

RECORD OF DECISION

RECORD NUMBER: 18-0906

DATE OF EXECUTION: September 6, 2018

GENERAL PERMIT NUMBER: 720-00311

APPLICANT'S NAME & ADDRESS:

**Salt Lake County Parks and Recreation
2001 S. State Street
Suite S4-700
Salt Lake City, Utah 84109**

Adjacent Landowners:

**Parcel No. 15263010204002
Parcel No. 15263010240000
SALT LAKE COUNTY
C/O REAL ESTATE DEPT # S3200
PO BOX 144575
SALT LAKE CITY UT 84114**

Adjacent Lessees:

None

DESCRIPTION OF LANDS DIRECTLY AFFECTED:

The proposed project site is located on the Jordan River and is situated at approximately 3100 South on a tract of land located in Section 26 of Township 1 South, Range 1 West, Salt Lake Base and Meridian described as follows:

Commencing at a point that is 421644.7mE and 4506214.8mN
Coordinate System: NAD_1983_UTM_Zone_12N (Meters); WKID: 26912; Authority: EPSG

Then the following 32 courses:

N 68° 42' 25" E, 30.84 meters; N 48° 59' 44" E, 27.86 meters; N 40° 00' 08" E, 24.91 meters; N 24° 02' 27" E, 11.99 meters; N 04° 16' 15" E, 11.78 meters; N 12° 57' 30" E, 14.08 meters; N 16° 54' 22" W, 9.18 meters; N 01° 44' 32" W, 12.26 meters; N 06° 58' 08" E, 13.59 meters; N 08° 09' 25" E, 13.37 meters; N 16° 36' 31" E, 9.10 meters; N 34° 23' 49" E, 6.32 meters; N 80° 01' 28" E, 4.09 meters; S 28° 50' 56" E, 4.59 meters; S 19° 45' 59" W, 13.76 meters; S 03° 42' 38" W, 9.26 meters; S 04° 29' 53" W, 14.79 meters; S 05° 53' 54" W, 16.32 meters; S 05° 42' 12" W, 11.30 meters; S 07° 54' 26" W, 11.85 meters; S 07° 25' 09" W, 10.58 meters; S 09° 53' 10" W, 10.89 meters; S 13° 01' 53" W, 10.50 meters; S 34° 23' 48" W, 14.44 meters; S 36° 14' 50" W, 10.77 meters; S 56° 08' 43" W, 13.70 meters; S 61° 23' 21" W, 16.39 meters; S 56° 39' 40" W, 11.19 meters; S 60° 26' 42" W, 13.93 meters; N 30° 27' 26" W, 5.84 meters; N 70° 22' 11" W, 6.90 meters; N 0° 36' 18" E, 6.00 meters, more or less, to said point of beginning.
Encompassing 0.47 acres, more or less.

**This is a general project area description for the Utah Division of Forestry, Fire and State Lands, and is not intended to represent a surveyed legal description. The terms and conditions of this permit apply to the sovereign lands located within the general project area description.*

COUNTY: Salt Lake

See Exhibit A – Site Map

PROPOSED ACTION

The Division of Forestry, Fire and State Lands (Division) received a General Permit application from Salt Lake County Parks and Recreation on August 6, 2018 requesting stabilize the bank of the Jordan River at approximately 3100 South. Salt Lake County will stabilize the bank through bioengineered bank protection methods in the form of toe-wood structures, J-hook structures, pole plantings and harvesting the living willow clumps on site and replanting those clumps. This

will revet approximately 95% of the banks to be stabilized at this site. All tree revetment and fascine installation is done by hand and should not introduce sediment into the river. All disrupted areas will be seeded and planted with native riparian and upland plants.

RELEVANT FACTUAL BACKGROUND

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.

Following the receipt of the General Permit application, a review and analysis of the proposal was conducted to verify consistency with legislative policy, division rules and the Jordan River Comprehensive Management Plan regarding public agency uses of sovereign lands.

CRITERIA/CHECKLIST FOR EVALUATION (RULE, POLICY, MANAGEMENT PLAN ETC.)

Section 65A-7-1 authorizes and instructs the Division to make rules for sales, exchanges, leases or other dispositions on sovereign land. Said rules were promulgated and became effective on May 1, 1987 with various amendments thereafter. Management objectives for sovereign lands are specified in R652-2-200 and in the Jordan River Comprehensive Management Plan.

R652-2-200. Sovereign Land Management Objectives.

The State of Utah recognizes and declares that the beds of navigable waters within the state are owned by the state and are among the basic resources of the state, and that there exists, and has existed since statehood, a public trust over and upon the beds of these waters. It is also recognized that the public health, interest, safety, and welfare require that all uses on, beneath or above the beds of navigable lakes and streams of the state be regulated, so that the protection of navigation, fish and wildlife habitat, aquatic beauty, public recreation, and water quality will be given due consideration and balanced against the navigational or economic necessity or justification for, or benefit to be derived from, any proposed use.

R652-70-200. Classification 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.

R652-70-300. Categories of Leases, Permits, and Easements.

The division may issue Special Use Leases for terms of one to 51 years, and General Permits for terms of one to 30 years for surface uses, excluding grazing uses on sovereign lands. Grazing Permits and mineral leases are considered separately under the range resource management rules and the mineral lease rules. Easement terms and conditions shall be prescribed in the particular easement document. Any lease, permit, or easement, issued by the division on sovereign lands, is subject to a public trust; and any lease, permit, or easement may be revoked at any time if necessary to fulfill public trust responsibilities.

1. Special use leases: Uses may include the following:
 - (a) Commercial: Income producing uses such as marinas, recreation piers or facilities, docks, moorings, restaurants, or gas service facilities.
 - (b) Industrial: Uses such as oil terminals, piers, wharves, mooring.
 - (c) Agricultural/Aquacultural: Any use which utilizes the bed of a navigable lake or stream to grow or harvest any plant or animal.
 - (d) Private Uses: Non-income producing uses such as piers, buoys, boathouses, docks, water-ski facilities, houseboats, moorings, not qualifying for a General Permit under R652-70-300(2)(c).
2. General Permits: Uses may include the following:
 - (a) Public agency uses such as public roads, bridges, recreation areas, or wildlife refuges having a statewide public benefit.
 - (b) Public agency protective structures such as dikes, breakwaters, and flood control workings.
 - (c) Private recreational uses such as any facility for the launching, docking, or mooring of boats, which is constructed for the use of the adjacent upland owner. An adjacent upland owner is defined as any person who owns adjacent upland property, which is improved with, and used solely for a single-family dwelling.

3. Easements: Applications for easements not meeting the criteria of R652-70-300-(2) shall follow the rules and procedures outlined in the division's rules governing the issuance of easements.

R652-70-700. Permit Rates.

1. An application fee may be waived if it is for a public agency's use of sovereign lands and the director determines that the agency use enhances public use and enjoyment of sovereign lands
2. A rental fee may be waived if it is for a public agency's use of sovereign lands and if the director determines that a commensurate public benefit accrues from the use.

MANAGEMENT PLAN

The Jordan River Comprehensive Management plan was prepared and adopted by the division in January, 2017. The management plan provides for the following uses under its management objectives and guidelines;

EVALUATION OF FACTS

Utah Code Annotated Sections 65A-7-5 and 65A-7-1 authorize the Division to make rules for the leasing of state land. The rules were promulgated and became effective on May 1, 1987 with various amendments thereafter.

Section 65A-10-1 authorizes the Division of Forestry, Fire and State Lands to be the management authority for sovereign lands. The Division shall manage sovereign lands within the State of Utah pursuant to R652-70-100 and in compliance with R652-40-100 and pursuant to the Jordan River Comprehensive Management plan

The applicant submitted a complete application for a General Permit for use of sovereign land for the purposes stabilizing a bank on the Jordan River at approximately 3100 South in South Salt Lake, Utah. The proposed use is consistent with legislative policy, division rules and the Jordan River Comprehensive Management plan regarding public agency uses of sovereign lands. This Record of Decision will be submitted to the Resource Development Coordinating Committee for review and comment regarding the proposed use.

The Jordan River Comprehensive Management plan classifies Sovereign lands based on existing and planned uses. The Division has determined that the land use classification within the proposed project area is Class 5 which is managed to protect potential resource preservation options This use is also consistent with R652-70-200 wherein broad classifications of sovereign lands have been determined on existing and planned uses. Subsection R652-70-300 authorizes the issuance of General Permits for a term of up to 30 years, and Subsection R652-70-300(2)(a) provides for General Permits to be issued for public agency uses.

Subsection R652-90-300 requires that the Division prepare a site specific plan in the absence of a comprehensive or resource management plan for sovereign lands under consideration for a potential use. Subsection R652-90-400 identifies the required content of the site specific plan. However, the Division is not required to do site specific planning since the Jordan River has a comprehensive management plan. The division has found that this activity is

consistent with the uses in the comprehensive management plan and has not identified any long-term, adverse impacts to cultural and natural resources or adjoining sovereign lands resulting from the authorization of the proposed action.

CONCLUSION/ACTION

Based upon the above analysis, a General Permit for use of sovereign lands will be issued to Salt Lake County for a period of thirty (30) years. In accordance with Subsection R652-70-700, the Division has waived the application fee and the rental fee since the General Permit will be issued for a public agency's use of sovereign land.

The Permit will authorize use of the sovereign land as described in General Permit No. 720-00311, which will expire 30 years from the date of execution.

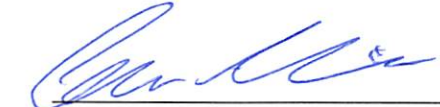
ADMINISTRATIVE APPEALS

Parties having an interest in this action may file a petition for administrative review by the division pursuant to Section R652-9. 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 the 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 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.

Said petition must be received by the division by 5:00 p.m. on _____, 2018.

APPROVED BY:


Fev
BRIAN L. COTTAM, DIRECTOR
DIVISION OF FORESTRY, FIRE
AND STATE LANDS

DATE: 9/27/18

PREPARED BY:


BEN STIREMAN
SOVEREIGN LANDS ANALYST

DATE: 9-26-18

REVIEWED BY:


LAURA AULT
SOVEREIGN LANDS PROGRAM MANAGER

DATE: 9-27-18

REVIEWED BY:


FREDRIC J. DONALDSON
ASSISTANT ATTORNEY GENERAL

List of Exhibits

Exhibit A – Site Map

Exhibit B – Adjacent Landowners

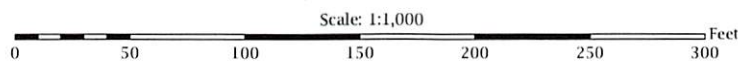
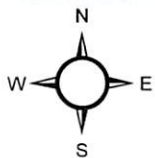
Exhibit C – RDCC Correspondence

Exhibit A

Site Map



GP No. 720-00311



Produced: 9/6/2018, 1656
Forestry, Fire & State Lands

Exhibit B
Adjacent Landowners

Adjacent Landowners:

Parcel No. 15263010204002

Parcel No. 15263010240000

SALT LAKE COUNTY

C/O REAL ESTATE DEPT # S3200

PO BOX 144575

SALT LAKE CITY UT 84114

Adjacent Lessees:

None

Exhibit C
RDCC Correspondence

Project will be posted to RDCC for the required amount of time.