

Echo Canyon Municipality, Kane Creek Preservation and Development Project at Kings Bottom

FEBRUARY 12, 2024

BY JOHN S. WEISHEIT



Kings Bottom. Satellite imagery by Google Earth.

More about the photo above: Kings Bottom is an attachment bar, which are created by large eddies during large flood events; expansion bar is actually the better word. When the next large flood arrives, there will be slope failures, and/or infrastructure will be crushed by all the driftwood and woody debris entrained within the flood flow and the recirculating eddy. When the flood recedes, the entire bottom will be replaced by an entirely new and different attachment bar, which may be larger, smaller, or become an island, or disappear altogether.

- [Video of damage to homes on the floodplain of the Virgin River and its tributaries in 2005.](#)

In other words, in a river corridor, terminal eviction eventually happens to every property owner, including the Bureau of Reclamation, the ultimate dam builder.

It is not wise to dismiss the natural movements and pulses of Nature's water cycle. Consider that the Colorado River has already eroded half the total volume of the Colorado Plateau's massive rock formations that are either volcanic, metamorphic, or sedimentary (marine and continental).

Consider too, that the geologic history of the Colorado River is a classic "fill and spill" basin. An incredibly vibrant river system that, in geologic time, just recently reached the ocean. This river is still young, in that it has yet to accomplish filling the last structural depression with detritus from the Colorado Plateau and the Rocky Mountains. This depression is below sea level and known as the Salton Sink in southern California and northern Mexico.

- [Cenozoic Geology of the Colorado Plateau](#). Charles Butler Hunt.
- Note: this professional paper was written in 1956. It is still the most referenced geology paper ever written about the Colorado Plateau.

YES! Canyonlands Watershed Council is a charitable organization.

- PayPal - [HERE](#)
- Venmo - [HERE](#)
- Our EIN is: 87-0637713
- Friends of the Abajos doing business as Canyonlands Watershed Council.

DEVELOPERS - CONTACT INFORMATION

Kane Creek Preservation and Development, LLC

- **eMail:** info@kanecreekmoab.com
- **Partners:** Craig Weston, Tom Gottlieb & Trent Arnold
- **Website:** does not yet exist
- **Civil Engineer:** Jeff Pillus; jeffp@setengineering.com
- **Attorney:** J. Craig Smith; jcsmith@shutah.law

DOCUMENTS

- [Securities and Exchange Commission Document for Kane Creek LLC](#)
- [Request To Grand County For Sanitary Sewer Service](#)
- [Application for sewer service by Kane Spring Improvement District](#)

KANE SPRING IMPROVEMENT DISTRICT BOARD MEETINGS

- Contact info: kanespringsimprovementdistrict@gmail.com
- [Website](#)
- [Application for sewer service by Kane Spring Improvement District](#)

- June 14, 2023 - [Agenda of first meeting](#)
- June 14, 2023 - [Audio recording of first meeting](#)
- September 05, 2023 - [Minutes](#)
- February 23, 2024 - [Minutes](#)

GRAPHICS

- 1997 to 2023 - [Satellite imagery above Kings Bottom](#). Google Earth.
- January 2024 - [Mechanical excavation on the perched benches layered with Pleistocene river gravels above Kings Bottom](#).
- **Note:** The total volume of excavated fill material is estimated to be 827,000 cubic yards (51,688 truck loads).

PERMIT FOR SEWAGE TREATMENT FACILITY

PUBLIC ANNOUNCEMENT: There is a public meeting on August 3, 2023 at the Grand Center that begins at 6pm. This hearing is about a permit application to construct an independent, on site sewage treatment plant at King's Bottom along Kane Creek Road and the Colorado River.

The developer is Kane Creek Preservation and Development, LLC (KCPD)

- [Application for sewer service by Kane Spring Improvement District](#)
- [DWQ's Website for permit application for KCPD](#)
- [Approval of discharge permit for KCPD's minor municipal sewage treatment plant](#). DWQ.

The extended comment period closes August 4th, 2023

AGENDA: From Utah Department of Water Quality (DWQ); the agency contact person is [Jeff Studenka](#)

- Open House for Discharge Permit Application for Utah Pollution Discharge Elimination System (UPDES) (sewage processing facility) for Kane Creek Development and Preservation, LLC.
- Informational session begins at 6:00 pm
- Hearing from 6:30 pm to 8:00 pm on August 3, 2023
- Grand Center, Main Hall
- 182 N 500 W Moab, UT 84532
- [Public Presentation by DWQ of Jeff Studenka at Moab on August 3, 2023](#).
- [Recording of Public Hearing](#). Note: This recording was not edited and the proceedings do not begin until minute 53.

DOCUMENTS

- [Application for sewer service through Kane Spring Improvement District](#)
- [Public Notice and Public Hearing for KCPD sewage treatment plant](#). DWQ.

- [Fact Sheet for sewage treatment plant](#). DWQ.
- [Feasibility study for water supply and wastewater treatment](#). Anderson Engineering. (includes brief development plans)
- [Spreadsheets of data and notes for sewage treatment plant](#). xlsx file.
- [Wasteload Analysis](#). Shope.

TALKING POINTS ABOUT THE SEWAGE TREATMENT PLANT

- Kane Creek Road and King's Bottom are below the 100-year flood zone (156,440 cubic feet per second. See: Year 2014 calibration table in the Flood Hazard Section, above).
- King's Bottom is an attachment bar, which are created by large eddies during large flood events. When the next large flood arrives, there will be slope failures at King's Bottom, and/or infrastructure will be crushed by all the driftwood and woody debris entrained within the flood flow and the recirculating eddy. When the flood recedes, the entire bottom will be replaced by an entirely new and different attachment bar, which may be larger, smaller, or become an island, or disappear altogether.
- This is a preliminary discussion based on public information that is limited, or withheld. At some point a request for information will be provided via GRAMA Request (See Administrative Documents section above).
- In the floodplain (below the 100-year level) of the Colorado River, roads and residential homes will be constructed.
- The last 100-year flood occurred in 1862; that event was an atmospheric river from the Pacific Ocean that lasted 43-days. A near 100-year flood occurred in 1884. Several large floods occurred in a pluvial between 1905 to 1921. Flood frequency and flood magnitude is expected to increase because our warming atmosphere can hold more water vapor.
- The development will require flood insurance and the premiums will be high. This insurance will be federal flood insurance (FEMA).
- Before housing can be developed, it is obvious that a traffic plan to handle increased traffic will be necessary, for vehicles hauling heavy payloads, and for first responder vehicles.
- It is obvious that the utility corridor will have to be improved, which includes the installation of fire hydrants and a storage tank for the water.
- There will be amenities in the floodplain of the Colorado River. We assume this include eateries, hotels, rentals, and other commercial enterprises.

ANNOUNCEMENT: October 11, 2023 - FINAL Decision of Department of Water Quality regarding complain by citizens and the subsequent public hearing on June 14th.

SUMMARY - What was approved is the sewage treatment facility of the proposed development. It has been determined that "Permit coverage under the UPDES Construction General Storm Water Permit is required, however, for any construction at

the facility which disturbs an acre or more or is part of a common plan of development or sale that is an acre or greater."

Further information regarding storm water permit requirements can be found at <http://stormwater.utah.gov>.

COMMENT LETTER

- [Living Rivers to Utah Division of Water Quality about Kane Creek Development](#)

PUBLIC HEARING DOCUMENTS

- [Decision Reference Email](#). DWQ.
- [Public Comments Responsiveness Summary](#). DWQ.
- [Moab Public Hearing Comments Regarding Kane Creek UPDES 2023 Permit](#). DWQ.
- [Kane Creek Preservation And Development UPDES Permit](#). DWQ.

APPEAL PROCESS

- The procedures for appealing a permit decision can be found under Utah Code § 19-1-301.5 and Utah Admin. Code R305-7-104(5) and R305-7-203.

UPDATE ON UPDES CONSTRUCTION PERMIT

Construction approved by Utah Department of Environmental Quality, which issued a Utah Pollution Discharge Elimination System (UPDES) Permit to Kane Creek Preservation and Development, LLC (KCPD) will begin on December 4, 2023.

Citizens requested a public presentation about this permit, which was granted, and as follows

ANNOUNCEMENT from Utah Department of Water Quality.

- Public Meeting
- Monday, November 27, 2023
- Virtual Meeting Time: 6:00-7:00 PM
- Staff presentation: 6:00-6:20 PM
- Questions: 6:20-7:00 PM

Zoom credentials:

- <https://utah-gov.zoom.us/j/82526987466?pwd=Zy9WWUFXdXITR0JXMTR2NjIFVtBxZz09#success> HEARING
- ID: 825 2698 7466
- Passcode: gOfR^Y4t

Information

- Permit: UPDES Construction General Permit, Permit Number UTRC0000
- Agency: Utah Department of Environmental Quality, Division of Water Quality

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact the Utah State Accessibility website at <https://www.utah.gov/accessibility.html>

Echo Canyon Municipality, Kings Bottoms & Kane Creek Preservation and Development LLC and the FLOOD HISTORY OF THE COLORADO RIVER

FEBRUARY 13, 2024

BY JOHN S. WEISHEIT

COLORADO RIVER FLOODS & CLOUDBURST HAZARDS

Discussion about the "100-Year Flood"

- **Read:** [US Geological Survey Discussion](#)
- Defining a 100-year flood is related to general acceptable policies for government agencies and insurance providers. This is a statistical analysis, which is obviously acceptable to governing agencies, as long as it is also understood that this standard is the minimalist approach. See: [Initial-Phase Investigation of Multi-Dimensional Streamflow Simulations in the Colorado River, Moab Valley, Grand County, Utah, 2004](#). Kenney, USGS.
- An empirical study is letting Nature speak for itself. Nature is random, unpredictable, and extreme. For example, the 20th century was the wettest century in the last 2000-years, according to calibrated tree-ring data. Yet, the Colorado River in the 20th century did not have a single 100-year flood event, whether statistical or empirical.
- Whereas the 19th century had many serious flood events related to an atmospheric river event and volcanic eruptions in the South Pacific.
- Paleoflood hydrology is the science that provides empirical data about the frequency and magnitude of prehistoric flood events.
- Science Moab Interview with Professor Vic Baker ([listen](#)).
- Identifying flood indicators in nature: [Historical and Paleoflood Analyses for Probabilistic Flood-Hazard Assessments: Approaches and Review Guidelines](#). Harden.
- This data in real time was recently calibrated for the Colorado River Basin above the confluence with the Green River, and as follows:
- **A 100-year flood** would have a peak discharge ranging from 156,440 to 179,050 cfs. Thirty-four such floods have happened in the last 2,000 years.
- **A 500-year flood** would have a peak discharge ranging from 224,780 to 265,570 cfs. Twenty such floods have happened in the last 2,000 years.
- **A 1000-year flood** would have a peak discharge ranging from 256,740 to 310,770 cfs. Four such floods have happened in the last 2,000 years.
- Source: [A 2000 year natural record of magnitudes and frequencies for the largest Upper Colorado River floods near Moab, Utah](#). Noam Greenbaum, Tessa M. Harden, Victor R. Baker, John Weisheit, Michael L. Cline, Naomi Porat, Rafi Halevi, and John Dohrenwend; 2014.

TABLE: The data results of statistical floods and emperical floods

2000 years of flood history: Upper Colorado River floods near Moab, Utah

DATA Statistical Vs Empirical	100 year	Number of Floods	500 year	Number of Floods	1,000 year	Number of Floods	Probable Maximum Flood
Statistical Data Kenney (2004, USGS)							
In cubic meters per second	2,765	?	3,400	?	?	?	8,500
In cubic feet per second	97,645	?	120,070	?	?	?	300,175
Empirical Data Greenbaum, et al. (2014, Univ. of Arizona)							
Cubic meters per second (at average ranges)	4,670	34	6,675	20	7,680	5	9,200
Cubic feet per second (at average ranges)	164,920	34	235,725	20	271,217	5	324,895
Volume in 24 hours	327,112 acre-feet		467,554 acre-feet		537,950 acre-feet		644,419 acre-feet

FLOOD SCIENCE

- [CLICK HERE FOR A PRESENTATION](#) about flood hazards at Kings Bottom by John Weisheit, conservation director of Living Rivers & Colorado Riverkeeper. **Note:** this presentation was shared with the developer, engineer, attorney and our administrative agencies and elected officials.
- [CLICK HERE TO LISTEN](#) to Professor Victor Baker about paeleoflood hydrology. Science Moab, KZMU Community Radio.
- Read about the hundreds of paleoflood reports at this [website](#).
-

FEMA FLOODPLAIN MAPS

- [FEMA website for flood zones in Grand County, Utah](#)

GRAPHICS

- [May 25, 2023 - Kane Creek South End Snow Melt Flooding at 37,000 cubic feet per second. jpg.](#)

DISCUSSION OF DEVELOPMENT BELOW THE 100-YEAR FLOOD ZONE

- **Phase 1, 2, 3, 4, & 5** is in Area 1
 - Area 1 is between the Colorado River and Kane Creek Road.
 - **Phase 6** is in Area 4
 - Area 4 is between the Colorado River and Kane Creek Road.
 - **Phase 7** is in Area 5
 - Area 5 is between Kane Creek Road and bedrock.
 - **Phase 8** is in Area 2
 - Area 2 is between Colorado River and Kane Creek Road.
 - **Phase 9** is in Area 6
 - Area 6 is between Colorado River and Kane Creek Road.
 - **Source:** FEMA Maps and Anderson Engineering (see document section above).
 - [Kane Creek PD Plat Map. jpg.](#)
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Echo Canyon Municipality and Kane Creek Preservation and Development, LLC.

ENFORCEMENT OF LAND USE CODES

FEBRUARY 14, 2024
BY JOHN S. WEISHEIT

A CHRONOLOGY OF DOCUMENTS FOR Kane Creek Preservation & Development, LLC

- **As of February, 2024**

Website and updates: [Document archive from Grand County Administration](#)

Narrative: The zoning for the subject property is currently under review with the Planning & Zoning Department and the County Attorney, as the legal description from Ordinance RD 229 does not match the GIS zoning map, which is not an official zoning map, but is used for general reference. Grand County admin is currently working to locate an official zoning map on file with the County Recorder's office.

Open Records Request via GRAMA (Government Records Access and Management Act)

- Website: [to file a GRAMA request in Grand County](#)

YEAR 1992 - A zoning variance for a private campground

- July, 1992 - [Grand County Planning Commission Minutes for Nelson Rezone Application](#)
- May 4, 1992 - [Ordinance 229 Meeting Minutes](#)
- June 22, 1992 - [Grand County Commission Minutes for Public Hearing about Nelson Rezone](#)
- July 06, 1992 - [Grand County Commission Minutes and Ordinance Approval](#)
- July 6, 1992 - [Grand County Ordinance 229](#)
- January 19, 2024 - MAP: Ordinance 229

YEAR 2009 - Federal Flood Insurance Study for Grand County

- April 2, 2009 - [Flood Insurance Study for Grand County](#). FEMA.

YEAR 2018 - Kings Bottom is purchased by developers

- January 4, 2018 - [Wetland Delineation Study](#). Intermountain Ecosystems.

- January 19, 2018 - [Threatened and Endangered Compliance for Kane Creek Project](#). Alm and Assoc.

YEAR 2019

- January 2019 - [Aquatic Resources Delineation Report](#). SME Environmental Consultants.

YEAR 2020 - A site plan by the developers for a campground

- January 1, 2020 - [Kane Springs Campground Overall Site Plan](#).
- February 12, 2020 - [Memo Structural Fill Recommendations](#). GeoStrata.
- April 2, 2020 - [Kane Springs Letter of Map Revision \(LOMR\)](#). FEMA.
- April 3, 2020 - [Flood Insurance Study for Grand County](#). FEMA.
- April, 2020 - [Cultural Resource Inventory Kane Creek Campground](#). Stratified Environmental & Archaeological Services.
- June 3, 2020 - [Preliminary Jurisdictional Determination](#). ACOE.
- 2020.07.29. - [Kane Springs Campground Mass Grading](#). SET Engineering.
- August 24, 2020 - [Stormwater Pollution Prevention Plan](#). Harrison Field Services.
- August 26, 2020 - [Kane Springs Campground Mass Grading Exhibit](#). SET Engineering.
- August 27, 2020 - [Notice of Intent for Stormwater Discharge](#). UDEQ.
- September 01, 2020 - [Stream Alteration Permit Application](#). ACOE.
- September 4, 2020 - [Stream Alteration Permit Receipt](#). UDWR.
- September 9, 2020 - [Grand County Grading Excavation Permit](#). Grand County.
- November 13, 2020 - [Letter of Map Revision: Determination for Grand County](#). FEMA.
- December 11, 2020 - [Floodplain Development Permit Application](#). Grand County.

YEAR 2021

- May 18, 2021 - [Preliminary Traffic Memo](#). SET Engineering.

YEAR 2022

- January 27, 2022 - [Traffic Impact Analysis](#). SET Engineering.
- January 28, 2022 - [Master Plan Under Review](#). KCPD.
- April 27, 2022 - [Memo for Traffic Analysis Comments](#). Horrocks.

YEAR 2023

- January 28, 2023 - [Conceptual Site Master Plan](#). DTJ.
- January 31, 2023 - [Traffic Impact Analysis](#). SET Engineering.

- June 6, 2023 - [Memo for Roadway Improvements](#). Horrocks.
-
- [ZIP FILE](#)

YEAR 2024

- [Approval of Drinking Water Plan at Well #1 near Pritchett Canyon](#). Safe yield is 40 gallons per minute or 64.5 acre feet per year.

OTHER ADMINISTRATIVE DOCUMENTS

First fulfillment of a GRAMA request to Grand County

- [Download the ZIP file](#)

COUNTY DOCUMENTS

- January 11, 2024 - [Update and History of Kane Creek Development](#) (since 1992). Grand County admin.

PERMITTING - CONTACT INFORMATION

FEMA - Federal Emergency Management Agency

Region 8 Deputy Administrator Katherine Fox
katherine.fox5@fema.dhs.gov

[2009 - Kane Springs Determination Letter](#)

US Fish and Wildlife Service

George Weekley; Deputy Field Office Supervisor
(385) 285-7929 - Office
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george_weekley@fws.gov

US Army Corps of Engineers

Samual Bohannon; Regulatory Project Manager
533 West 2600 South; Suite 150
Bountiful, UT. 84010-7744
801-295-8380; Ext. 8313
Samuel.T.Bohannon@usace.army.mil

Utah Department of Water Quality

Discharge Elimination System Permits

<https://deq.utah.gov/division-water-quality>

Jeff Studenka
jstudenka@utah.gov
385-602-7303

Stream Alteration

Price, Utah Region
Daren Rasmussen

Phone: (801) 538-7377

Email: darenrasmussen@utah.gov

Click here to review: Stream Alteration Application No. 20-05-05SA

Utah Sovereign Lands Coordinator

Tony Mancuso

435-210-0362

tmancuso@utah.gov

Sovereign Lands: Colorado and Green River Management Plans

Final documents released on January 6, 2020

- [Public Postcard](#)
- [Record of Decision for Colorado River](#)
- [Record of Decision for Green & Colorado Rivers](#)
- [Comprehensive Management Plan and ROD for Colorado River](#)
- [Mineral Leasing Plan and ROD for Green & Colorado Rivers](#)
- [Comprehensive Management Plan for Colorado River](#)
- [Mineral Leasing Plan for Green & Colorado Rivers](#)

Grand County Building Inspector

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OTHER INTERESTED PARTIES

UMTRA Liaison/Technical Inspector

Moab Uranium Waste Tailings

Jessica Thacker

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Environmental Protection Administration

TBA

The State Historic Preservation Office

State Historic Preservation Officer

Archaeology - Chris Merritt

801-245-7263

ADDITIONAL BASELINE INFORMATION

- 2002 - [Remedial action at Moab uranium mill site: now and long-term](#). National Academy of Sciences.
- 2004 - [Biological Opinion for Moab uranium mill mitigation](#). USFWS.

- Bibliography of ecological resources of the Colorado River near Moab.
-

PRESENTATIONS, NEWS and OPINION about the proposed development project at Echo Canyon Municipality and Kings Bottom above Kane Creek

FEBRUARY 17, 2024
BY JOHN S. WEISHEIT



*Moab Garage Company boat on the Colorado River, 1920s.
courtesy of Utah State Historical Society*

Kings Bottom, mouth of Kane Creek and Williams Bottom

PUBLIC PETITION AGAINST KANE CREEK DEVELOPMENT

- [Petition against Kane Creek Development](#)

THE COMMUNITY ORGANIZERS

Kane Creek Development Watch (KCDW)

- [CLICK HERE - To Donate To KCDW via ZEFFY](#)
- **Fiscal sponsor:** Friends of the Abajos, doing business as Canyonlands Watershed Council
- **Contact the petition organizers:** keepGCgrand@gmail.com
- **Website:** [Kane Creek Development Watch](#)
- **Mission Statement:** Kane Creek Development Watch (KCDW) is a group of dedicated citizens committed to preserving the unique beauty and ecological integrity of the Colorado River corridor near Moab, Utah. Our mission is to safeguard this vital area from a development that poses significant socio-economic and environmental threats to our vibrant local community. Our goal is to secure the land back from the developers and ensure its protection for future generations.
- [DONATE TO KCDW via ZEFFY](#)

RADIO INTERVIEWS

- February 22, 2024 - [Utah Public Radio](#). By Tom Williams. The guests are: Jon Kovash, Molly Marcello, Sophia Fisher, Laura Long and Bill Love.

PUBLIC COMMENT & LETTERS

- [Grand County website to provide public comments to the commissioners and staff.](#)
- [Link to the Zoom Meetings of the County Commissioners.](#)
- [Comment letter by Living Rivers to Utah Division of Water Quality about Kane Creek Development](#)
- **Citizens to be Heard:** County Commission Meeting of January 16, 2024 - [Meeting begins at 1 hour, 3 minutes and 50 seconds](#)). You Tube.
- [Click here for a presentation](#) about flood hazards at Kings Bottom by John Weisheit, conservation director of Living Rivers & Colorado Riverkeeper. **Note:** this presentation was shared with the developer, engineer, attorney and our administrative agencies and elected officials.

OPINIONS AND LETTERS TO THE EDITOR (OpEds & LTTEs)

- May 13, 2026 - [Echo Canyon Project Still Faces Major Hurdles](#). By Dave Closser for the Moab Times-Independent.
- April 08, 2026 - [The True Spirit Of Moab](#). By Dave Closser for Moab Times Independent.
- April 08, 2026 - [Echo Canyon: Saying Vs Doing](#). By Jerry Shue for Moab Sun News.
- April 01, 2026 - [Echo Canyon: Building a community that reflects the spirit of Moab](#). By Craig Weston for Moab Times Independent.

- December 31, 2025 - [Echo Canyon: A breakdown in buyer protections](#). By Dave Closser for Moab Times-Independent.
- October 22, 2025 - [Craig Weston's Echo Canyon Legacy--Buyer Beware!](#) By Jerry Shue for Moab Times-Independent.
- October 01, 2025 - [Kane Creek/Echo Canyon Development Lots For Sale](#). By Dave Closser for Moab Times-Independent.
- August 08, 2025 - [Kane Creek/Echo Canyon Development Update](#). By Dave Closser for Moab Times-Independent.
- June 11, 2025 - [Echo Canyons \(Kane Creek\) impending traffic crises ahead](#). By Dave Closser for Moab Times-Independent.
- June 6, 2024 - [Controversial Kane Creek developer quietly makes major donations in AGs race](#). By Eric Peterson for Moab Sun News.
- May 28, 2024 - [What could go wrong?](#) By Jerry Shue for Moab Times-Independent.
- May 14, 2024 - [General Plans are more than a wish list, they are the law](#). By Alison Simon for Moab Times Independent.
- May 14, 2024 - [Former Commissioner: New groups to Moab were here in the 90s](#). By Sam Cunningham For Moab Times Independent.
- May 9, 2024 - [Actually setting the record straight on Kane Creek](#). By Laura Long For Moab Times-Independent.
- May 7, 2024 - [Rebuttals to Jackson and KCPDs General Parters](#). By Cody Priano And Paul Lehr for Moab Times-Independent.
- April 30, 2024 - [General partners set the record straight on Kane Creek](#). Trent Arnold et al for Moab Times-Independent.
- April 23, 2024 - [Responses to Lynn Jackson's OpEd](#). Baird, McGann, and Roseme.
- April 16, 2024 - [Don't let emotions drive Kane Creek development decisions](#). By Lynn Jackson for Moab Times-Independent.
- February 20, 2024 - [Kane Creek developers address mining allegations and other issues](#). Arnold, Weston & Gottlieb for Moab Times-Independent.
- February 13, 2024 - [Putting the 1992 Kane Creek Zoning decision in Context](#). Sam Cunningham for Moab Times-Independent.
- February 13, 2024 - [More On The Alleged Unlawful Mining At Kane Creek](#). Tuesday Wright for Moab Times-Independent.
- February 12, 2024 - [Concerns over sand and gravel extraction at Kane Creek Project](#). Kiley Miller for Moab Times-Independent.
- [February 6, 2024 - County is investigating Kane Creek zoning](#). By Sophia Fisher for Moab Tiomes-Independent.
- February 5, 2024 - [Town unites to fight a floodplain development](#). Mary Moran for Writers on the Range.
- January 31, 2024 - [Former County Commissioner: Kane Creek Was Supposed To Be a 10-acre Campground](#). Sam Cunningham for Moab Times-Independent.
- January 23, 2024 - [Please spare Kane Creek](#). Barb Crossan for Moab Times-Independent.
- January 23, 2024 - [It's time to stand up for what Moab deserves](#). Emily Sukiennik for Times-Independent.

- Janaury 23, 2024 - [It's Not Too Late To Shut Down Kane Creek Project](#). Steve Russell for Moab Times-Independent.
- January 17, 2024 - [Sewage concerns, water realities at Kane Creek Development](#). John Gould for Moab Times-Independent.
- January 09, 2024 - [Kane Creek development proposal "is bad, sad idea."](#) Carrie Bailey & Marsha Marshal for Moab Times Independent.
- December, 2023 - [Kane Creek development and Grand County's "adventurous small town spirit."](#) Laura Long for Moab Sun News.
- July 27, 2023 - [The developers at Kings Bottom & Kane Creek Road do not understand the flood history of the Colorado River](#). John Weisheit for Moab Times Independent.
- July 7, 2023 - [Kane Creek development should be opposed](#), Sarah Stock for Moab Sun News.

NEWS

- [March 24, 2025 - The Wild West Showdown Over Developing a Revered Utah Getaway](#). By Jim Carlton for The Wall Street Journal.
- [March 6, 2025 - Hundreds oppose Kane Creek incorporation at public hearing as process moves forward](#). By Andrew Christiansen For Moab Times-Independent.
- [February 18, 2025 - Kane Creek town proposal moves forward, public hearing set](#). By Andrew Christiansen for Moab Times-Independent.
- [December 18, 2024 - Grand County Commission denies Kane Creek Zoning Appeal](#). By Andrew Christiansen for Moab Times-Independent.
- [December 18, 2024 - Grand County Commission denies Kane Creek zoning appeal](#). By Andrew Christiansen For Moab Times-Independent.
- [December 05, 2024 - Watch Group and developers clash over Kane Creek subdivision zoning](#). By Andrew Christiansen for Moab Times-Independent.
- [November 18, 2024 - Over 100 protesters rally against Kane Creek development](#). By Andrew Christiansen for Moab Times-Independent.
- October 22, 2024 - [Speaker Schultz calls for pause on major water bills in 2025](#). By Ben Winslow for Fox 13 News.
- October 7, 2024 - [Kane Creek development secures wastewater permit in appeal hearing](#). By Andrew Christiansen for Moab Times-Independent.
- [June 18, 2024 - Citing improper actions by Winfield, Nassau Resigns](#). By Doug McMurdo for Moab Times-Independent.
- June 6, 2024 - [Controversial Kane Creek developer quietly makes major donations in state Attorney General's Race](#). By Eric Peterson for the The Utah Investigative Journalism Project and Moab Sun News.
- [May 30, 2024 - State shuts down Kane Creek Project water well](#). By Doug McMurdo for Moab Times-Independent.
- May 8, 2024 - [County nixes Kane Creek Developments wastewater permit](#). By Sophia Fisher for Moab Times-Independent.
- April 17, 2024 - [Commission delays vote on Kane Creek Permit](#). By Sophia Fisher for Moab Times-Independent.

- April 1, 2024 - [Four organizations protest Kane Creek water application](#). By Sophia Fisher for Moab Times-Independent.
- March 5, 2024 - [Kane Creek Earthwork Is Legal, County Says](#). By Doug McMurdo for Moab Times-Independent.
- March 5, 2024 - [Legislature grants \\$1M to nonprofit led by Kane Creek developer](#). By Sophia Fisher for Moab Times-Independent.
- February 27, 2024 - [No Consensus On Kane Creek Mining Allegations](#). By Sophia Fisher for Moab Times-Independent.
- February 27, 2024 - [Legislature on track to grant \\$1 Million to Kane Creek developers](#). By Sophia Fisher For Moab Times-Independent.
- February 15, 2024 - [Interview with Jon Kovash: Kane Creek developers wield cash](#). By Molly Marcello for KZMU Community Radio in Moab, UT.
- February 2, 2024 - [Kane Creek development / Moab campground turned into homes near Colorado River](#). Sophia Fisher for Salt Lake Tribune.
- January 26, 2024 - [Mining Monitor, Moab's Kings Bottom Development and Sun Zia lawsuit](#). By Jonathan Thompson for The Land Desk.
- January 23, 2024 - [Uproar over Kane Creek Development Dominates Commission Meeting](#). By Sophia Fisher for Moab Times-Independent.
- June 29, 2023 - [We are honestly trying to be good neighbors](#). By Sophia Fisher for Moab Times-Independent.
- June 14, 2023 - [50 Residents Protest Kane Creek Treatment Plant](#). Sophia Fisher for Moab Times-Independent.
- June 1, 2023 - [Kane Creek Development Pursues Wastewater Plant](#). Sophia Fisher For Moab Times Independent.
- September 08, 2022 - [County opts to keep thumbs on Kane Creek Development](#). By Sophia Fisher for Moab Times-Independent.
- September 08, 2022 - [New special Service District established for Kane Springs](#). By Rachel Fixsen for Moab Sun News.
- August 8, 2022 - [County Opts To Keep Thumbs On Kane Creek Development](#). Sophia Fisher for Moab Times Independent.
- October 29, 2021 - [Kane Creek development leads to evictions: Developers promise community benefit, but first tenants must leave](#). Rachel Fixsen for Moab Sun News.
- October 28, 2021 - [Kane Creek project leaves some residents in the lurch](#). Carter Pape for Moab Times Independent.
- October 28, 2021 - [Kane Creeks future: A research and innovation hub](#). Carter Pape for Moab Times Independent.
- October 28, 2021 - [Kane Creek Project leaves some residents in lurch](#). By Carter Pape for Moab Times-Independent.

RESPONSE TO PUBLIC FROM KCPD, LLC

Full Page Advertisement published January 11, 2024 in Times - Independent

- We are pleased that the developers have publicly confirmed that their project will be constructed in the historic floodplain and that federal flood insurance is required for all home owners and business operators.
 - It is important for buyers and investors to understand that the 100-year flood designation from the federal government is an arbitrary number.
 - In the last 2,000 years, there have been over 34 floods greater than the USGS 100-year flood; over 20 floods greater than the USGS 500-year flood, and 5 floods have exceeded 282,000 cfs, and 2 floods were greater than 349,000 cfs.
 - **REFERENCE:** A 2000 year natural record of magnitudes and frequencies for largest Upper Colorado River floods near Moab, Utah. Greenbaum, 2014.
 - This designation is also a moving target. The elevation of the 100-year floodplain has already increased due to an enlarged data base from new paleoflood studies in the Colorado River Basin.
 - Visit this [flood resource page](#) at On The Colorado.
-

WATER RIGHT CHANGE APPLICATION by Echo Canyon Municipality and Kane Creek Preservation and Development, LLC

MARCH 01, 2024

BY JOHN S. WEISHEIT

NEW INFORMATION

- May 29, 2024 - [Document and photos](#) by Enforcement Engineer of Utah Division of Water Rights and regarding the water right violation by KCPD.
- May 21, 2024 - Response from Kane Creek Preservation and Development LLC, in regards to illegal action: deliberately pumping groundwater without an approved water right. [KCPD's response to this violation](#). Attorney at the law firm of Smith Hartvigsen.
- May 13, 2024 - Acknowledgement of citizen complaint about this water right violation: [Acknowledgement letter from Utah Division of Water Rights / Enforcement Referral](#).

NOTICE TO WATER USERS

Thursday, February 29, 2024; Moab Times-Independent

Change application for Kane Creek Springs Improvement District.

Protest and request for hearing is due on March 27, 2024.

- [Click here](#) to submit your: 1) comment; 2) upload a letter and supporting documents; 3) and to pay the \$15 filing fee.

The applications below were filed with the Division of Water Rights in Grand County. These are informal proceedings per Rule 655-6-2. Protests concerning an application must be legibly written or typed, contain the name and mailing address of the protesting party, STATE THE APPLICATION NUMBER PROTESTED, CITE REASONS FOR THE PROTEST, and REQUEST A HEARING, if desired.

Also, A \$15 FEE MUST BE INCLUDED FOR EACH APPLICATION PROTESTED. Protests must be filed with the Division of Water Rights on or before Mar. 27, 2024 either electronically using the Division's on-line Protest of Application form, by hand delivery to a Division office, or by mail at PO Box 146300, Salt Lake City, UT 84114-6300.

Please visit waterrights.utah.gov or call (801)538-7240 for additional information.

- **Change Application (s)** for [Water right: 05-290 \(a51289\)](#): Kane Creek Preservation and Development, LLC, Kane Springs Improvement District, Kane Springs Water Company, LLC propose(s) using 1.86 cfs OR 422.68748 ac-ft.

from groundwater (3 miles Southwest of Moab) for MUNICIPAL: In Kane Springs Water Company, LLC.

NEWS

- April 9, 2024 - [Kane Creek protests say developers water rights should be nullified](#). By Sophia Fisher for Moab Times-Independent.
- April 1, 2024 - [Four organizations protest Kane Creek water application](#). By Sophia Fisher for Moab Times-Independent.

WATER RIGHTS AT KING'S BOTTOM

Utah Division of Water Rights; (UDWRi or "State Engineer")

- Citizens may file protest applications [HERE](#)
- Link to water right queries at website of UDWRi are [HERE](#)
-

Batch One

1.a. [05-2450](#)

- [Combined administrative record as of January 2024](#)

1.b. [05-644](#)

- [Combined administrative record as of January 2024](#)

1.c. [05-290](#)

- [Combined administrative record as of January 2024](#)

Batch Two

2.a. [05-1990](#)

- [Combined administrative record as of January 2024](#)

2.b. [05-1296](#)

- [Combined administrative record as of January 2024](#)

2.c. [05-1295](#)

- [Combined administrative record as of January 2024](#)

The chronology of consumptive water use at King's Bottom - 1962 to 2020

1962 - chicken farm / dairy farm.

1992 - Drilling log at zero to 10 feet: river mobilized alluvium.

1992 - Drilling log at 10 to 360 feet: bedrock (Glen Canyon Group).

1992 - Output is 20 - 25 gallons per minute.

2002 - Private campground; bathroom & shower building.

2020 - Water rights transfered to KCPD, LLC in 2020.

2024 - Change Applications were filed in January. Citizens may file a protest application [HERE](#)

Echo Canyon Municipality - a process approved by state legislation that allows developers to self-incorporate a city on the floodplain of the Colorado River at Kings Bottom and Kane Creek

FEBRUARY 24, 2025
BY JOHN S. WEISHEIT

PUBLIC MEETING ANNOUNCEMENT

News

- [February 18, 2025 - Kane Creek Town proposal moves forward, public hearing set.](#) By Andrew Christiansen for Moab Times-Independent.
- [March 5, 2025 - Lawmakers could end preliminary municipality process Kane Creek; Public Hearing tonight.](#) By Andrew Christiansen for Moab Times-Independent.
- [March 6, 2025 - Hundreds oppose Kane Creek incorporation at public hearing as process moves forward.](#) By Andrew Christiansen For Moab Times-Independent.

Opinion

-
- December 31, 2025 - [Echo Canyon: A breakdown in buyer protections.](#) By Dave Closser for Moab Times-Independent.
- October 22, 2025 - [Craig Weston's Echo Canyon Legacy--Buyer Beware!](#) By Jerry Shue for Moab Times-Independent.
- October 01, 2025 - [Kane Creek/Echo Canyon Development Lots For Sale.](#) By Dave Closser for Moab Times-Independent.
- August 08, 2025 - [Kane Creek/Echo Canyon Development Update.](#) By Dave Closser for Moab Times-Independent.
- June 11, 2025 - [Echo Canyons \(Kane Creek\) impending traffic crises ahead.](#) By Dave Closser for Moab Times-Independent.
- May 28, 2024 - [What could go wrong?](#) By Jerry Shue for Moab Times-Independent.
- May 14, 2024 - [General Plans are more than a wish list, they are the law.](#) By Alison Simon for Moab Times Independent.

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Baseline River Elevations

- 3949 feet - the Colorado River at the mouth of Moonflower Canyon in low water.
- 3965 feet - the parking lot & public toilet at Moonflower Canyon trailhead.

- 3968 feet - the maximum elevation of Kane Creek Boulevard near the proposed construction site.
- 3969 feet - the maximum elevation for the snowmelt of 1984.
- 3977 feet - the maximum elevation for the snowmelt of 1921.
- 3986 feet - the maximum elevation for the snowmelt of 1884.

What is Kings Bottom? It is an expansion bar of mobilized river cobbles and sand deposited by vigorous, velocity currents of the Colorado River at floodstage. Typically a warm rain on snow event falling on the snowpack of the Rocky Mountains in May/June. Extreme and random floods also occur during the hurricane season and the monsoon season (late summer/early fall). Dam failures upstream pose the greatest threat to safety, because a massive wave races through the river corridor. The wave will entrain everything within the river corridor, which includes trees, cars, and buildings. It is the debris that makes this flood extremely life threatening.

A chronology of baseline documents

-
- [1984 - Hydrograph of high water for the Colorado River at Moab](#). Graph.
- [Flood simulation at Kings Bottom](#). Animation.
- [2003 - 7.5 Minute Quad Map of Portal, Kings Bottom, Kane Creek and Potash facility \(mine\)](#). USGS.
- [2004.09.20 - Biological Opinion for reclamation of the Moab Uranium Mill](#). USFWS.
- [2020.04.03 - Flood insurance study for Grand County Utah annotated](#). FEMA.
- [2021.11.00 - Floodway analysis mapping annotated; Grand County, Utah](#). FEMA.
- [2024.04.10 - KCPD property should be a protected wetlands](#). Robert Phillips.

The original proposal is campground development

- [2020.01.24 - Original site plan for a proposed campground at Kings Bottom](#).

The proposal is modified to become a high end residential and commercial development

- [The original campground project is abandoned and expanded to become a high end develop and then as a municipality](#).

The proposal is modified again to become an independent municipality

- [2024.05.01 - Kane Creek request for feasibility study](#).
- [2024.06.24 - Kane Creek Preliminary Municipal Feasibility Review](#). U of U.
- [2025.01.31 - Kane Creek Preliminary Incorporation Feasibility Study, Final Corrected](#). LRB Advisors.
- [2025.02.05 - Kane Creek First Public Hearing Notice](#). UPN and LGO website corrected.
- [2025.02.23 - Jordan Schwanke eMail Response to Dave Closser](#).

- [2025.02.24 - Evaluation of LRB Feasibility Study for Kane Creek Preliminary Municipality.](#) Dave Closser.
- [2025.03.04 - Kane Creek First Public Hearing Agenda.](#)
- [2025.03.05 - Preliminary Municipality on Kane Creek Public Hearing Questions & Responses.](#)
-

The name for this municipality with no population or infrastructure shall be called "Echo Canyon."

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- [2025.03.20 - Filed Petition for Incorporation of Echo Canyon: A Preliminary Municipality With Exhibits.](#)
- [2025.03.23 - Well Application for equipping the Kane Springs Water Co. Well #1.](#)
- [2025.05.01 - Kane Creek Request for Feasiibility Study Certification.](#)
- [2025.05.05 - Echo Canyon Preliminary Municipality Petition Determination Notice.](#)
- [2025.05.20 - Certification of Petition for Incorporation Echo Canyon.](#)
- [2025.05.20 - Echo Canyon Modified Petition for Incorporation.](#)
- [2025.06.09 - Certification of Petition for Incorporation Echo Canyon.](#)
- [2025.06.12 - Echo Canyon Ordinances.](#)
- [2025.06.25 - KCPD Phase 1 LLC, Certificate of Organization.](#)
- [2025.06.28 - Echo Canyon Community Association Incorporation; Articles of Incorporation.](#)
- [2025.07.01 - KCPD LLC Phase 1 Special Warranty Deed.](#)
- [2025.07.03 - Echo Canyon Phase 1 Plat.](#)
- [2025.07.07 - Echo Canyon Community Declarations.](#)
- [2025.07.07 - Echo Canyon Residence Association Declarations.](#)
- [2025.07.07 - Notice of Annexation.](#)
- [2025.08.06 - Floodplain Code 44CFR59.24.](#)
- [2025.08.06 - Floodplain Code 44CFR64.4.](#)
- [2025.08.27 - Final EC Admin Funding and Reimbursement Agreement With KCPD.](#)

Reviews by Citizens

- [Citizen review.](#) Closser.
- [Counter study by citizens.](#) Kane Creek Development Watch (The Watch)

Contact the Designated Sponsor

- Kane Creek Preservation and Development, LLC.
 - eMail for [Craig Weston](#)
-

Kane Creek Development Watch and Living Rivers file a complaint against Echo Canyon / Kane Creek Preservation and Development LLC

JUNE 28, 2025

BY JOHN WEISHEIT

NEWS COVERAGE ON THIS LITIGATION

- July 2, 2025 - [Lawsuit takes aim at Echo Canyon water rights](#). By Doug McMurdo for Moab Times-Independent and Salt Lake Tribune.

Press Release for immediate release as of June 28, 2025

LIVING RIVERS AND KANE CREEK DEVELOPMENT WATCH CHALLENGE KANE CREEK LUXURY RESORT'S WATER RIGHTS

Note: The developers have recently changed the name of their luxury resort from Kane Creek Preservation and Development, LLC to Echo Canyon, a Preliminary Municipality.

Note: The citizen's group known as Kane Creek Development Watch has a nickname: "The Watch"

Contacts:

- John Weisheit at Living Rivers: 435-260-2590; john@livingrivers.org
- Laura Long at The Watch: 224-567-1966; contact@kanecreekwatch.org
- Dave Closser at The Watch: 303-859-1080; daveclosser@gmail.com

Living Rivers and Kane Creek Development Watch (hereafter referenced together as "Watch") have filed a lawsuit in the Seventh Judicial District Court of Grand County challenging the validity of the water rights claimed by Kane Creek luxury resort developers ("Developers"). Watch's lawsuit states that the Developers' groundwater and Colorado River water rights were not put to beneficial use for more than seven years, which, under Utah law, means the water rights are subject to forfeiture. Development, even the preliminary bulldozing, cannot legally continue without a water supply.

Local opposition to the proposed Kane Creek luxury resort has been strong and consistent, with residents voicing concerns at standing-room only public hearings. "This project does nothing to address Grand County's affordable housing crisis—in fact, it makes it worse," said Laura Long, a Watch activist and frequent speaker at the hearings. "It's an exclusive enclave for wealthy investors that would drive up land prices, strain local infrastructure, cost local taxpayers money, and destroy the natural character of the canyon and the Colorado River floodplain." The resort proposal (which has changed several times) calls for over 550 high-end housing units, 70,000 square feet of commercial space, and 100 overnight accommodations in the heart of the Kings Bottom area.

Bob Phillips, a water right owner and Moab Mosquito Abatement District manager for 23 years who frequently observed and assessed the proposed project site, says, "Utah law is very clear that if water rights aren't put to beneficial use for seven years, those water rights are no longer good. Anyone who has spent time in the Kane Creek development area knows that there's barely been any irrigation there for decades. Therefore, the developers have lost their right to this water--and there are plenty of other people who want it."

In their prior protest to the use of these water rights, the U.S. Bureau of Land Management (BLM) noted that several natural springs on public lands adjacent to development could shrink or dry up due to increased groundwater use at the development. The BLM's springs are critical for wildlife and nearby native plants and hanging gardens--places like Moonflower Canyon, Hunter Canyon, Pritchett Canyon, Kane Canyon, and the Behind the Rocks Wilderness Study Area.

John Weisheit, Colorado Riverkeeper and director of Living Rivers agrees: "We need to show respect to the Colorado River and our water supplies in times of prolonged drought, water scarcity, flood events and in land use. The Developers of this luxury resort on the Colorado River fail to do so."

Dave Closser, a Moab resident, has been monitoring the resort's progress from the beginning. He is concerned about safety and delays on Kane Creek Boulevard, a rough and narrow gateway access road for public recreation traversed daily by tourists and Grand County residents alike. "The resort construction and massive infrastructure development will make accessing all of Kane Creek Boulevard, and nearby recreation areas, difficult and dangerous for years. There will be long delays on the narrow road along the River, and there are no go-arounds. Local businesses could be forced to cancel or reduce their operations which will trickle down to their bottom line and the pockets of their employees. And who is going to pay for the road expansion? It's going to cost millions of dollars, and the federal government has already declined to fund it." Several local tourism business owners submitted statements in support of the lawsuit, noting that the resort and its water use could damage their businesses.

Kane Creek Development Watch is a grassroots citizen's group based in Moab. It sprung up in 2024, in response to this resort proposal. Its strong network of donors and activists have been pushing back against the well-funded and politically-connected Developers, including by funding this lawsuit (which is funded entirely by hundreds of local residents and visitors) and collecting 17,850 signatures from residents and others opposed to this massive resort. Watch is dually focused on (a) mitigating impacts from the development on the unique area it would decimate, the surrounding ecosystem, and adjoining public lands, as well as (b) preventing additional strain on the water supply of the Colorado River and its tributaries, which are over-appropriated.

DOCUMENTS:

- [The complaint and exhibits](#)
- [The complaint only](#)

- [The exhibits only](#)

ADDITIONAL WEBSITES:

- <https://kanecreekwatch.org/>
 - <https://www.livingrivers.org/nonprofit/moab-ut>
-

YES! Canyonlands Watershed Council is a charitable organization.

- PayPal - [HERE](#)
 - Venmo - [HERE](#)
 - Our EIN is: 87-0637713
-

Kane Creek Development Watch and Living Rivers file a lawsuit against Lt. Governor and Echo Canyon Municipality

FEBRUARY 10, 2026
BY JOHN S. WEISHEIT

SB 258 Press Release, Media Summary and FAQ

For immediate relase on Febuary 11. 2026

Lawsuit Challenges Unconstitutional Law Tailored for Echo Canyon Luxury Resort.

- [Click here to read the legal brief.](#)

Contacts:

- Laura Long: laura@kanecreekwatch.org
- John Weisheit: john@livingrivers.org
- Cody Priano: codypriano@gmail.com

News Coverage

- February 11, 2026 - [Lawsuit Seeks To Void Echo Canyon's Preliminary Municipality Certification](#). By Andrew Christensen for Moab TI.
- February 12, 2026 - [Lawsuit Challenges State Law That Gave Kane Creek Developers Their Own Government](#). By Maggie McQuire for Moab Sun News.

Summary

Environmental and community groups have filed suit challenging a new Utah law that allows a private developer to form an unelected “preliminary municipality” government with full zoning and land-use powers. The lawsuit argues the statute violates the Utah Constitution by transferring government authority from elected officials to private developers; the new law appears as if it was drafted specifically to facilitate development of the Echo Canyon luxury resort along the Colorado River near Moab without having to receive approvals from county land use authorities. In addition to Echo Canyon, this law has since been used to advance at least three other controversial projects in rural Utah. Bottom line, the new law lets developers write their own rules for governing, rather than elected county representatives who are accountable to residents.

The Complaint: FOA vs Henderson

MOAB, UT — February 10, 2026 — Kane Creek Development Watch, in partnership with Living Rivers, filed a lawsuit in Utah’s Seventh District Court challenging the constitutionality of a state law designed to allow the Echo Canyon luxury resort (formerly Kane Creek Preservation and Development) to incorporate as a municipality while bypassing long-standing incorporation requirements.

Preliminary Municipality Law Violates the Utah Constitution

For more than a century, Utah has followed a constitutional principle shared by many states: municipal and land use authority must be exercised by elected officials accountable to the public—not by unelected private commissions. This safeguard protects local residents’ right to self-government, prevents cronyism, and ensures that local land use decisions are made by entities accountable to the local voters.

That principle was abandoned in 2024 when the Utah Legislature passed Senate Bill 258. The bill allows a single property owner to incorporate land as a “preliminary municipality” and appoint an unelected governing board with nearly all the powers of a city, including land-use and zoning authority—while excluding county residents from participation.

In effect, the statute removes authority from elected county officials and transfers it to politically unaccountable private developers.

Turning a Public Canyon into a Private Resor

Filed the same day SB 258 took effect, Echo Canyon’s application covers 176 acres along the Colorado River just downstream from Moab, including 70 acres of riparian floodplain and 100 acres of adjacent redrock benchlands. The proposal includes 580 homes, 100 overnight lodging units, and 72,000 square feet of commercial space.

The project would transform a largely undeveloped stretch of river—valued for wildlife habitat, cultural and archaeological resources, public lands access, extensive use by local businesses, and recreation—into a private luxury resort.

Laura Long of Kane Creek Development Watch said:

“This law appears to be intended specifically for Echo Canyon. The project faced strong local public opposition and major obstacles under county review. SB 258 sidesteps local land-use laws and cuts residents out of the process.”

Conflicts with Local Planning, Safety, and Water Law

The development conflicts with Grand County’s adopted land-use and zoning ordinances, which balance responsible development and economic activity with environmental protection and public safety.

Observers also note the preliminary municipality is not required to comply with Grand County floodplain standards and other regulations. The project proposes adding 10 feet of structural fill over 70 acres in a floodplain along the Colorado River to support buildings, raising serious concerns about flood risk and long-term liability.

Nearby landowner Cody Priano warns the narrow canyon contains known rock art and unsurveyed cultural resources that could be destroyed by large-scale construction. He also notes the statute contains no affordable housing requirements, despite Grand County's severe housing shortage. The resorts' lots are priced out of reach for local residents that need housing.

Long-time river advocate John Weisheit emphasized that the Echo Canyon developer is already the subject of a separate lawsuit filed by Living Rivers and Kane Creek Development Watch, requesting the Court order that the developer's claimed water rights have been abandoned and/or forfeited due to decades of non-use.

"The developer lacks valid and sufficient water rights to serve a municipality and made misleading claims to the Lieutenant Governor and feasibility study consultants about water availability," Weisheit said. "This new statute removes basic oversight in favor of a private developer seeking to avoid accountability."

Long concluded: "Utah's municipal incorporation laws exist to ensure grassroots incorporation and democratic governance by real residents. SB 258 discards those core values of the state and allows a single developer to create what is essentially a private government, and build without complying with county zoning and land use regulations, all to line their own pockets."

Media Brief

Case: Kane Creek Development Watch & Living Rivers v. Lt. Gov. of the State of Utah et al.

Court: Utah Seventh District Court

Filed: February 10, 2026

What's at Issue

A new Utah law (SB 258) allows a property owner to form a "preliminary municipality" governed by an unelected board with city-level powers. Plaintiffs argue the law violates the Utah Constitution's protections for democratic self-government.

Why It Matters

- Transfers land-use and zoning authority from elected officials to private developers
- Removes county oversight over previously unincorporated areas with no residents
- Eliminates county resident participation, elections, and accountability
- Sets a statewide precedent affecting rural counties across Utah
- Allows private developers to write their own land use code and other municipal ordinances

- Creates financial and safety risks to rural counties and their citizens because if the development fails, the county will be on the hook to take over any partially built infrastructure and debt obligations of the preliminary municipality

Echo Canyon Development

- 176 acres along the Colorado River near Moab
- 580 homes, 100 lodging units, 72,000 sq. ft. commercial
- Includes floodplain and culturally sensitive lands
- Detrimental impacts to the local economy – numerous Grand County guiding and recreation businesses rely on the Kane Creek/Kings Bottom area to serve their clients and make a living
- Increased water use and strain on local water resources and springs on public lands
- Risk to natural environment and protected cultural resources, including documented petroglyphs, grave site, and artifacts located on or adjacent to the property

Key Legal Claims

- SB 258 violates the state constitution by granting municipal powers and authority to entities with private governing board primarily made up of unelected officials.
- SB 258 violates the state constitution by arbitrarily targeting rural counties, as preliminary municipalities can only be created in Utah's lower-population counties.
- SB 258 violates the state constitution by allowing creation of a municipality that is neither a city, nor town, and contains no actual people.
- SB 258 violates the state and federal constitutions by removing the ability of Grand County residents to petition their elected representatives to redress grievances.
- SB 258, and Echo Canyon specifically, violates the state constitution by allowing Echo's governing board, who claim to be public officers, to make a profit from public money and/or property.
- As Echo Canyon itself is a constitutionally invalid entity, Echo Canyon's actions under the statute are invalid.
- The court should halt further action by Echo Canyon and the developers that have been supposedly authorized pursuant to the law

Related Issues

- Conflicts with Grand County land-use and zoning plans.
- Floodplain development/public safety concern.
- Separate from existing lawsuit challenging the developer's claimed water rights, which Watch and Living Rivers claim are subject to judicial forfeiture. The defendants filed motions to dismiss in that lawsuit, and a hearing on those motions is scheduled for March 19.

Plaintiffs

Kane Creek Development Watch
Living Rivers

Defendants

Diedre M. Henderson, in her capacity as Lieutenant Governor of the State of Utah;
Kane Creek Preservation and Development, LLC, a Delaware limited, liability company;
Craig Weston, an individual; and
Echo Canyon, a Utah preliminary municipality

FAQ — Myth vs. Fact

Myth: This law creates housing and supports local economies.

Fact: The statute does not require affordable housing or local workforce housing. Echo Canyon is a high-end resort development, not a housing solution for local residents. Moreover, it hurts the local economy by impeding the ability of local businesses to use the Kane Creek/Kings Bottom area, a critical area for Grand County's unique recreation economy

Myth: Preliminary municipalities are just another planning tool.

Fact: They grant nearly all municipal powers to developers—without elections, residents, or accountability. That is unprecedented in Utah.

Myth: The county still has oversight.

Fact: SB 258 strips counties of land-use and zoning authority within a newly created preliminary municipality's boundaries.

Myth: This project follows existing rules.

Fact: The law appears designed to allow the Echo Canyon proponents to bypass Grand County's land-use authority after the project faced strong opposition and regulatory hurdles.

Myth: The lawsuit is anti-development.

Fact: The lawsuit is pro-democracy. It challenges a process that replaces public decision-making with private control by an unelected commission.

Myth: The developer has secured all necessary water.

Fact: A separate lawsuit seeks a judicial finding that the developer's claimed water rights have been abandoned and forfeited due to decades of non-use.

Bottom Line:

Utah's constitution and traditional incorporation laws exist to protect local residents' right to self-determination, rural communities, and public safety. SB 258 undermines those values—and Echo Canyon is the test case
