

# Kane County Commission

76 N. Main St., Kanab, Utah 84741



April 22, 2020

Ronald G. Torgerson  
Deputy Assistant Director-Surface  
State of Utah School and Institutional  
Trust Lands Administration

Re: C-26867, Sale of Trust Lands North of Kanab and RDCC #72583

Dear Mr. Torgerson,

Thank you for your letter informing us of the above-proposed sale of three Trust Land parcels north of Kanab. Kane County strongly opposes the proposed sale of these lands for the reasons set forth below. We are asking the sale to be postponed or cancelled. If this is not possible, we would like the following concerns to be addressed and fully mitigated:

Kanab City currently leases a portion of Section 32 for one of its largest producing culinary water wells. This well is vital to the Kanab City municipal water system and there are major concerns with the property being sold. We understand that the Kanab City lease will remain in place. However, what assurances will there be with the proposed new property owner that this lease will be able to continue into the foreseeable future? Working with SITLA, Kanab City could ensure the safety of the well and ensure compliance with a well source protection plan. How will the sale of the property to a private entity continue to assure this water safety? If future water needs necessitate an additional well or a change in the well site, under SITLA ownership this could be accomplished without too much difficulty. With the land in private ownership, what assurances are in place that Kanab City's future water needs will be taken care of without significant additional burden due to the private ownership? At a minimum, Kanab City should have the ability to amend the lease agreement prior to the sale to ensure the future protection of this well or to purchase this leased portion and other portions that affect their watershed.

Section 16 contains land that is often referred to as Red Knoll. This is a long-standing recreational site for local residents and tourists. Several local tour companies use this area for private ATV tours. Under the previous proposal to lease this section to Southern Red Sands (SRS), there was a plan in place to ensure the continued recreational use of this area. A sale of this section to a private party would not ensure these types of recreational uses. The sale of this section should be cancelled without legally binding protections for this type of recreational activity.

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Both Section 16 and Section 2 are accessed for hunting purposes. SITLA currently receives a large amount of revenue from the State Division of Wildlife Resources to ensure that hunting privileges and access to hunting are maintained on Trust Lands throughout the state. Under the prior plan to lease Section 16 to SRS, these hunting privileges and access to hunting were going to be maintained and protected. Under a private sale there does not appear to be any protection for these long-standing activities. The sale of these two sections should be cancelled without legally binding protections for these hunting privileges.

Under the previous plan to lease Section 16 to SRS, the local economy would have benefitted from the economic activity on the land, while at the same time retaining the recreational and hunting privileges as discussed above. The proposed sale, particularly where the purpose of the sale is to prohibit this type of economic activity, is extremely alarming. The loss of the potential economic development on Section 16 will have a significant detrimental impact to Kane County. We already have very little private land and Trust Lands represent some of the few areas in the county where growth can occur, particularly growth that could diversify an economy that is heavily dependent on tourism. Although the exact economic benefit of the SRS project was not known, at a minimum it would have provided a significant number of household sustaining jobs, which are desperately needed to supplement the low paying jobs that often accompany the tourism industry. The effect of the proposed sale, although technically putting the land into private ownership, would be to lock up the land and prevent future development. Kane County cannot afford to allow these precious SITLA parcels to be purchased by nonprofit entities that intend to create quasi-wilderness areas, which are already more than abundant in our area. The current sale should be postponed or cancelled unless there is an expectation of economic development that benefits the local economy.

We, the Kane County Commission, express our extreme objection to the proposed sale of these parcels of Trust Lands. We respectfully request that the sale be cancelled. If this is not possible, we request that the sale be postponed so that we can have further discussions regarding mitigation of the above concerns and further assurances to ensure the benefit to our local economy and water systems.

Sincerely,



Brent Chamberlain  
Commissioner  
Kane County