

Jordan River Critical Land

A Report to the Governor and Legislature

Submitted by:

The Governor's Office of Planning and Budget

and

The Utah Critical Land Conservation Committee

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This report has been coordinated with Division of Facilities Construction and Management, Utah Department of Transportation, Department of Corrections, State Archeologist, Utah Division of Wildlife Resources, Utah Division of Forestry, Fire and State Lands, US Fish and Wildlife Service, Mitigation Commission of the Central Utah Project, Jordan River Parkway Trail Committee, and State and local elected officials.

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- A Senate Bill 37
- B Consolidated Jordan River Vision Statement
- C Scenarios for Mitigation of Bangerter Highway Soil Disposal Site
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- E Project Location Map

SUMMARY

This report concerns a parcel of land (approximately 250 acres) owned by the State of Utah in Draper City, adjacent to the Jordan River. Title to the property is held by the Division of Facilities Construction and Management. The property is currently administered by the Department of Corrections.

The 1998 state Legislature passed SB37 “Open Space Near State Prison” which designates the property as “critical land.” The bill requires that by January 1, 1999, the Governor’s Office of Planning and Budget, in consultation and cooperation with the Utah Critical Land Conservation Committee, other State agencies, local governments, and other interested parties, shall recommend to the Legislature and the Governor:

1. What part of the critical land should be preserved for use by the Department of Corrections;
2. What part of the critical land should be preserved as open space;
3. The most appropriate method of designating and preserving as open space that part of the critical land that the Office of Planning and Budget determines should be preserved as open space; and
4. Whether compensation should be paid to the Department of Corrections for the critical land and, if so, the amount of compensation.

The Critical Land has many qualities that meet the State’s and local governments’ goals for open space preservation. These goals include:

1. Preservation and enhancement of natural resources, including wetlands banking for future road construction in the area.
2. Preservation of a significant archeological site that is eligible for the Historic Register.
3. Preservation and enhancement of a recreational and educational trail system.
4. Preservation of a continuous corridor of open space and ecosystem along the Jordan River.
5. Preservation of wildlife habitat.
6. Preserve, encourage, and enhance public trust attributes of State sovereign lands.

There are some issues and concerns that should be addressed. These are:

1. The unresolved western boundary with State sovereign lands along the Jordan River.
2. Mitigation of the Bangerter Highway soil disposal site.
3. Mitigation of the former prison dump site.
4. Needs and concerns of the Department of Corrections.
5. Safety issues arising with public access.

This report provides information regarding the significant open space qualities of the Critical Land and the issues that need to be addressed. Based on this information and in compliance with the requirements of SB 37, the following recommendations are submitted:

1. Designate the entire parcel of Critical Land as open space.
2. Transfer administration of the parcel to UDOT for wetland banking.
3. After about five years the management of the parcel should be transferred to an appropriate wetland management agency or nonprofit organization.
4. Grant continued access for the Department of Corrections to maintain the cooling pond.
5. There is no need to pay “compensation” to the Department of Corrections.
6. UDOT and other agencies, such as the Central Utah Project Mitigation Commission should continue to work toward integrating this parcel with the concept for a full Jordan River Corridor preservation plan.

Through enabling legislation, the appropriate agencies can develop a plan to implement the establishment of the Critical Land as open space.

I. BACKGROUND AND CRITICAL LAND DESCRIPTION

Background

The 1998 State Legislature passed SB37 “Open Space Near State Prison” which designates the Jordan River property which is the subject of this report as “critical land.” *See Exhibit A.* The bill requires that:

By January 1, 1999, the Governor’s Office of Planning and Budget (GOPB) shall, in cooperation and consultation with the Critical Lands Conservation Committee established by executive order dated May 24, 1996, the division, the Department of Corrections, interested local governments, the state archeologist, the Division of Indian Affairs, and other interested parties, recommend to the Legislature and the governor:

- (a) what part of the critical land should be preserved for use by the Department of Corrections;
- (b) what part of the critical land should be preserved as open space;
- (c) the most appropriate method of designating and preserving as open space that part of the critical land that the Office of Planning and Budget determines should be preserved as open space; and
- (d) whether compensation should be paid to the Department of Corrections for the critical land and, if so, the amount of compensation.

The bill also directed the Division of Facilities Construction and Management (DFCM) to arrange a survey to determine the exact boundaries, legal description, and other conditions of the land. To facilitate the project, the bill appropriated \$125,000 for the survey and other intangible costs.

In March, 1998, GOPB and DFCM convened a working group of individuals from interested agencies and organizations to aid in the study of the Critical Land. The results of this effort are included in this report.

Critical Land Description

The Critical Land is owned by the Utah Division of Facilities Construction and Management, and managed by the Department of Corrections. An ALTA (American Land Title Association) survey was conducted by Hubble Engineering, Inc. under a contract with the Division of Facilities Construction and Management using funds appropriated by SB 37. The survey identifies the boundaries of the Critical Land, rights of ways, easements, topography, improvements, and ownership of adjacent properties.

The Critical Land consists of approximately 250 acres, and is located between 12300 South and 14600 South in Draper City, Salt Lake County, Utah. *See Exhibit E.* The Critical Land is part of the 900 acre property occupied by the Department of Corrections and used for the State prison. The Critical Land is separated from the prison facilities by a railroad and the Bangerter Highway.

The boundaries of the Critical Land include: the Jordan River on the West; Salt Lake County open space on the north; the Bangerter Highway on the south; and the Denver and Rio Grande Railroad along much of the eastern boundary of the Critical Land. Due to the continuous meandering of the Jordan River, there are some questions concerning the western boundary of the Critical Land. These questions are discussed in Part III of this report.

Much of the property surrounding the Critical Land is agricultural land, although residential development is occurring nearby.

The Critical Land consists of as two different type areas, roughly split north-south along the flood plain into the upper “bluff” and the lower “bottom lands.” The bluff, the eastern portion, consists of approximately 120 acres. The bottom lands, the western portion, consist of about 130 acres.

Some features of the bluff are:

- An ancient Native American camp site, which is eligible for the National Register of Historic Places
- A large site where soil from the construction of the Bangerter Highway was dumped
- Natural habitat for birds and mammals native to the area
- A former prison refuse site

Some features of the bottom lands are:

- An equestrian/pedestrian trail
- Significant bird and mammal habitat
- An abandoned river bridge
- A segment of the Jordan River
- A cooling pond used by the prison to store geothermal water used to heat one of its buildings
- A grain silo
- An agricultural area used for grazing cattle

Value

An estimated market value of the Critical Land has been included in this report as a comparison to similar privately owned land. It serves as a tool for evaluating the land as open space. **Due to the substantial impact of unresolved issues such as the archeological site and the lack of access, it was not possible to arrive at a conclusion regarding the value of the property. The information given below indicates that the market value of the property could range from zero to \$4,000,000 with the most likely value being on the lower end of this range.**

A formal appraisal of the Critical Land has not been done. DCM has provided the following information regarding the value of the property. This is based on DCM’s research on how property of this type is valued, sales of comparable property, and discussions with others involved with the

valuation and sale of property of this nature. Their information is summarized here.

For assessment purposes, Salt Lake County has established three types of land, based on water conditions, as follows:

- ▶ *Primary land* is undeveloped but easy land to develop.
- ▶ *Secondary Land* which acts as a buffer between developed land and wetlands.
- ▶ *Residual Land* which is the least able to be developed and wettest area.

Generally, secondary land is about half the value of primary land and residual land is valued at about \$1,200 per acre. The Critical Land contains some of all three types. The bluff (about 120 acres) falls into the category of primary land although its value is substantially impacted by the considerations given below. The bottom lands consist of both secondary land (about 44 acres) and residual land (about 86 acres). Using information from sales of other property nearby, DCM estimates the base value of primary land is between \$25,000 and \$35,000 per acre. Applying this estimate to the Critical Land results in the following range of base values prior to adjusting for the specific circumstances of this property.

	<u>Low</u>	<u>High</u>
Primary land (120 acres @ \$25,000 to \$35,000)	\$3,000,000	\$4,200,000
Secondary land (44 acres @ \$12,500 to \$17,500)	\$ 550,000	\$ 770,000
Residual land (86 acres @ \$1,200)	<u>\$ 103,200</u>	<u>\$ 103,200</u>
Total Base Value	\$3,653,200	\$5,073,200

There are several factors, in addition to price comparisons, which should be considered in determining the market value of this specific property including the following.

- Access
- Archeological site and value of preservation
- Prison dump site
- Highway construction waste soil site
- Value to state and local governments for wetland banking

Access to the Critical Land is limited. There is no access from the west, due to the river. There is no access from the Bangerter Highway on the south. Access from the east would require approval to cross the railroad right-of-way. There are some subdivisions to the north, just south of 12300 South. These are about one mile away from the “bluff” area of the Critical Land. Access to the north would require crossing private land and possibly wetlands. Unless access could be obtained, the Critical Land would be of no value for development.

Most of the primary land has been identified and recorded as an *archeological site*. State and federal laws require a full archeological survey and mitigation of the site before it can be developed. The legal standards for these issues are higher for state-owned property than they are for privately owned property. At present, it is not possible to determine what the cost of mitigation would be. However,

a study to determine the extent of the site will cost about \$150,000. The value of preserving the site is discussed in II below.

The edge of the bluff was formerly used by the prison as a *dump*. The value of the land is diminished by the cost of cleaning up the site. The nature of the material in the dump and the effort required for clean up is presently under study.

Approximately 54 acres of the primary land, including about one third of the recorded archeological site, was covered with *waste soil* when the Bangerter Highway was under construction. See III below. Although mitigation of this site will likely occur, the value of the area for development will be affected.

Recent purchases by the Utah Department of Transportation for wetland mitigation in the south Salt Lake Valley have cost \$27,000 per acre. The Critical Land, including the bluff area which can be used as a buffer for habitat, may be of as much or more value to the state and local governments for *wetland banking* than if it could be developed. See III below.

II. OPEN SPACE QUALITIES OF THE CRITICAL LAND

“Open space” is land that is important to be used for wildlife habitat, watershed, recreational use, or other use related to the quality of life or cultural heritage of the citizens of the state. See Utah Code, section 11-28-101(4). This definition will form the basis for recommendations regarding how much of the Critical Land should be preserved as open space.

Preservation of a Continuous Corridor of Open Space

The Critical Land is part of the Jordan River Corridor. As such, the relationship of the Critical Land to the overall vision and plans for the Corridor will play a part in determining its open space status. See *Exhibit B, “The Consolidated Jordan River Vision Statement.”* Salt Lake County has prioritized the conservation of Jordan River Corridor as an important legacy for future generations for all Salt Lake County residents. See “Jordan River Wetland Acquisition and Management Plan,” May 1995. Through acquisition of wetlands and surrounding areas, it is believed that long-term management and monitoring of the resource will result in flood and pollution control, river stability, ecological food support for fish and wildlife resources and new forms of urban recreation.

The state-owned parcel is a significant part of the overall preservation of the Jordan River Corridor. It borders approximately 1.7 miles of the Jordan River. The river bed is State sovereign land which is legally required to be preserved for public use. Federal and County owned properties located at the northern boarder of the Critical Land have recently been dedicated as permanent open space. The preservation of the state Critical Land would increase the value of these lands as wildlife habitat and trail facilities would be enhanced. This presents an opportunity for the state to participate in the coordinated efforts of local and federal agencies to preserve the Jordan River Corridor.

Preservation and Enhancement of the Natural Resources (Wetland Banking)

Located within in the Great Basin Desert, the Jordan River provides very important riparian (stream side) habitat to many animals especially migratory birds. Many species of birds are directly dependant on riparian habitats at some point in their life including feeding, nesting and/or migrating. The Jordan River however, is so highly urbanized, that not one segment remains unaltered hydrologically, biologically or chemically. There are segments of river however, that have not been fully developed and have the potential to be enhanced to be able to provide much better habitat than is currently available on the Jordan River.

Recent studies on avian use of riparian habitats within the Jordan River Valley suggest that large tracts of undisturbed habitat plays an even more important role in influencing species diversity than vegetation type and structure. The Critical Land is one of the largest remaining tracts of relatively undisturbed habitat. It has many habitat and community types which have a good potential to be enhanced, including stream, riparian, emergent wetlands, wet meadows, upland grass lands and upland shrub communities. It is adjacent to other properties protected and managed for wildlife use. These factors should make it a high priority for conservation within the Jordan River Valley.

The Utah Department of Transportation and local governments can benefit from the preservation and enhancement of the Critical Land as wetlands. The Critical Land would serve to mitigate future roadway crossings of the Jordan River. Under present plans there are three future local government roadway crossings and two state roadway crossings. The area has been studied by UDOT for wetland banking potential. Every acre of the Critical Land would benefit the State's wetland banking program. With some additional land acquisition, the cost to the State would be about \$900,000 for preservation, enhancement and restoration of 268 acres of wetlands.

Preservation of the Archeological Site that is Eligible for the Historic Register

A significant archaeological site, evaluated as eligible for inclusion on the National Register of Historic Places, sits on this State land on the bluff overlooking the Jordan River. The site, designated 42SL186, was discovered by Sagebrush Archaeological Consultants during an archaeological assessment of one of the alternate routes of the Bangerter Highway conducted for the Department of Transportation. Subsurface testing of the site revealed at least one buried hearth feature that was radiocarbon dated to 3,000 years ago. This makes the site one of the earliest dated sites in the Salt Lake Valley, and indicates the presence of Archaic hunter-gatherers who preceded the later farmers of the Fremont culture. Based at least in part on the presence of the site, UDOT selected a route that would avoid the site.

In the spring of 1998, contractors working on the Bangerter highway dumped a considerable amount of excavated sediments from the construction zone on a portion of the site. A study by Sagebrush Archaeological Consultants concluded that some 20% to 30% of the surface area of the identified archeological site had been adversely affected by the soil dumping and by the heavy equipment that hauled and dumped the soils. Approximately the northern two-thirds of the site has not been affected. Sagebrush considered various alternatives for reclaiming or mitigating the effects of the dumped soil and concluded that the least additional damage to the site would occur if the soil would be left in place. They did not consider or recommend measures for mitigation of the adverse effect to the site that had already occurred as a result of the dumping. In relation to the proposed contouring and moving of the dumped soils, archaeological testing would need to be conducted in areas where deposits may be disturbed, such as along the edge of the bluff and along the boundaries of the dumped areas. All additional earthmoving or other similar work would need to be monitored by a permitted archaeologist to ensure that proper procedures will be followed if cultural deposits are encountered.

State law protects archaeological sites from vandalism and also requires State agencies to take cultural resources into account when planning undertakings that may disturb sites. In cases of adverse effect to a significant archaeological site, the lead agency generally enters into an agreement with the State Historic Preservation Office to mitigate those adverse effects. In the present case, the lead agency is most likely the Department of Transportation, as the contractor responsible for the dumping was working on a Department of Transportation project.

For site 42SL186, a mitigation plan may include but not be limited to:

1. Archaeological excavations in the area of the dumping to determine the extent of the damage caused to the surface and subsurface of the site by the heavy equipment and dumped soils and to investigate the nature and extent of the archaeological deposits buried under the dumped soils.
2. Archaeological excavations in the areas previously tested by Sagebrush Archaeological Consultants to further investigate the nature and age of the buried components of the site.
3. A public educational component such as signs, interpretive kiosk, trails or other efforts to educate visitors to the area about the significant archaeological site there and the people who lived there long ago.

Relative to designation of the area as critical open space, the archaeological site 42SL186 still contains significant archaeological value, and remains eligible for the National Register of Historic Places. As such, the archaeological value of the site could still be considered as contributory to the Critical Land's value as open space. The recommendation of the State Archeologist's Office is that designation of the Critical Land as open space is a viable and preferred way to ensure continued protection of this significant cultural resource. The open space would create a buffer around the archeological site. This would protect this site for the future study. It would also provide for educational opportunities as this find is further studied.

Preservation of a Recreational and Educational Trail System

An essential component to enjoyable public access and recreation along the Jordan River Corridor is the creation of a continuous trail system from Utah Lake to downtown Salt Lake City. Sporadic trail construction has occurred along the river corridor, but there are many missing pieces to the completion of the trail system. To facilitate the continuation of the trail system, Draper City has entered into an agreement with the State to acquire a trail easement through the Critical Land. The following is a summary of the details of the agreement. For activities such as bridges, bank stabilization, boat launching facilities, and trails that affect sovereign land, Draper City and other agencies need to acquire general permit(s) from the State of Utah Division of Forestry, Fire, and State Lands.

Trail Easement and Contract between Draper City and the State of Utah

The Ingress and Egress Easement provides for General Public Pedestrian and Equestrian use. The trail generally runs along the Galena Canal and below the "Bluff Area" as one walks south.

The Easement requires Draper City to provide the following services for the trail system:

- Maintain
- Construct
- Operate
- Repair

- Inspect
- Protect
- Remove, and
- Replace the Pedestrian and Equestrian Trail

The City of Draper shall hold the easement until the land is no longer used as a Pedestrian and Equestrian Trail. If the trail is abandoned for two years, the easement reverts to the State.

Draper shall be responsible for the protection and safety of the public when using the trail. Draper City will not hold the State responsible for possible accidents and shall defend the State from any claims, suits and other costs that may be a result of injury or material damage incurred by persons using the trail. Additionally, the State shall in no way be penalized for persons receiving injury or material loss from leaving the trail during the construction period of the trail and thereafter during the life of the easement.

Draper shall post and maintain signs along the trail route instructing users to remain within the boundaries of the trail.

Draper City shall maintain and make any and all necessary trail construction in a workmanlike manner at its sole expense.

The State shall not initiate, or permit others to initiate any type of development within the trail easement. The State reserves the right to occupy and use the land for purposes that do not conflict with the rights of the easement.

The easement shall inure to the benefit of Draper City and the State of Utah and covers only those lands the State owns and therefore has the right to give an easement access over.

III. ISSUES AND CONCERNS

West Boundary and State Sovereign Lands

The ALTA survey has identified the west boundary of the Critical Land as the east bank of the Jordan River in 1937. The river has historically meandered widely and continues to do so. The ALTA survey also shows the river bed as it exists today. In several locations, the Critical Land boundary is actually on the west side of the river. In other locations, there are significant portions of land between the west Critical Land boundary and the river.

The Jordan River is a “navigable” river and title to the riverbed was transferred from the United States to Utah upon its admission to the Union. Such “sovereign lands” are subject to the legal requirements of the “public trust” doctrine. The State Division of Forestry, Fire, and State Lands has administrative responsibility for the riverbed property, including boundary disputes. Any use of the sovereign lands must be consistent with the Public Trust Doctrine and be approved by the Division of Forestry, Fire and State Lands.

As the river meanders naturally, State ownership follows the river channel. If the channel is altered by an event such as re-channeling or diversion, State ownership may remain in the original un-altered channel. The diversion of the Galena Canal, which is partially within the Critical Land property, is an example of this.

Sovereign lands can not be sold, but can be exchanged. If presently abandoned portions of the river are within parcels claimed by DCM or private owners, the State can exchange the sovereign lands to mitigate ownership issues/disputes. For example, if part of the land on the east side of the river is claimed as privately owned, the state might be limited in its ability to preserve and enhance the wetlands. Also, if the state asserts ownership on the west side of the river, a bordering private property owner may dispute it. It will be necessary to identify such lands to remedy the ownership issues. Exchanges among owners may be needed to maximize the benefit to the State of the Critical Land. Sovereign lands can not be used for wetlands mitigation. The issue of ownership must be resolved before wetland banking credit is applied. Work on resolving this issue will begin in January, 1999.

Bangerter Highway Soil Disposal Site

During the construction of the near-by Bangerter Highway, a 54 acre portion of the Critical Land was used as a disposal site for waste, and surplus soil. The soil was deposited to a depth of 3 to 18 feet over the entire 54 acres, including a portion of the archeological site. Effects of the dump include:

- *Vegetation.* 54 acres of sagebrush, shrub land/grassland were eliminated. Though the loss of this vegetation is not considered significant, the vegetation that is currently replacing it is. The disposal of the soil has created a prime area for the growth of noxious weeds, which could become well established in the area and become a reservoir for future dispersal in areas not currently affected.

- *Wetlands.* Though the soil has not been deposited directly on any wetland area, soil erosion from the bluff area to the wetlands is possible. The most serious impact of the erosion is the possibility of soil filling the wetland area. The most likely impact will be the degradation of ground water discharges from the erosion and a consequential change in the wetland vegetation and the wildlife that can use it.
- *Wildlife.* Prior to the disturbance of the site many species of wildlife were observed using the area, none of which have used it since. Species included the American Goldfinch, house finch, deer mouse, ring necked pheasant, mallard ducks, red tailed hawks, red fox, and mink. Though long term, loss of habitat does not constitute a significant impact on the overall use of the Critical Land by wildlife, because of the presence of similar habitat in the surrounding region, it has displaced many smaller birds and mammals.
- *Farmland.* Approximately 10 acres of Statewide Important Farmland was buried under the soil. The land was used to grow alfalfa hay.
- *Archeological.* A portion of the historic archeological site was buried under the soil, all of which has not yet been excavated or inventoried by the State Archeologist's Office. However, the portion of the site considered most significant was not affected by the dump.

To mitigate the problems created by the soil dump, UDOT hired a consultant to investigate the possible options available to the party responsible for cleanup of the site. They are:

- *Scenario 1.* Leave soil in place and do nothing.
- *Scenario 2.* Leave soil in its current location, but re-contour, re-vegetate, and implement other Best Management Practices (BMPs) on the site.
- *Scenario 3.* Move soil away from the bluff overlooking the Jordan River. This will help prevent erosion in to the wetland area.
- *Scenario 4.* Move soil away from the edge of the bluff and re-contour, re-vegetate, and implement other BMPs on the site.
- *Scenario 5.* Remove all soil from the site and re-contour, re-vegetate, and implement other BMPs on the site.

The study recommended either scenario 4 or 5. *See Exhibit C.*

The Former Prison Dump Site

A site formerly used by the Prison as a dump exists on the Critical Land. A study is presently underway to determine the need for mitigation and the best method.

Department of Corrections Needs

Through the study process, the working group has determined that there is no need to “compensate” the Department of Corrections, if the Critical Land is preserved as open space. However, there are some DOC needs to be addressed. In a letter written by Greg Pay, Corrections Facilities Coordinator, the primary concerns which Corrections has about the Critical Land are outlined. *See Exhibit D*. In the letter, DOC makes the following requests:

- A barrier fence to be constructed on the boundary between public access to the Critical Land and corrections property. The fence would be six feet high, constructed of a chain link material, and have no trespassing signs every fifty feet.
- The Critical Land contains a small geothermal well, that Corrections uses to heat one of its buildings. It is requested that the pond remain under the jurisdiction of Corrections and that access to the pond remain open for heavy equipment needed to maintenance of the pond and the adjacent structures.
- There have been various disputes between Corrections and private property owners surrounding the entire prison property, not just the Critical Land covered by this report. Corrections requested that an ALTA survey of the entire property be performed to settle these disputes. The process for initiating that survey has begun.
- That Department of Corrections officers be granted access to the property to apprehend offenders or perform other peace officer duties.
- That weapons be prohibited in the open space area.

Public Safety Issues

Although the trail easement requires Draper City to provide for the protection of the public when using the trail, there are some off-trail hazards the State should reduce. There are an old silo and farm which might attract people to go off the trail. The silo has a ladder attached which people may try to climb. Although the silo is not a historic site, it is part of the character of the land. If it is preserved, steps to discourage climbing should be taken. Likewise, the head gate to the Galena canal presents a potential danger to visitors. Steps to prevent persons from climbing on the structure should be taken. There are some other improvements for which the State may or may not be responsible. It would be good to have a risk manager do an evaluation of the site.

Jurisdictional Concerns

Though the Critical Land is owned completely by the State, there are a number of different organizations and governments that have an interest in the Critical Land. All potential uses for the land will effect these parties. Therefore, it is essential that all are notified, and given the opportunity

to comment on any actions taken with regard to the site. They are as follows:

- Division of Facilities Construction and Management = Title holder
- Department of Corrections = cooling pond
- State Division of Forestry, Fire and Sovereign Lands = Jurisdiction over riverbed
- State Parks and Recreation = 150 feet of each side of the river bank
- Army Corps of Engineers = Navigable waterways and wetlands
- Utah Department of Transportation = Right-of-ways and wetland banking
- Utah Department of Environmental Quality = land embankments
- Salt Lake County = Flood control
- Utah Power & Light = Utility corridor
- Draper City = Trail easement
- Draper City Sewer District = Sewer easement
- Jordan River Parkway Trail Commission = Trail easement
- U.S. Fish and Wildlife = Wildlife habitat
- Utah Division of Wildlife Resources = Wildlife habitat
- State Historical Preservation Office = Archeological site

IV. Recommendations

Alternatives Considered

Through the study process the working group identified four alternative recommendations that might be made. They are as follows:

1. Designate the entire parcel as open space
2. Designate only the lower bottom lands as Open Space.
3. Designate the lower bottom lands as Open Space and reserve the bluff area for later determination.
4. Do nothing at this time.

A draft of this report and these alternatives were presented to the Critical Land Conservation Committee. The Committee met on November 9, 1998 to tour the site. The Committee met again on December 15, 1998, to make a recommendation. They chose the first alternative.

Recommendations

Based on the information in this report and in compliance with the requirements of SB 37, the following recommendations are submitted:

1. Designate the entire parcel of Critical Land as open space.
2. Transfer administration of the parcel to UDOT for wetland banking.
3. After about five years the management of the parcel should be transferred to an appropriate wetland management agency or nonprofit organization.
4. Grant continued access for the Department of Corrections to maintain the cooling pond.
5. There is no need to pay "compensation" to the Department of Corrections.
6. UDOT and other agencies, such as the Central Utah Project Mitigation Commission should continue to work toward integrating this parcel with the concept for a full Jordan River Corridor preservation plan.

The Division of Facilities Construction and Management should turn over administration of the Critical Land to Utah Department of Transportation for the propose of establishing and maintaining a wetland system and buffer zone. UDOT has funds for wetland banking and the Critical Land will serve to mitigate future road projects. Mitigation of the bluff area would include removal of some or all of the soil that was dumped on the site and re-vegetation for wildlife habitat. Some mitigation (yet to be determined) might be done on the former prison dump site.

After about five years, UDOT would transfer management of the Critical Land to the Division of Wildlife Resources, a federal agency, or a conservation group. This is the usual procedure for wetlands used as mitigation for highway construction. The transfer might be accomplished through a conservation easement. The trail system right of way would remain under the responsibility of Draper City. The archeological site could be protected with a conservation easement for further study

and educational opportunities in the buffer area and might be transferred to the Division of Parks and Recreation. **Transfer of any management responsibilities to a State agency, such as DWR or DPR should only be done if adequate funding is provided by the legislature.** During the five-year period, the long term planning and management for the entire Jordan River Corridor will be suggested as a legislative interim study item for 1999.