is located on land that is designated as wilderness, only certain motorized activities are permitted. However, Congress was clear that:

The purposes of this Act are to-- designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic *and historic resources*, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people[.]<sup>2</sup>

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<sup>1</sup> Public Law 98-428.

<sup>2</sup> *Id.* at §101(b)(1).

## **Emerald Lake Shelter Project**

September 9, 2024

Page 2

While the goal of wilderness is to protect the wilderness character of the land, this wilderness area's organic act also calls for the preservation of historic resources, one of which is the Emerald Lake Shelter. The Emerald Lake Shelter is a significant historic feature, as defined by federal law,<sup>3</sup> that deserves to be repaired in order to be preserved for future generations.

Next, the State implores the USFS to act consistently with the State Resource Management Plan ("SRMP").<sup>4</sup> The three main resources this project would affect are cultural/historical resources, outdoor recreation/tourism, and wilderness. Beginning with cultural/historical resources, the SRMP sets a policy "to encourage the preservation of cultural and historic sites and landscapes as part of developing a vibrant quality of life and economically prosperous future for the state."<sup>5</sup> The cultural and historical significance of the Emerald Lake Shelter was formally established in 2017 when the USFS determined it was eligible for nomination to the National Register of Historic Places, "the official list of the Nation's historic places worthy of preservation".<sup>6</sup> At that time, the USFS convincingly demonstrated that the shelter was significant because of its association "with events that have made a significant contribution to broad patterns of [local] history".<sup>7</sup> The Utah State Historic Preservation Office concurred with the agency's determination. Historically, the shelter has offered a margin of safety for individuals wishing to enhance their quality of life by hiking in the rugged, remote Mt. Timpanogos Wilderness. By reconstructing this historic property, the Emerald Lake Shelter will continue to offer a safe haven to hikers who encounter inclement weather or become injured.

Concerning outdoor recreation and tourism, the SRMP provides the following state policy: "Make recreation a priority on federal lands, improving recreational access, and removing unnecessary barriers so all Americans can enjoy outdoor recreation experiences." By repairing the Emerald Lake Shelter, recreation access will improve, and barriers will be removed to provide a better user experience in the wilderness area. Lastly, concerning wilderness, the State has the following goal in its SRMP: "Management of wilderness areas should conform with the Wilderness Act without being more restrictive on human activities than the Wilderness Act requires."<sup>8</sup> As the USFS embarks to repair the Emerald Lake Shelter, the State insists that it does so in a way that is no more restrictive than necessary to complete the task at hand. If USFS chooses to act more restrictively than the law requires, it creates an unnecessary burden on taxpayers and recreators.

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<sup>3</sup> 36 C.F.R. §60.4.

<sup>4</sup> <https://storymaps.arcgis.com/collections/81d4406668e34acca4d98275ee41cd07?item=1>

<sup>5</sup> SRMP at 32.

<sup>6</sup> National Parks Service, National Register of Historic Places webpage, <https://www.nps.gov/subjects/nationalregister/index.htm>.

<sup>7</sup> Cultural Resource Record for Site 42UT1982, Emerald Lake Shelter, available from the Uinta-Wasatch-Cache National Forest.

<sup>8</sup> *Id.* at 184

## **Emerald Lake Shelter Project**

September 9, 2024

Page 3

In summary, the Emerald Lake Shelter is an object that is important to local history and tradition deserving of recognition and reconstruction. Federal law does not prohibit maintenance and repair of existing structures in designated wilderness. Federal law and policy provide clear standards that allow reconstruction.<sup>9</sup>The State appreciates the opportunity to provide scoping comments and looks forward to supporting the Forest Service in this effort. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Redge B. Johnson', written over a horizontal line.

Redge B. Johnson  
Director

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<sup>9</sup> See especially the standards and guidelines for reconstruction in the National Park Service's, "Archaeology and Historic Preservation; Secretary of Interior's Stands and Guidelines". *Federal Register* 48(190): 44716-44740 (September 29, 1983).