

## DIRECTOR'S AGENDA

Ben Stireman  
Sovereign Lands Analyst  
November 1, 2016

## DIRECTOR'S OFFICE

Approve   
Deny \_\_\_\_\_  
Director Brian L Cottam  
Date 11-6-16

### ADOPTION OF SITE SPECIFIC PLAN 720-00092

#### DESCRIPTION OF LANDS DIRECTLY AFFECTED:

The proposed project site for the Site-Specific Plan (SSP) is situated along the east bank of the Jordan River between 200 South and North Temple of the Section 2, Township 1 South, Range 1 West, Salt Lake Base and Meridian in Salt Lake City, Salt Lake County, Utah, being more particularly described as follows:

All bearings and distances in this description are based on the Utah State Plane and Coordinate System (NAD83).

Beginning at the intersection of the north right of way line of 200 South Street and the centerline of the Jordan River, which point lies 283.00 feet N.89°47'20"W. along the monument line extended, and 63.98 feet N.00°12'40"E. from the found Salt Lake City brass cap monument at the intersection of the 200 South centerline and the extended west line of Block 43, Plat "C", Salt Lake City Survey; and running thence along said centerline of the Jordan River the following fourteen courses: N.08°39'16"W., a distance of 107.04 feet; thence N.01°10'35"E., a distance of 77.12 feet; thence N.02°19'26"W., a distance of 116.97 feet; thence N.08°45'01"E., a distance of 111.08 feet; thence N.17°08'03"E., a distance of 103.79 feet; thence N.02°12'36"E., a distance of 177.71 feet; thence N.12°20'43"W., a distance of 153.02 feet; thence N.04°40'09"W., a distance of 161.81 feet; thence N.03°37'16"E., a distance of 200.71 feet; thence N.09°49'54"E., a distance of 297.91 feet; thence N.19°01'05"E., a distance of 164.04 feet to a point of curvature of a 684.75 foot radius curve to the left; thence northerly along the arc a distance of 346.21 feet through a central angle of 28°58'07" (Note: Chord to said curve bears N. 04°32'01" E., a distance of 342.53 feet); thence N.21°48'53"W., a distance of 171.68 feet; thence N.04°14'12"W., a distance of 98.76 feet to the south right of way line of North Temple Street; thence departing said centerline and along said south right of way line S.89°42'40"E., a distance of 39.82 feet to the intersection of said south right of way line and the east bank of the Jordan River, as located by field survey in April 2016; thence along said east bank the following 31 courses: S.08°12'42"E., a distance of 17.11 feet; thence S.04°03'09"W., a distance of 37.40 feet; thence S.12°02'43"E., a distance of 100.30 feet; thence S.28°11'12"E., a distance of 88.65 feet; thence S.13°21'56"E., a distance of 96.11 feet; thence S.03°50'36"W., a distance of 150.81 feet; thence S.12°44'47"W., a distance of 195.37 feet; thence S.29°25'46"W., a distance of 103.78 feet; thence S.04°10'39"E., a distance of 32.92 feet; thence S.01°07'27"E., a distance of 20.18 feet; thence S.17°47'13"E., a distance of 16.54 feet; thence S.07°52'58"W., a distance of 130.72 feet; thence S.03°51'57"W., a distance of 59.95 feet; thence S.09°59'41"W., a distance of 79.37 feet; thence S.03°26'20"W., a distance of 104.01 feet; thence S.26°32'07"W., a distance of 66.64

feet; thence S.13°57'50"E., a distance of 116.18 feet; thence S.04°42'47"E., a distance of 80.05 feet; thence S.01°08'05"E., a distance of 18.66 feet; thence S.14°17'46"E., a distance of 54.55 feet; thence S.01°27'33"E., a distance of 75.86 feet; thence S.00°03'01"E., a distance of 59.16 feet; thence S.04°21'39"W., a distance of 102.69 feet; thence S.11°43'37"W., a distance of 80.86 feet; thence S.18°31'58"W., a distance of 42.70 feet; thence S.11°35'01"W., a distance of 24.58 feet; thence S.11°08'31"W., a distance of 25.14 feet; thence S.02°17'01"W., a distance of 50.63 feet; thence S.15°41'33"E., a distance of 27.93 feet; thence S.02°04'32"W., a distance of 76.73 feet; thence S.00°50'05"W., a distance of 166.24 feet to said north right of way line of 200 South Street; thence departing said east bank and along said north line N.89°47'06"W., a distance of 21.85 feet to the Point of Beginning.

The above described tract of land contains 94,288 square feet or 2.164 acres, more or less.

### **PROPOSED ACTION:**

Adoption of the Site-Specific Plan prepared in conjunction with the application by the Salt Lake City for a General Permit requesting permission to install and maintain a pedestrian bridge along the Jordan River Corridor from 200 South to North Temple.

Footings and structural components of the bridge are primarily located adjacent to sovereign lands with the exception of some footings and pathways that are located partially on sovereign lands. Portions of the bridge occupy the space above sovereign lands. The permitted area will extend from the middle of the river to the top of the east bank for the entire length of the pathway from 200 South to North Temple. This permit will allow Salt Lake City to trim trees that would impede construction of the bridge; any tree removal will require prior authorization from the Division.

### **BACKGROUND AND GENERAL SITE CHARACTERISTICS**

Much of the Jordan River channel corridor has been extensively modified by human activity throughout the history of the Salt Lake Valley. Dredging and rechanneling has occurred frequently on the river to prevent or minimize potential flooding. The last major flooding occurred from 1983 through 1987, resulting from the snowmelt in the adjacent mountains. Extremely high river levels were observed in 2011 but most portions of the river did not reach flood stage.

This portion of the Jordan River contains one of the last gaps in the Jordan River Parkway Trail system. Completion of this project will connect 45 miles of trail along the Jordan River Parkway.

## CONSTITUTIONAL PROVISIONS, STATUTES, AND REGULATIONS

### **Utah Const. Article XX, Section 1**

All lands of the state that have been, or may hereafter be granted to the State by Congress, and all lands acquired by gift, grant or devise, from any person or corporation, or that may otherwise be acquired, are hereby accepted, and ... are declared to be the public land of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been or may be granted, devised or otherwise acquired.

### **Utah Code § 65A-10-1. Authority of Division to manage sovereign lands.**

(1) The Division is the management authority for sovereign lands, and may exchange, sell, or lease sovereign lands but only in the quantities and for the purposes as serve the public interest and do not interfere with the public trust.

### **Utah Code § 65A-2-1. Administration of state lands - Multiple-use sustained yield management.**

The Division shall administer state lands under comprehensive land management programs using multiple-use sustained yield principles.

### **Utah Code § 65A-2-4. State land management plans -- Division to adopt rules for notifying and consulting with interested parties.**

(1) The Division shall adopt rules for notifying and consulting with interested parties including the general public, resources users, and federal, state, and local agencies on state land management plans.

(2) Division rules shall provide:

- (a) for reasonable notice and comment periods; and
- (b) that the Division respond to all commenting parties and give the rationale for the acceptance or non-acceptance of the comments.

### **R652-70-200. Classifications of Sovereign Lands.**

Sovereign lands may be classified based upon their current and planned uses. A synopsis of some possible classes and an example of each class follows. For more detailed information, consult the management plan for the area in question.

1. Class 1: Manage to protect existing resource development uses. The Utah State Park Marinas on Bear Lake and on Great Salt Lake are areas where the current use emphasizes development.
2. Class 2: Manage to protect potential resource development options. For example, areas adjacent to Class 1 areas which have the potential to be developed.
3. Class 3: Manage as open for consideration of any use. This might include areas which do not currently show development potential but which are not now, or in the foreseeable future, needed to protect or preserve the resources.
4. Class 4: Manage for resource inventory and analysis. This is a temporary classification which allows the Division to gather the necessary resource information to make a responsible classification decision.
5. Class 5: Manage to protect potential resource preservation options. Sensitive areas of wildlife habitat may fall into this class.
6. Class 6: Manage to protect existing resource preservation uses. Cisco Beach on Bear Lake is an example of an area where the resource is currently being protected.

**R652-90-300( 3).**

In the absence of a comprehensive management plan or a resource management plan exists for sovereign land, site-specific planning shall be initiated either by:

- a) an application for a sovereign land use, or
- b) the identification by the Division of an opportunity for commercial gain in a specific area.

**R652-90-500(3) Notification and Public Comment.**

- 3. Notice that a site-specific or resource planning effort is under way shall be given to:
  - (a) affected parties as required by rule for exchange, or lease;
  - (b) the Governor's Office of Planning and Budget for inclusion in the RDCC Project Management System for public and agency notification and comment.

**R652-90-400. Site-Specific Planning.**

- 1. When the Division conducts site-specific planning it shall consider:
  - (a) a comparative evaluation of the commercial gain potential of the proposed use with competing or existing uses;
  - (b) the effect of the proposed use on adjoining sovereign lands;
  - (c) an evaluation of the proposed use or action with regard to natural and cultural resources, if appropriate;
  - (d) the notification of, and environmental analysis of, the proposed use provided by the public, federal, state, and municipal agencies through the Resource Development Coordinating Committee (RDCC) process; and
  - (e) any further notification and evaluations as required by applicable rules.

**R652-90-600(3) Public Review.**

- 3. Upon completion of any planning process, the Record of Decision or other document summarizing final Division action and relevant facts shall be provided to any persons requesting notice from the Division.

**FINDINGS OF FACT**

- 1. The Division initiated the site-specific planning process upon receiving an application for use of sovereign land and determining that no management plan encompassed the proposed use.
- 2. The land lying under the Jordan River to the high bank is considered sovereign lands.
- 3. The Governor's Office of Management and Budget - Resource Development Coordinating Committee (RDCC) was notified of the project the \_\_\_\_ day of \_\_\_\_\_, 2016 and will be posted on the Project Management System website for 20 days.
- 4. A site visit was conducted on August 9, 2016, with Ben Stireman from the Division of Forestry, Fire and State Lands.

## **CONCLUSIONS OF LAW**

1. The Division fulfilled applicable planning, notification, and comment requirements.
2. The Site-Specific Plan complies with applicable law.

## **DECISION AND ORDER**

The Division has decided to approve and adopt the Site-Specific Plan prepared in conjunction with the application described herein.

## **ADMINISTRATIVE APPEALS**

Parties having an interest in this action may file a petition for administrative review of the Division pursuant to R652-9-300 and R652-9-400. Said petition must be in writing and shall contain:

1. The statute, rule, or policy with which the Division action is alleged to be inconsistent;
2. The nature of the inconsistency of the Division action with the statute, rule or policy;
3. The action petitioner feels would be consistent under the circumstances with statute, rule, or policy; and;
4. The injury realized by the party that is specific to the party arising from the Division action. If the injury identified by the petition is not peculiar to the petitioner as a result of the Division action, the Director will decline to undertake consistency review.

Any petition for review must be received by the Director of the Division of Forestry, Fire, and State Lands by 5:00 p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.