

UTAH LAKE STUDY COMMITTEE MEETING

April 22, 2004

7:30 a.m. to 9:00 a.m.

Minutes

ATTENDEES:

Mayor Lewis Billings - Provo City
Mayor Larry Ellertson - Lindon City
Mayor J. Rulon Gammon - Vineyard
Paul Hawker - Utah County Public Works
Tom Hunter - American Fork City
Mayor Jerry Washburn - Orem City
Steve White - County Commissioner
Dale Wills - SUVMWA / Salem City
Greg Beckstrom - Provo City
Merril Bingham - Provo City
Chris Finlinson - CUWCD
Ray Loveless - Mountainland ADG
Dan Nelson - M A G
Brad Stapley - Springville City
Robert West - Provo City
Jarret Whicker - Envision Utah

Review and Approval of Minutes

Mayor Billings requested input on the minutes of April 1, 2004. The second bullet on page 2 under Additional Discussion was amended to read:

"The standards of water quality should not be more restrictive than established federal guidelines on Utah Lake."

A motion to accept this change, was approved and seconded. The minutes were then approved unanimously.

New Information Sharing

- Dale Wills, with SUVMWA, (South Utah Valley Municipal Water Association), mentioned that a consulting firm will be holding a meeting on TMDL (Total Maximum Daily Load) on May 12 at the Provo Library and encouraged all who could, to attend.

SUVMWA is an organization coordinating the municipal water related issues, in the 10 cities south of Springville. Their goal is to represent cities and waste water

treatment plants for those cities. They are watching TMDL closely as it affects any city tied to a storm water and sewer system which dumps into the lake. They are very interested in the work of the Utah Lake Study Committee. The TMDL restrictions could be very costly – reportedly, standards being considered could cost \$2500 per connection.

- Jarrett Wicker mentioned that Ducks Unlimited is looking at wetland purchase and habitat establishment. They are interested in Box Elder and Utah Counties.

Continuing discussion: "Guiding statements outlining committee mission and purpose"

The guiding statements were read and the following changes made:

- For the next meeting, Commissioner Steve White was asked to format his input and ideas on the second statement to clarify its meaning.
- Additions were made in the listed items of the third statement - "Issues that should be carefully studied and considered include:

Private property rights	Lake elevation
<u>Public property rights</u>	Shoreline development and preservation
<u>Private water rights</u>	Recreation (including trails)
Local control	Water quality
Ecology	Future development

A motion was made to accept the aforementioned guiding statements with the exception of the second statement. Motion was seconded and passed unanimously.

Presentation and discussion by Dick Buehler, Deputy Director, Division of Forestry, Fire and State Lands, Utah Department of Natural Resources

Mr. Buehler introduced Barry Tripp, Forestry, Fire and State Lands (FFSL) manager and Barbara Gardner, FFSL manager. Mr. Buehler presented the following information:

- In 1985, Utah Lake was 10 feet higher than it is now.
- Compromise level, determined by the Supreme Court, is 4489.045.
- The Supreme Court approved the claim that the State owns the bed of Utah Lake to the "ordinary high-water mark".
- The "ordinary high-water mark" is in debate. The state and landowners are working to form agreements on individual parcels of approximately 25% of the shoreline. Agreements have been reached with over 70% of property owners.

Several different scenarios have been established to determine what is "ordinary high-water mark". After several attempts to reach a compromise with landowners and the State, the courts

have assigned a special master, Michael Goldsmith, to settle boundaries that are still in limbo. This process should take approximately 1 ½ years. The special master will take testimony from every landowner. The State, with their attorneys and the landowners and their attorneys will meet with the special master to come to an agreement on the boundary line. The special master will take his recommendations to the judge.

- There are many individual property owners above the "ordinary high-water mark" and because the state owns the bed of the lake, the entities represented by this committee should control the area between. Whatever this committee allows to have happen to the shoreline will affect the future of the lake.
- Some decisions have already been made that affect the lake. Cities have allowed developments close to the lake; some roads encroach on the lake; etc.
- Items such as marinas, trails, and easements, can be determined by this group. It's important to include planning/zoning and general plans in this process.

Mr. Buehler also stated that the State is putting together a landuse plan to find all the uses of the lake; to determine what's best for Utah Lake. They have stopped new leasing on the lake and currently do not allow new activities on the lake –such things as utility companies requesting easement to bury power lines under the lake which might work now but if the lake is dredged, what happens to those power lines.

The State will contact this committee to invite them to participate in formulating a landuse plan. The first meeting has not yet been determined, but the State will be sending notifications to all cities, fishermen, hunters, and other special interest groups when the meetings will be held.

Mr. Buehler reported that an earlier group that included Lavern Sparks, was organized and known as the Utah Lake Authority. The group made a number of recommendations in a report they released in 1987. In reviewing the report, there were some concerns expressed by many in that the report called for the construction of an island in the middle of the lake. Most experts feel that this would not be feasible due to settling and the large amount of "ooze" that exists on the lake floor. No engineering studies were ever completed to evaluate or to further consider the technical merits of their suggestions.

Mayor Billings asked if having a Utah Lake Authority would be helpful. The State feels we do not need a Utah Lake Authority; what is needed is a Shoreline authority. This committee could work well as a Utah Lake Advisory Committee, but not as an authority.

Dick continued to discuss problems that need to be taken into consideration when planning the future of the lake:

- There are too many carp.
- When carp were introduced to the lake, they removed vegetation from bottom of the lake which was the natural habitat of many varieties of fish.
- The average depth of the lake is 5 ½ ft.

- Invasive plants, which are not native to Utah Lake, are causing major problems. Such plants are: tamaracks; Russian olives; fragmatees or hairy weed grass.
- The wetlands need to be protected and enhanced.
- Some landowners infringe on public property rights.
- Shoreline trespassing: Vineyard has a problem with college students abusing the shoreline with parties, leaving garbage and trespassing. The state and county are working closely with Vineyard to solve these types of problems.

It was recommended that this committee meet with Utah State Division of Forestry, Fire, and State Lands with suggestions and comments on a quarterly basis.

When the discussion was opened, the question was raised as to transportation issues that affect the lake. For example, if a route was chosen for a road from the east shore across the lake to the Provo airport, what would be Utah State's concerns. Mr. Buehler said the State would be interested in knowing the impact this would have on the wetlands and of course, UDOT and others would need to be involved, but it is beyond their scope to decide on projects such as this.

Jarret Whicker mentioned that Envision Utah has secured \$100,000 under June Sucker entitlement which could be used for landuse plan management.

Discuss and define leadership structure for committee and election officers

It was proposed that this item be tabled for another time as several cities did not have a representative at this meeting.

It was noted that this committee was originally intended to be a committee primarily of Mayors, County Commissioners, and County Engineer/Public Works Director. Given the importance of consistently having a representative from every jurisdiction in attendance at each meeting, it was proposed that each elected official member of the committee be invited to designate, in writing, an alternate to attend in his/her stead when unable to attend personally. Motion was made, seconded, and approved.

Discuss and define structure and process for organizing supporting technical committee and set date and time for first technical committee meeting

It was proposed that each jurisdiction select a technical committee representative to participate in a Utah Lake Study Technical Committee, which will be an important advisory body to this committee. Motion was made, seconded, and approved. Several Mayors present had the names of those they would appoint. Mayor Billings indicated that he would mail a letter to all members inviting them to appoint not only a technical committee representative, but also an alternate member to the general committee.

Other Business

- Mayor Washburn suggested that a brief report of this committee be made at the next Council

of Governments meeting. Staff will request that this be included on the next COG Agenda.

- Chris Finlinson stated she was disappointed that this group did not discuss the June Sucker issue. The group stated they realize the importance of the June Sucker issue and will not stop the progress of one thing at the expense of something else. Mayor Billings noted this will surely be an item for future discussion.
- Steve White mentioned that one solution to the carp issue would be to harvest the carp for fish food or turkey feed. There may be other new solutions, he noted.

Set date, place, and time for next meeting

The next meeting will be held on May 27 at 7:30 a.m. in the Utah County Commission Chambers.

Adjourn