

Mapleton City Trails Sub-Committee Staff Report

Meeting Date: May 11, 2009

Items: 2 & 4

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Public Hearing Item: No

REQUESTS:

Mapleton City requests to discuss the status of the proposed Mapleton Lateral Canal Trail.

Mapleton City requests to discuss the options regarding trails grants.

BACKGROUND:

1. Over the past several months, the Trails Sub-Committee has held numerous meetings in which the proposed Mapleton Lateral Canal Trail and grants have been discussed. In addition, Staff has had meetings and discussions with various officials regarding the Lateral Canal Trail project. Since not every member of the Trails Sub-Committee has been able to attend each of these meetings, the purpose of this Staff Report is to summarize Staff's findings regarding the steps needed to build the proposed Mapleton Lateral Canal Trail.
2. The Mapleton Lateral Canal was recently piped as part of the Central Utah Project, which is a water reclamation project administered by the Central Utah Water Conservancy District (CUWCD), which is a political subdivision of the State of Utah. The CUWCD contracts with the U.S. Bureau of Reclamation (BR) to enable the State of Utah to beneficially use its allotted share of Colorado River Water under the Colorado River Compact. Thus, the U.S. Bureau of Reclamation is the ultimate authority in charge of the Mapleton Lateral Canal.
3. Prior to the construction of the Mapleton-Springville Pipeline, the Mapleton Irrigation Company acted as the local operator of the Mapleton Lateral Canal for the U.S. Bureau of Reclamation. Since the construction of the Mapleton-Springville Pipeline, the CUWCD has taken over operations of the pipeline for the U.S. Bureau of Reclamation.
4. Operations and Maintenance (O&M) roads have historically existed alongside portions of the Mapleton Lateral Canal. The purpose of these O&M roads was to allow the Mapleton Irrigation Company to operate and maintain the Lateral Canal. The U.S. Bureau of Reclamation's official policy in regard to these roads was that no trespassing by members of the public was allowed. After the construction of the Mapleton-Springville Pipeline, the CUWCD (as the new operator) began enforcing the no trespassing policy along the pipeline route, and installed gates at road crossings.
5. Much of the pipeline corridor is actually owned by the U.S. Bureau of Reclamation. However, several portions of the pipeline corridor are privately owned, and the U.S. Bureau of Reclamation only has an easement for the pipeline use. Also, when the U.S. Government originally built the Mapleton Lateral Canal in the early 1900's, the acquisition of property and easements was only intended for reclamation purposes, not for public recreation, thus the corridor is not considered "public land" in the same sense that a national park or national forest is considered public land – for the use of all people.
6. The U.S. Bureau of Reclamation has the authority to grant use of its property to local governments, companies, or individuals who apply for certain uses. However, the process for making decisions on how property is used is outlined in the National Environmental Policy Act (NEPA). See "STEPS FOR TRAIL PLANNING & CONSTRUCTION" below for more information on the NEPA process. Normally, when the U.S. Bureau of Reclamation allows the use of their property to another entity, they are required by federal law to charge fair market value for the use of the property (i.e. a lease payment for the use). However, the agency does have an official policy of supporting trails, and we have been informed that there is a good possibility that no lease payment would be required of Mapleton City, should the Lateral Canal Trail be approved after going through the NEPA process. The purpose of NEPA is to require federal agencies to analyze their actions, and whether their actions will cause any impact to the human or natural environments.
7. Under NEPA, there are 3 levels of reports that the U.S. Bureau of Reclamation could require of Mapleton City:
(1) An Environmental Impact Statement (EIS), which is a detailed analysis of the possible environmental impacts for a

project. This is the most detailed type of report under NEPA.

(2) An Environmental Assessment (EA), which determines if an Environmental Impact Statement is needed. This report is less detailed than an EIS, but still covers all of the areas that NEPA regulates.

(3) A Categorical Exclusion, which is for minor actions which the Bureau considers would have no significant environmental effects.

Alan Christensen of the U.S. Bureau of Reclamation has stated that the Bureau will require an Environmental Assessment for this project, since there have already been concerns from the public about the possible impact of the trail on neighboring properties. In order to qualify for a Categorical Exclusion, the Bureau must complete a checklist (see attachment #1) that indicates that the proposed project would have no impacts to the public or the environment.

8. In addition to going through the NEPA process for approval from the U.S. Bureau of Reclamation, in areas where the corridor crosses private land, Mapleton City would have to negotiate with the individual private property owners to obtain easements or purchase the property where the trail would cross through their property. Easements or title to land could be obtained by donation from these owners, but it is more likely that Mapleton City will have to pay the land owners to obtain such easements or title to the properties. If some property owners are unwilling to give an easement or sell their property, then Mapleton City might have to resort to eminent domain to obtain the property. This option has not been discussed to this point, and is generally an undesirable option due to the legal expenses associated with it. In the Mapleton City vs. Wendell Gibby case regarding the Bonneville Shoreline Trail, it was ruled that Utah municipalities cannot use eminent domain for trails, but can use eminent domain for parks or parkways. Again, eminent domain is not an easy or desirable option.
9. Mapleton City currently does not have any regularly allocated funds specifically for trails planning or construction. However, the Trails Sub-Committee has orchestrated a donations fund for trails. The current balance of the trails fund is currently under \$1000. Due to current economic conditions, it is unlikely that Mapleton City will be able to allocate any money from the general fund to the trails fund, for at least several years. Each City Department is currently required to make substantial budget cuts for the coming fiscal year from July 2009 – July 2010.
10. Another option for financing of the trail would be for Mapleton City to float a bond for it. However, due to the current state of the economy, this is probably not a politically feasible option.
11. **GRANTS:** Regarding trails grants, there are several matching grants available for trails funds. Some require substantial matching funds. “In kind” matching services can be difficult to prove. All of these grants do require some detailed engineering as part of the application. Some programs allow for reimbursement of these costs if the project is approved.
 - a. **Utah State Parks & Recreation – Trails & Pathways Program (State Funds)** – City is responsible for 75% of project costs until reimbursement. Once reimbursement occurs, costs are 50% City Match / 50% State Match. Allows for planning & engineering funding.
 - b. **Utah State Parks & Recreation – Recreational Trails Program (Federal Funds)** – City is responsible for 100% of project costs until reimbursement. Once reimbursement occurs, costs are 50% City Match / 50% Federal Match. Does not allow for planning & engineering, only
 - c. **MAG Regional Transportation Plan (RTP) Related Grants** – Requires 6.733% local match for federal funds. In the last funding cycle, grants were available for the taking, and every project that requested funding received it. A large portion of the Lindon Heritage Trail and the Historic Lehi Rail Trail both received funding, as well as several trails and bike lane improvements on the side of highways. However, this next funding cycle (1-3 years out) will reportedly be more competitive, as more cities and counties request road-related project funding. Cross-country trails such as the Mapleton Lateral Canal Trail will probably be lower on the priority list for funding. However, Staff has begun attending MAG Technical Advisory Committee (TAC) meetings, where all of the proposed project ideas originate, in order to get Mapleton City’s “foot in the door” during the next project funding cycle.

STEPS FOR TRAIL PLANNING & CONSTRUCTION:

NOTE: These steps assume costs for doing the project in one phase (3 miles of trail), and only going through the NEPA process once. Most of the costs listed below are based on quotes from Horrocks Engineering, given to Mapleton City January 12, 2009. All of the costs listed below could increase over time based on market conditions.

1. Raise funds (donations, matching grants, possibly some Parks & Recreation impact fees). Approximately \$1.1 million in total funding needed to complete the project (see #11 below).
2. Obtain formal Mapleton City Council approval to begin spending money on the project.
3. Hire a civil engineering firm to do environmental and design work for the project.
4. Have the engineering firm design the trail (including the precise trail right-of-way alignment). Horrocks Engineering quote for design work: \$50,000.
Subtotal: \$50,000
5. Once the alignment of the trail is designed, hire a title company to do title work on the proposed trail right-of-way, to verify who owns the property (it is not always the adjacent homeowner, due to discrepancies in deeds filed over the years). Estimated Cost from Old Republic Title Company: \$30,000.
Subtotal: \$80,000
6. Once the alignment is designed, and prior to beginning the NEPA process, have Mapleton City Community Development and Administration Departments (or a consultant representative) should contact the affected private property owners to start the negotiation process for easements or purchase of property.
7. Once approximate right-of-way costs have been determined, apply to MAG for Regional Transportation Plan grant funding.
8. Have the engineering firm prepare the Environmental Assessment. Quote from Horrocks Engineering for preparing Environmental Assessment: \$80,000 – \$120,000.
Subtotal: \$160,000-\$200,000
9. Apply for a review of an Environmental Assessment (EA) with the U.S. Bureau of Reclamation. According to Alan Christensen, review fees may be up to \$30,000.
Subtotal: \$190,000-\$230,000
10. Assuming that after the review of the Environmental Assessment is done, the U.S. Bureau of Reclamation approves the trail construction without requiring an Environmental Impact Statement, Mapleton City should then finalize negotiations with other landowners for acquiring easements or portions of their property. Without knowing exactly which property owners the City will be dealing with, how much private property is involved, or how the economy will be at the time of acquisition, it is difficult to put an exact figure together for land acquisition costs. Also, during the NEPA process, it is possible that the U.S. Bureau of Reclamation could place conditions on the City in order to mitigate negative effects of the trail on adjacent properties (such as privacy fencing). We do not know how much such additional conditions might cost. For purposes of this report, Staff is guessing \$250,000 may be required to cover property acquisition and other mitigation costs.
Subtotal: \$440,000-\$480,000
11. Once right-of-way acquisition is complete, begin construction. Quotes from Horrocks Engineering:
 - a. \$350k for asphalt and untreated base course (10' wide asphalt trail 3" thick over 3" thick untreated base course for a 3 mile trail – based on today's current prices). *The length of the Lateral Canal from 1600 North to Highway 6 at the Ensign-Bickford property, which may be annexed into Mapleton, would actually be closer to 5 miles. This would put the figure, pro-rated, at \$583,333.*
 - b. 6% cost for a Construction Engineer – Approximately \$20k. *Pro-rated for 5-mile trail: \$35,000.*

Also, these figures would change if the proposed surface were changed to gravel or dirt (at least some re-grading would be needed for a dirt surface). However, these changes could possibly make the project less popular with the public, the CUWCD, or the U.S. Bureau of Reclamation. The CUWCD has expressed interest in having some sort of surfacing for a joint use as an operations & maintenance road (i.e. asphalt or gravel)

Subtotal: \$1,058,333-\$1,098,333

RECOMMENDED ACTION:

This is a discussion item only – no motion is required. As funding is currently the biggest obstacle to this project’s success, Staff recommends that the Trails Sub-Committee continue to pursue private donations and fundraisers for the project, which, when accumulated to a significant amount, could be used (possibly with some Parks & Recreation Impact Fees) to do preliminary engineering & title work to apply for matching grants related to MAG’s Regional Transportation Plan. Assuming that the project was approved by the U.S. Bureau of Reclamation and ended up costing approximately \$1,098,333 with a 6.733% City match under a MAG RTP Grant, this would require a total expenditure from the City of \$73,951. As outlined in steps # 1-5 above, it appears that Mapleton City will need to spend approximately \$80,000 in engineering and title work before applying to MAG for an RTP Grants, in addition to determining right-of-way acquisition costs. However, possible litigation and eminent domain costs have not been included in this estimate. The choice as to whether to use eminent domain in certain spots on the Lateral Canal corridor where there may be unwilling sellers is a policy choice that the City Council would have to make. Also, as Mapleton City’s tax base increases in future years, it is also possible that allocations from the general fund could be allocated toward the Lateral Canal Trail project. Staff also recommends that these findings be forwarded to the City Council for discussion with the Parks & Recreation Department as to whether any Parks & Recreation impact fees should be allocated toward engineering and title work for the canal. If so, a public hearing needs to be held in City Council regarding approving the Mapleton Lateral Canal Trail as a city-initiated capital improvements project.

ATTACHMENTS:

1. NEPA Process Overview & U.S. Bureau of Reclamation Categorical Exclusion Checklist