



Governing Board

Thursday, May 26, 2011, 7:30 A.M.
Historic Utah County Courthouse, Ballroom
51 South University Avenue, Provo, Utah

ATTENDEES:

Chair and Commissioner Larry Ellertson, Utah
County
Vice Chair and Mayor Jerry Washburn, Orem City
Chris Finlinson, Central Utah Water
Conservancy District
Mayor James Hadfield, American Fork City
Mayor Bert Wilson, Lehi City
Mayor Jim Dain, Lindon City
Councilman Mike Cobia, Mapleton City
Greg Beckstrom, Provo City
Councilman James Linford, Santaquin City
Michael Styler, Utah Dept. of Natural Resources
Leah Ann Lamb, Utah Dept. of Environmental
Quality (DEQ)

ATTENDEES:

Dick Buehler, Utah Division of Forestry, Fire, and
State Lands
Representative Mike Morley, Utah State
Legislature

INTERESTED PARTIES / VISITORS

Chris Keleher, DNR
Dee Chamberlain, Saratoga Springs Owners Assoc.
Dave Wham, DEQ
Hilary Arens, DEQ
Bob Trombly, Provo City
Robert Moore, Utah County Attorney Office
Mike Mills, JSRIP
Steve Densley, Utah County Chamber of Commerce
Greg Ford, Provo

1 **ABSENT:**

2 Eagle Mountain, Genola Town, Highland City, Pleasant Grove City, Saratoga Springs City, Springville City,
3 Vineyard Town, and Woodland Hills Town.

4
5 **1. Welcome and call to order.**

6 The Chairman, Commissioner Larry Ellertson, called the meeting to order at 7:30 a.m. He welcomed
7 the members of the Governing Board, municipal leaders, and public visitors. Because a quorum was not
8 yet present, he moved Agenda Item 8 to the front to utilize the time.

9
10 **8. Public Meeting Training presentation by Robert Moore, Deputy Utah County Attorney.**

11 Mr. Robert Moore, Utah County Attorney's Office, Civil Division, gave a presentation on the Utah Open
12 and Public Meetings Act. He has been training government bodies for over 12 years.

13 The purpose of the Utah Open and Public Meetings Act was for governing entities to deliberate and
14 take actions openly before the public. Everyone who has authority to make decisions over public funds is
15 required to comply with the law. A meeting is defined as commencing a quorum (11 members for the Utah

1 Lake Governing Board) of the public body and talking about the public’s business. This meeting needs to
2 have both legislative and executive functions.

3 Closed meetings begin with an open and public meeting and then can move into a closed session.
4 Reasons for holding a closed meeting are to discuss the professional misconduct, character, the physical or
5 mental health of a person, as well as bargaining, litigation, discussing a purchase, exchange, lease, or sale
6 of property. The actual purchase must be done in a public meeting. Notices must be posted and sent to
7 the general newspapers for publication as well as on the state web “public notice” site, and posted for 24
8 hours with the agenda prior to the meeting.

9 In order to go into a closed session, there must be 2/3 of the body present. The closed meeting needs
10 to be publicly stated with the reason, location, and time. Approval of ordinances, resolutions, and
11 contracts, interviewing a person to fill a position, or taking final action cannot be done in a closed meeting.
12 Emergency meetings may be held according to the law, if the requirements are followed. Minutes must be
13 kept of the meetings and the reasons why the emergency meeting was called. A majority must approve an
14 emergency meeting.

15 Pertaining to the item of interviewing a person for a position, Mayor Bert Wilson asked why it couldn’t
16 be done in a closed door session. Mr. Moore said interviewing for a position has to be an open meeting. If
17 there is a concern or question, the city officials can refer to the public policy.

18 Recordings must be kept of all open meetings and must be available within three business days
19 following the meeting. Minutes must be kept and made available within a reasonable amount of time.

20 The minutes need to include date, time, and place, those who attended, matters discussed, decisions,
21 and names of individuals who gave testimony, votes on the matters, and any additional information
22 required by a member. Recordings must be kept of closed meetings. Two meetings not requiring
23 recording are those pertaining to the professional character or physical health. The presiding person must
24 sign a sworn statement of the meeting. Minutes of closed meetings must include the names of all persons,
25 date, and time of the meeting. Violation of the Open and Public Hearing Act is a Class B Misdemeanor,
26 with timelines for filing violations of the act.

27 Ms. Leah Ann Lamb asked if the meetings had to be digitally recorded and posted on the website, or
28 just recorded. Mr. Moore said the recordings just needed to be available to the public. He noted there has
29 been discussion about digital recordings, but gave no definite answer.

30 He stated there were a few changes to the law since last year. (The Commission has a summary
31 document of the Utah Open and Public Meetings Act [(UTAH CODE ANN. §§52-4-101 et seq.). Legislative
32 changes made in 2011, are as follows:

33 HB0-54 allows public body members to transmit electronic messages, text messages, etc., to other
34 members of the public body when you are not convened in an open meeting but outside public meetings.

35 HB-106 does not apply to the Commission.

36 HB-267 applies to all cities of the county, requires the city to adopt formal rules of procedure, this
37 applies to the board of trustees, councils, and commissions. It must cover behavior, procedure, and civil
38 discourse. The rules must be made available to the public at each meeting and on the website if available.

39 SB-5 regulates how much newspapers can charge for a public notice.

40 SB-142 requires an elected official to provide a telephone number or email address, if available, so the
41 elected official can be reached directly.

42
43 **2. Review and approve the Utah Lake Governing Board minutes from meeting of April 28, 2011.**

44 A quorum of the Governing Board convened during the presentation, and the meeting returned to the
45 published agenda.

46 Commissioner Ellertson asked for discussion, comments, or corrections of the minutes for the meeting
47 held April 28, 2011. It was motioned by Mayor James Hadfield to approve the minutes of April 28, 2011,
48 and it was seconded by Mayor Jim Dain. The motion carried and it was unanimously approved.

1 **3. Review and approve the monthly financial report of the Commission for April 2011.**

2 Mr. Price gave the April 2011 monthly financial report:

3 **April:** The financial report dated April 30, 2011, shows 16.7 percent of the fiscal year remaining. The
4 Zions checking account balance was \$1,104.94; the money market account balance was \$202,452.72; and
5 the Public Treasurers Investment Fund balance was \$22,458.37. The money market account balance
6 received a rate of return at 0.75 percent, and the PTIF received a return of 0.54 percent. There were two
7 transfers to checking on April 6 in the amount of \$7,000.00, and April 19, 2011 for \$8,000.00. Interest
8 earned in April was \$138.99, bringing year-to-date interest earned to \$1,907.64. The expenses for April are
9 listed in the middle totaling \$15,689.16. There was nothing out of the ordinary in April. The General Fund
10 Budget Report is listed at the bottom, showing percents left in each of the accounts. An overall General
11 Fund balance of \$82,770.66 shows 32 percent of the budget remaining.

12 Commissioner Ellertson noted the accounts of the budget were above what would be left at the end of
13 the fiscal year. Mr. Price concurred. Commissioner Ellertson asked if any unexpected budget costs might
14 occur, and Mr. Price said no, there should be a budget left in all the accounts.

15 Mayor Hadfield motioned the financial report for April 2011 is approved as presented, and it was
16 seconded by Mayor Bert Wilson. The motion carried and voting was unanimous.

17
18 **4. Report from the Technical Committee.**

19 Vice Chairman Chris Keleher gave the report of the Technical Committee:

20 The Technical Committee has continued to review all happenings pertaining to the bridge crossing of
21 Utah Lake. Recent legislation was passed to involve UDOT and the Transportation Commission in the
22 review process. UDOT has passed a rule that will be published on June 1 for public comment. The
23 Technical Committee will look at the Rule, discuss it, and see how it relates to Utah Lake.

24 A presentation from Hiliary Arens of the Department of Water Quality was given to the Technical
25 Committee. Her presentation pertained to TMDL in the Jordan River and its significance to Utah Lake.

26 Mr. Greg Beckstrom, who was representing Provo City at the meeting, said he had worked with Mr.
27 Keleher on the Technical Committee since the inception of the Commission. Mr. Keleher's experience has
28 been a great asset to the Technical Committee and he is dedicated to protecting the assets of Utah Lake.
29 Commissioner Ellertson appreciated Mr. Keleher's and the Technical Committee members' involvement in
30 the process stating they are a key part of the Commission and the Governing Board relies heavily on their
31 participation. He said they were "the unsung heroes of what the Commission is able to accomplish."

32 Mr. Dick Buehler explained the State Transportation Commission rule would cover bridge crossings
33 going across sovereign lake beds, not all sovereign lands. He noted DNR was involved in helping put the
34 wording of the together. The original language said, "All sovereign lands," but the final wording was
35 changed to sovereign lake beds—not rivers, tributaries, etc.

36
37 **5. Report from the Executive Director.**

38 Mr. Price reported on the activities and events of the Utah Lake Commission:

39 a. *Lake Elevation:* Mr. Price said the lake was setting elevation records. It had been almost 30 years since
40 the last documented high elevation. On May 26, it was at 1.7 feet above compromise, and has been
41 monitored closely over the past several weeks. There is still a lot of mountain snow with current runoff
42 and it may rise further with Utah Lake continuing with elevated levels.

43 Mr. Beckstrom said the Provo River flow is currently about 1900 cfs, and officials hope it doesn't peak
44 over 2000 cfs, and upper Provo River will be over 3000 cfs. Mayor Wilson asked what the normal flow of
45 Provo River was. Mr. Beckstrom said during normal summer months is less than 100 cfs, after the spring
46 runoff period. Mr. Styler asked what the normal spring runoff was. Mr. Beckstrom said it varied so
47 dramatically, a typical year would be 1000 or less.

1 Mr. Price explained land owners and water rights users agreed on a compromise elevation of Utah Lake
2 when water would be released from Utah Lake. The compromise level is 4489.045. When that elevation is
3 reached and as it continues to rise, they fully open the gates sending as much water north as possible. At
4 present, it seems more water is entering the lake than is exiting.

5 b. *Utah Lake Festival*: Mr. Price said the Utah Lake Festival planners, including Mike Mills of the June
6 Sucker Recovery Implementation Program (JSRIP), Mr. Price from the Commission, and other committee
7 members discussed potential hazards at Utah Lake State Park for the scheduled date of the Festival. After
8 evaluating the flooding at the Lake, the Festival Committee felt it necessary to cancel the 2011 Festival.
9 Parking areas were being flooded where many people park. The flooded areas significantly decrease
10 available parking and may cause visitors to be turned away sooner than expected. Another reason for
11 canceling was safety issues. With the number of children attending, it would be difficult to assure a safe
12 environment for attendees. For the stated reasons, the 2011 Festival was cancelled.

13 Commissioner Ellertson asked if the flooded areas were part of the paved parking. Mr. Price confirmed
14 that it was. Several parking areas were flooded. Parking is available on the north end of the park, but the
15 south end is closed off. Commissioner Ellertson asked for clarification if the parking around the visitor's
16 center was open and not under water. Mr. Price said yes it was open as well as the north ramps. Mr. Ty
17 Hunter, ranger at the park, said they may have to close one of the north ramps and operate with only one,
18 but the park will continue to be open on June 4.

19 Mayor Hadfield asked if notices would be placed in the local papers as well as other public service
20 announcements concerning the Festival cancellation. Mr. Price said it had already been done. It was on
21 the radio, reported in the *Salt Lake Tribune*, on community calendars, and press releases. Additionally,
22 someone will be at the park to explain the reasons to the public. Mayor Hadfield asked if those who had
23 active participation in the Festival had been notified. Mr. Price said yes.

24 c. *Fourth Grade Field Trip*: The second field trip was a success for the students and teachers. Mr. Price
25 showed several "thank you" notes from students for the Board to read. The field trip was able to
26 reemphasize and reinforce the curriculum the students had learned. The School Districts are planning
27 summer curriculum training sessions for the teachers.

28 The Commission will continue curriculum development for seventh grade students, which is another
29 year the students study Utah History and science relating to the lake.

30 d. *Phragmites*: The Phragmites Removal Team (PRT) has received a \$30,000 grant from Watershed
31 Restoration Initiative. The grant will be used to focus on the west side of the lake between the Jordan
32 River outlet and Saratoga Bay as well as the south end of Saratoga Springs near the city marina. For the
33 current grant, he asked the grant administrators to roll remaining funds to the next year which were
34 planned to be used for revegetation efforts on the east side of Utah Lake. Restoration and revegetation
35 efforts scheduled for spring were unable to start secondary to flooding.

36 Mayor Wilson asked if the water level was affecting the phragmites removal particularly with spraying.
37 Mr. Price said PRT would be spraying later in the summer with the majority to be done by helicopter. The
38 water level has not allowed the crews to get close to the shoreline. He did not believe the water level
39 would affect phragmites removal, and believes PRT can keep close to the schedule. PRT is studying to
40 determine if the water elevation would slow down the growth of phragmites extending into the lake
41 because there is higher water in which to grow. PRT has asked questions such as, "Will the water level kill
42 the phragmites?" or "Will the level make the weed stronger?"

43 e. *Model Ordinance*: Mr. Price reminded the city representatives on the Board to act on the model
44 ordinance and have their city's planning staff look at the ordinance. He offered the services of the
45 Technical Committee and the consultant as resources

46 He asked the members to contact him to discuss their progress. Mayor Hadfield reminded the group
47 American Fork was the first to pass the ordinance.

- 1 f. *Bridge Crossing*: The Transportation Commission will release their Rule on June 1 for public review of
2 the bridge crossing. The Technical Committee and Governing Board will review the rules to assure the
3 questions applied in the statement are adequately addressed.
- 4 g. *News*: Mayor Hadfield said the Commission was featured in the editorial of the Daily Herald suggesting
5 the Commission consider the positive aspects of a bridge crossing. Mr. Price said the Commission has been
6 positive, but environmental considerations to be answered as well as other concerns. The Board had been
7 mindful there could be potential positive impacts from a private company constructing a bridge.
- 8 h. *Compromise Level Agreement*: Mr. Mike Styler said the state engineer told him there had been an
9 agreement signed between Utah and Salt Lake County landowners who border the Jordan River. He said
10 that the agreement states that if the Jordan River reaches 3400 cubic feet per second (cfs) at 2100 South,
11 the state engineer has an obligation to come down and lower the gates allowing the water to leave Utah
12 Lake. He said it is not yet at 3400 cfs, even with a lot of tributaries from the canyons coming into the
13 Jordan River. The gates are fully opened at present and have been since January. When the snowmelt
14 starts, there will be a great amount coming down the Jordan River. All available water is being released
15 from Utah Lake, but if 3400 cfs is reached, the State Engineer has the obligation to shut off the gates,
16 dramatically affecting the water levels of Utah Lake.

17
18 **6. Discuss and consider approval of Resolution 2011-4 authorizing the Executive Director to sign the**
19 **Cooperative Agreement and Special Use Permit for the Utah Lake Festival.**

20 Mr. Price explained each year when the Utah Lake Festival is held, JSRIP has entered into an agreement
21 with the Utah Lake State Park for a use permit. Rather than yearly, it would be easier to issue a
22 Memorandum of Understanding that will stand for five years. JSRIP and the State Park would like to add
23 Utah Lake Commission as co-participants of the use permit. After discussion with the Provo City and state
24 attorneys, he felt it appropriate to enter into the agreement. The agreement allows the Commission and
25 JSRIP to participate and identifies each individual entity's responsibilities to assure safety and activities are
26 adequately covered. He recommended the Board enter into the agreement.

27 Commissioner Ellertson asked if the \$2000 fee to hold the Festival at the location was a fair price to
28 pay. Mr. Price said it was JSRIP/Commission's Festival held at the Utah Lake State Park facility, and knew
29 expenses incurred by the state park exceed the \$2000, but this would help defray the costs. Commissioner
30 Ellertson asked if they have demonstrated their costs exceed the asking fee. Mr. Price said yes. In the past,
31 the JSRIP paid the fee, and so it is not a direct expense to the Commission but to JSRIP. Commissioner
32 Ellertson asked with the cancellation of the Festival, if the same cost would be sought after in following
33 years. Mr. Price said yes. He also said the Commission's liability insurance covers our participation at the
34 event. Commissioner Ellertson reiterated the Festival will not be held this year, but the agreement will
35 remain in place for five years.

36 Mayor Hadfield moved for approval of Resolution 2011-4 authorizing Executive Director, Reed Price, to
37 sign the Cooperative Agreement and Special Use Permit for the Utah Lake Festival and it was seconded by
38 Mayor Wilson. The motion carried and voting was unanimous.

39 **7. Consider approval of the Saratoga Springs Owners Association, Inc. as a member of the Public**
40 **Advisory Group.**

41 Mr. Price explained the Public Advisory Group was formed several years ago to allow nongovernment
42 organizations to be heard by the Utah Lake Commission and to offer feedback as important Utah Lake
43 issues are addressed. There are currently 14 PAG members consisting of businesses, real estate, farm
44 organizations, environmental, and recreational groups. After the Saratoga Springs Owners Association
45 heard about PAG, they also wanted to become involved. They are an organization of 900 homeowners and
46 are interested in what Utah Lake has to offer, get better access to Utah Lake, water quality, and in projects
47 such as the phragmites removal efforts. Their goal is to create a high quality residential development for
48 the residents, protect their homes, and being involved they can offer input on how to create better

1 recreational uses of the lake such as sailing, beaches, and fishing. They would like to be involved with the
2 Commission because they can get information from the Commission and provide feedback. He
3 recommended to the Governing Board approve this group to become a member of PAG.

4 Mayor Jerry Washburn motioned the Saratoga Springs Owners Association, Inc., become a member of
5 the Public Advisory Group, and it was seconded by Mayor Dain. The motion carried and it was unanimously
6 approved.

7
8 **9. Jordan River TMDL presentation by Hilary Arens, Jordan River Basin Coordinator at the Utah Division**
9 **of Water Quality.**

10 Noting a public meeting was scheduled to discuss the final budget for the fiscal year of 2012, and a
11 presentation was also scheduled, Commissioner Ellertson said he would mention the public hearing, and
12 take a motion to table the public hearing and thus extend her time.

13 Ms. Leah Ann Lamb, representative for DEQ, asked the Board to excuse Mr. Walter Baker, appointed
14 DEQ Governing Board representative to the Utah Lake Commission, as he was in Washington DC serving in
15 a national leadership role with the Association of State Water Pollution Control Administrators. She stated
16 Mr. Baker wanted to emphasize the relationship between the Jordan River, Utah Lake, and the importance
17 of the water quality. He had wanted this presentation for the Governing Board members.

18 Ms. Lamb introduced Ms. Hilary Arens, Jordan River Basin Coordinator of the Utah Division of Water
19 Quality. Ms. Lamb said the TMDL (Total Maximum Daily Load) study of the Jordan River would be a source
20 of great discussion in the future. Ms. Arens comes with a great breadth of experience taking on one of the
21 most difficult jobs because of the technical and challenging difficulties of the Jordan River. She was born in
22 Massachusetts, she went to school in Maine, received her Master's degree from Colorado, and worked in
23 Anchorage, Alaska on the state's first watershed plan. Ms. Arens was asked to present the TMDL studies of
24 the Jordan River and the relationship to Utah Lake.

25 Commissioner Ellertson asked for time allotted for the presentation, and she replied 15 minutes. The
26 public hearing on the budget was scheduled during that time slot. He asked if there were any present for
27 the public hearing. With no response, he said the Board would table the hearing until after the
28 presentation.

29 Ms. Arens continued with her presentation. She said each water body in the United States is given a
30 beneficial use rating for recreational, irrigation, drinking water, wildlife, etc. Certain water quality
31 standards are associated with the beneficial use. If the stream or water body is not meeting the standards,
32 it goes on an EPA list. It is up to the state to find ways to remove the water body from the list by reducing
33 the pollutants causing the impairment. This is a combination of load allocations from nonpoint sources,
34 waste load allocations from point sources, or permanent discharges. The margin of safety in the Jordan
35 River is one of the contentious points being studied.

36 Commissioner Ellertson asked what the designated uses were and under which of the categories the
37 Jordan River was listed. Ms. Arens said Jordan River had many beneficial uses including drinking water,
38 secondary recreation, cold water fisheries, warm water fisheries, and irrigation. DEQ looks at temperature,
39 E.coli issues, and total dissolved solids (TDS), as separate issues because of the dissolved oxygen (DO),
40 which is complicated. DEQ looks into site specific standards for TDS. A site-specific standard for the Jordan
41 River is between May and July, with the level at 4.5 mg per liter, and the Jordan River is not meeting the
42 established levels. DEQ is concerned with watersheds in three counties, but mostly in Salt Lake County
43 from Jordan Narrows north comprising segment one. It is dealing with hydrologic and political boundaries.
44 Most DO impairments seen in TMDLs throughout the country are due to high nutrient levels.

45 The Jordan River started to be investigated for not reaching its standards in 1996, and was listed on the
46 EPA list. DEQ took the normal monitoring data and different components similar to other water bodies
47 throughout the US that have high nutrients, high algae growth, and is going to place a demand on oxygen,

1 and create DO impairments. The QUAL2KW model was used, which was populated, calibrated, and
2 validated. A variety of nutrient scenarios was inserted to see the results on the DO level.

3 When two compliance points within segments 3-2-1 have been reached, the assumption is the
4 remainder will also meet those levels. Other resources were evaluated and DEQ began to examine organic
5 matter (OM). Not enough data on OM was available to submit a full TMDL to EPA in the anticipated time
6 frame, but enough information was gathered to do a phased TMDL. The DO impairment was not due to
7 nutrients at this time, but enough information was gleaned to justify load reduction from sources of OM.
8 Permission from EPA was granted to do a phased approach.

9 Organic matter includes leaves, branches, twigs, and other pieces less than one mm in diameter. The
10 larger items are called coarse particular organic matter (CPOM) which will break down to fine particulate
11 organic matter (FPOM), and can eventually break down to the dissolved OM. There are depositional areas
12 where sediment oxygen demand (SOD) is higher requiring more DO from the system because of the
13 accumulation of residue settling over time. The Jordan gets OM from tributaries, planted trees, and algae
14 produced in part from Utah Lake, which is a eutrophic, high nutrient, high algae system. The different
15 point sources are waste water treatment plants and storm water. The nonpoint sources are Utah Lake,
16 tributaries, diffuse runoff, return flows, irrigation canals, and casual background. Utah Lake is not
17 considered a point source because it is not a regulated discharger. Storm water comes from a nonpoint
18 source, but enters as a point source.

19 In 2009, Dr. Sam Rushforth at Utah Valley University did a study to see what total biomass came from
20 Utah Lake in the early summer months and July through October and how it relates to water coming from
21 the Jordan River. The highest number of algae biomass is at the Utah Lake outlet, and decreases as it goes
22 to the Burnham Dam. Phytoplankton is highest at the Utah Lake outlet and declines steadily going to
23 Burnham Dam with some small increases at 7800 and 6400 South. The cyanophyta is a lake-derived algae
24 species and Utah Lake is the dominant source to most of the algae in the Jordan River during late summer.
25 What is coming from the lake persists to the Burnham Dam, on the three-day distance between Utah Lake
26 and Great Salt Lake. Commissioner Ellertson asked if the three days was the speed the water is moving.
27 Ms. Arens confirmed the statement. She said it changes on flow, but on average, it is considered a three-
28 day travel. The conclusion to algae organic matter and bacterial composition studies are the algae from
29 Utah Lake in the Jordan River is creating an oxygen demand. When the FPOM concentration is reduced,
30 the compliance point is reached by reducing organic matter.

31 DEQ is evaluating how to consider Utah Lake when studying the TMDL. Should it be looked as a
32 headwater condition? Do we say we cannot do anything about Utah Lake at this time without looking at
33 the larger water shed? The division recognizes the water shed scale, why TMDL should be looked by what
34 is coming into Utah Lake. It is a 30-40 year TMDL, so DEQ is taking it one piece at a time.

35 In phase two, the different nutrient reductions in the Jordan River and Utah Lake involvement will be
36 evaluated. DEQ needs to figure out the next phase of the TMDL pertaining to Utah Lake. There is some
37 preliminary evidence if all the phytoplankton is taken from Utah Lake or a portion of it, then it will not
38 make a difference all the way down stream. This information will be submitted to EPA who needs
39 numbers. In the first phase, DEQ submitted bulk organic matter loads to lower Jordan River below 7.3.
40 This is broken up between point sources and non-point sources, and the upstream to 2100 South and
41 downstream to 2100 South. It may not mean anything because DEQ is not putting any allocations on the
42 wastewater treatment plants or storm water, or any of the nonpoint sources. No one in the country has
43 dealt with TMDL and organic matter, so DEQ is breaking ground, in a step-wise effort over many years as
44 more knowledge is obtained. This is exciting for the division.

45 Phase Two will be continued monitoring. The main part of Phase Two is the organic matter budget and
46 to understand where the organic matter is coming from. DEQ needs to refine the source loads, and assign
47 the previous number to it and it might change to point sources and nonpoint sources for both FPOM and
48 CPOM. In 2018, DEQ needs to submit revised TMDL to EPA.

1 Phase Three will be between 2018 and 2023, and when the revised TMDL is adopted. It's a daunting
2 TMDL, but the Division is not okay with saying it is too big to do anything about it and with EPA, DEQ does
3 not have that ability.

4 A draft to EPA will be submitted in November/December of 2011. DEQ is submitting it to their
5 Technical Advisory Committee within the next few weeks. They are going to have a 30-day comment
6 period and then go to public comment. It is a requirement to have a 30-day public comment, but they are
7 doing a 60-day public comment period. DEQ recognizes what a contentious TMDL this is, and it will go to
8 the Board and hopefully have approval to be submitted to EPA. Ms. Arens invited the Utah Lake's
9 Technical Committee and Governing Board to give their input during the public commenting period.
10 Commissioner Ellertson stated it was a process not an event and Ms. Arens concurred.

11 He called for questions of the Board. Mr. Buehler said DEQ is not to the point of putting information to
12 the public because they are not sure what the sources of the impairments are. Ms. Arens said the source
13 was organic matter, but was not sure of the details where the sources come in. The impacts and effects on
14 the people who live in the watershed will be evaluated in the future. Stricter standards will be required for
15 water treatment plants, and will directly impact the users. If stricter standards are required for people
16 who live along the watersheds, those who fertilize their lawns, throw grass clippings into the ditch, and
17 other kinds of things, will have a direct impact on the people who live around these waters. If those
18 standards are not met, DEQ does not know what the consequences would be from EPA.

19 Ms. Lamb said there was a study done on the public-owned, wastewater treatment plants throughout
20 the state to meet nutrient criteria. The massive study has been done for nutrient criteria, and the cost for
21 plants to upgrade. The regulated facilities are contacted first, and they complain because this is nonpoint
22 source allocation. Storm water rules are also evolving so municipalities with storm water permits are
23 eventually going to have to do tighter controls. They may have to treat their storm water. They may get
24 more aggressive on actual implementation to get less coming into the system. The future probably holds
25 more controls which are expensive. The study done on wastewater treatment plants, depending on what
26 type of treatment is used, showed that the overall state-wide cost is very significant. Controls are coming
27 and the state will have to make reductions eventually to bring the water quality back up to where it is
28 supposed to be based on current existing uses.

29 Mr. Buehler said he wondered how much it had to do with the lack of health in the forests. The trees
30 are in the worst condition they have ever been in because of lack of fire, and lack of mechanical
31 management. The trees become weaker and the leaves fall off and all kinds of things happen, that could
32 be contributing to the problem.

33 Ms. Arens said DEQ does what it can and accepts it is a modified system. This area has the most
34 population of anywhere in Utah. DEQ won't feel satisfied until they are making progress and the system is
35 getting better.

36
37 **10. 8:30 AM—Conduct Public Hearing on the Utah Lake Commission final budget for the fiscal year**
38 **beginning July 1, 2011.**

39 As noted earlier in the minutes, Commissioner Ellertson asked at 8:35 a.m. if anyone in the audience
40 had come to comment on the final budget hearing. No one vocalized participation, and so the public
41 hearing was postponed until the TMDL presentation was completed.

42 Mayor Wilson motioned the Governing Board table the public hearing until the presentation was
43 completed, and it was seconded by Mayor Hadfield. The motion passed and was unanimous.

44 After the presentation, Commissioner Ellertson moved into the Utah Lake Commission public hearing
45 on the FY2012 budget. Mayor Hadfield motioned to open the public hearing, seconded by Mayor Wilson.
46 It was unanimously approved. Commissioner Ellertson called the Public Hearing to order. He asked for
47 comments on the proposed budget from the public. There were not any. He closed the public hearing.

1 He asked Mr. Price if there were any changes in the budget since he presented the information in the
2 April meeting. Mr. Price said there were no changes except the funds appropriated for the Utah Lake
3 Festival should be rolled over into the FY2012 budget as the Utah Lake Festival may be held later in the
4 summer. This was communicated to the Board that the money would be spent during the fiscal year 2012
5 although appropriated for FY2011, and increase the Utah Lake Festival budget to \$10,000. Then the
6 contribution fund balance would increase to \$37,200, and the overall budget would increase to \$274,922
7 for FY2012. Funds may go unused as the final decision to move the Festival has not been made, but the
8 decision to roll the budget into FY2012 needs to be made now. Commissioner Ellertson asked the
9 Governing Board to consider rolling over the 2011 Festival Budget into the FY2012 budget as explained
10 when approving the budget. He asked for questions or comments from the Governing Board.
11

12 **11. Discuss and consider approval of Resolution 2011-3 of the Utah Lake Commission adopting a final**
13 **budget for the Utah Lake Commission for FY2012.**

14 There was no further discussion from members of the Governing Board. Mayor Wilson motioned to
15 approve the FY2012 budget as presented with noted changes, seconded by Mayor Hadfield. The motion
16 carried and it was unanimously approved.
17

18 **12. Other Business or Public Comments.**

19 Mayor Hadfield recommended the Board direct the Executive Director to respond to the *Daily Herald*
20 editorial dated May 26 (that same day). He said the article was quite inflammatory, and states the
21 Commission is derelict in its duties. He said the editor who wrote the article has not studied the minutes of
22 past meetings to know the true intent of the Commission. If Mr. Price responded with something that was
23 accurate and timely to the editor of the Provo paper, it would benefit the Commission.

24 Commissioner Ellertson said he had not had a chance to read the editorial and agreed to have the
25 Executive Director give an appropriate response. Ms. Lamb also suggested the Commission consider
26 meeting with the editorial board as they found it helped their division. In meeting with the editorial board,
27 they would understand more of what the Commission has done. Mr. Buehler asked for reference of the
28 article and asked if there was a way to get it emailed to the members of the Governing Board. Mr. Price
29 said he would email the link to the members.

30 Dee Chamberlain, appointed representative of the Saratoga Springs Owners Association, thanked the
31 Board for membership approval to the Public Advisory Board. He said it would be a great announcement
32 at the Association's meeting. Commissioner Ellertson welcomed them to the PAG.
33

34 **13. Confirm that the next meeting will be held in Room 2500 of the Utah County Health and Justice**
35 **Building on Thursday, June 23, 2011 at 7:30 AM. (NOTE LOCATION CHANGE)**

36 Commissioner Ellertson reminded the members of the Governing Board the next board meeting would
37 be held on Thursday, June 23, 2011, at the Utah County Health and Justice Building (HJB) in room 2500.
38 Mr. Price noted the change in location was because they were repairing the ceiling in the Ballroom.
39

40 **14 Adjourn.**

41 Commissioner Ellertson adjourned the meeting at 9:10 a.m.