

## **Division of Forestry, Fire and State Lands River Analyst Position**

### **The Need:**

The Utah Supreme Court in November, 2017 upheld the Third District Court's earlier determination that the public has the right to access the bed of a segment of the Weber River near Peoa, Utah, pursuant to the Public Waters Access Act. In resolving the case, the Court applied a test which governs both access under the statute as well as State ownership of the riverbed. Although the lawsuit named landowners within an approximately one-mile segment of the upper river, the Court's ruling was made on the basis of the historical floating of logs for commercial purposes (for railroad ties and mining timbers) on a larger reach of the upper river between Holiday Park and Echo, Utah. This section of the Weber River has been come to be known as the "30 miles." The ruling therefore has significant implications for the scope of the State's riverbed ownership on the upper river. A related case arising on the Provo River which will have greater implications for statewide public stream access rights is still pending before the Supreme Court.

The Division of Forestry, Fire and State Lands is now tasked with managing the "30 miles" of the Weber River from top of bank to top of bank as State sovereign lands and in accordance with the Public Trust Doctrine. As a result of the Court's decision, the Division is in need of an FTE and an operating budget to effectively implement Utah's multiple use, sustained yield policy on the Weber River.

Further, The Stream Access Coalition has identified a number of other rivers in Utah with similar historical evidence as used in the Weber River case. These rivers include, but are not limited to the Provo, Logan, Blacksmith, Sevier and Upper Bear.

### **River Analyst Duties:**

- Meeting with all landowners along the "30 mile" stretch
- Serve as the principal point of contact for and maintain regular communication with all affected landowners and other interested parties
- Work with local authorities, other DNR agencies, landowners and other interested parties to resolve issues relative to the Court's decision
- Provide regular public information, via website, social, print and other media and other sources to keep the public informed relative to the Court's decision
- Identifying all navigational hazards (and removal over the long term as funding allows)
- Working with landowners to permit existing structures within the sovereign lands boundary
- Invasive species mitigation in cooperation with the county and adjacent landowners
- Comprehensive management planning and analysis preparation

### **Performance Measures for FY2019:**

- Meet with all landowners within the sovereign lands boundary
- Convene a law enforcement work group to determine state and local response relative to the Court's decision

- Initiate a public information campaign
- Create a baseline document that identifies at a minimum:
  - Navigational hazards
  - Unpermitted structures
  - Invasive species
  - Public access opportunities

**Itemized Budget for River Analyst:**

FTE w/benefits @ \$23.00	=	~\$85,000
Travel/Vehicle	=	\$7,000
Computer/Phone/DTS	=	\$3,000
Equipment	=	\$3,000
Outreach and information	=	\$2,000
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Total	=	\$100,000