

**From the Desk of John F. Bennett**

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August 20, 2019

Representative Keven Stratton  
350 North State, Suite 350  
Salt Lake City, Utah 84114

Dear Representative Stratton,

I am the former Staff Director of the Utah Quality Growth Commission. During my tenure with the Commission, I helped to preserve more than 100,000 acres of private land in Utah. I have extensive experience with land conservation and I continue to work to enact policies that will preserve our critical lands and promote healthy forests, watersheds, farms and recreational opportunities.

I have watched with interest your efforts in the State Legislature to ensure wise land, forest, and water management in the State of Utah. Thank you for all that you have done. I was pleased to see you sponsor HJR 17 (2019) that focuses on land management practices of three specific areas in Utah; the Cottonwood Canyons in the Central Wasatch Mountains is one of the focus areas. These canyons are of special interest to many, including me.

I would like to draw your attention to a very important, but often overlooked issue in the Cottonwood Canyons: the potential of watershed contamination from old mine tailings.

As we know, there has been a great desire for many years to retire private in-holdings in the backcountry, transferring land from willing seller to willing buyer for public ownership. According to the Wasatch Canyons Tomorrow Report (2010), signed by Governor Herbert, then-Mayor Ralph Becker, now Congressman Ben McAdams, and many others, for which I served as part of the staff, a whopping 78% of participants favor purchasing private property for open space in the Cottonwood Canyons. (Page 21 Wasatch Canyons Tomorrow attached) Then, a few years later, the taxpayer-funded Mountain Accord recommended the trading of private lands to public ownership as a key part of their proposal to create the Central Wasatch National Conservation and Recreation Area (CWNCRA). The Central Wasatch Commission (CWC) continued with Mountain Accord's land trade recommendation.

The ski resorts currently own or control the private land proposed in the CWC trade. However, I understand the US Forest Service recently notified the CWC that the Forest Service is not interested in acquiring much of the private land offered in the trade. A major concern from the Forest Service is that of contaminated mine tailings on these trade parcels. (Audio link) If mine tailings are indeed a problem in the Cottonwood Canyons, to the point that the US Forest Service will not accept certain lands, is it time to question the accuracy of those claiming that the Cottonwood Canyons are a pristine watershed?

It seems appropriate to question those who have directed and those who continue to direct the study and the spending of millions of taxpayer dollars regarding these canyons. In particular, we need to

understand how and why elected officials and consultants are only now realizing the magnitude and liability of mine tailings in our watershed?

At least one major state agency has posted for years critical information relating to these mine contaminants. For example, water quality reports at the Division of Water Quality (DWQ), shows rising levels of heavy metals in the Cottonwood Canyon watershed, which appears to be influenced largely by unmitigated mine tailings. The information shows that, as early as 2002, DWQ was reporting high levels of Zinc in the water in Little Cottonwood Canyon. In fact, in 2002, a Total Maximum Daily Load (TMDL) was put in place to monitor and mitigate Zinc levels in the Little Cottonwood stream. Attached you will find a page from the 2017 report that shows water in Little Cottonwood Canyon is already contaminated with Cadmium, Copper, and Zinc, as well as elevated PH levels. While Cadmium and Copper have not yet reached toxic levels, Zinc is high enough to require corrective action.

Some might attempt to brush off this issue of exposed mine tailings in our watershed, but as we learned over the last couple weeks, these mountains move. What seemed to be a welcome rainstorm triggered mudslides large enough to close Little Cottonwood Canyon. Because mine tailings are loose piles of waste material littered on the ground, they are inherently unstable. It is not unreasonable to envision mudslides, containing large amounts of toxic mine tailings, dumping heavy metal contamination directly into the streams and rivers that provide drinking water to many.

Even without the periodic landslide, water continues to pass through these tailings, often picking up heavy metal contaminants. We are often told that it takes only a few hours for water on the mountaintops to travel to Salt Lake City's culinary water facilities. It seems reasonable that these contaminants are a major threat to the well-being of our watershed.

With the US Forest Services recent position, we are now left with an interesting predicament; residents in Utah love to recreate in the Cottonwood Canyons backcountry and want to see those lands conserved in perpetuity. Elected officials have authorized and spent millions of dollars, hiring consultants, funding study after study, only now to be told that the US Forest Service, the most likely steward of these lands, is not interested in taking title; due in large part to mine tailings.

My request to you is this: please place on an upcoming agenda for the Commission for the Stewardship of Public Lands and/or Natural Resources Committee, the issue of contaminated mine tailings in the Cottonwood Canyons. I believe that until this issue is understood and resolved, millions of dollars more will be wasted, looking for superficial Band-Aid's in these canyons, while the elephant in the room is ignored.

Please let me know if you need anything from me. I, of course, will gladly provide data and information as we seek to secure wise land, forest and water management in our beloved Cottonwood Canyons.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Bennett". The signature is stylized and includes a long horizontal flourish extending to the right.

John F. Bennett

Sent by e-mail and USPS