

Public Comments Addressed

Comment # 1: The commenter had three points: Would the storm water basin work have been approved if the developer had not illegally begun the construction; what sanctions if any will be taken against the developer for the illegal trespass; and can the land be restored to maintain a buffer to the adjacent development.

It should be clarified the Mapleton Bench property is owned by the Utah Division of Wildlife Resources (DWR), not the U.S. Fish & Wildlife Service (Service).

It is likely DWR would have approved the storm water basin project, for reasons addressed in the “Alternatives Considered but Dismissed” section of the draft environmental assessment. DWR was in the process of reviewing the development proposal to determine whether there were any specific concerns which might change our analysis, but it appears likely that use, or sale, would have been allowed, ultimately. DWR judges that the property in the immediate vicinity has suffered the effects of encroaching subdivision development. As a result of this impact, wildlife values on the tract have slipped below a threshold which must be met in order to warrant the expense and management liability associated with continued ownership.

As a result of the illegal actions, the developer acknowledged culpability and asserted a willingness to correct the trespass violation. Although not addressed in the EA, the DWR will receive additional 7.5 acres with suitable wildlife habitat for the recovery of the June Sucker fish. The developer will provide the 7.5 acres now held in private ownership, and worth an estimated half to three-quarters of a million dollars. While the environmental assessment did not discuss 'sanctions' against the developer, we feel the imbalance will be fully corrected by the transfer of the mentioned property to DWR.

While the impacted lands could have been marginally restored, and would in such case provide an additional buffer for the forested lands further up the mountain, these were not the driving purposes behind our proposal for action. Of course we support protecting habitat for wildlife and we realize the value of buffers, but 'serving as a buffer' is not, in our estimation, an adequate criterion in and of itself to warrant continued property ownership. The DWR lands should attain a high level of wildlife worth and a marked concentration of wildlife values before qualifying as properties DWR should own and manage. Fundamentally, it is a question about which lands DWR should seek to own, and which lands fail to meet that standard. The altered 3.8 acres, in DWR's evaluation, fail the test, and is not good enough to warrant DWR's continued ownership, although the respondent's statement about the value of buffers is an accurate assessment.

Comment #2: The comment addressed taking land from private ownership off the tax rolls and reducing tax revenue.

Comment noted.