



**C O M M I S S I O N**

Thursday, June 26, 2008-7:30 A.M.

Historic County Courthouse Ballroom – 3rd floor  
51 South University Avenue, Provo, Utah

**ATTENDEES:**

**Members**

Mayor Lewis K. Billings, Chair  
Commissioner Larry A. Ellertson, Vice-Chair  
Reed Price, Utah Lake Commission  
Walt Baker, UT Dept. of Environmental Quality  
Don Blohm, Highland  
Mayor Laurel Brady, Mapleton  
Dick Buehler, Forestry, Fire & State Lands  
Steve Densley, Provo/Orem Chamber  
Mayor Howard H. Johnson, Lehi  
Mike Morley, House of Representatives  
Dean F. Olsen, Springville  
Gene Shawcroft, Central UT Water Conservancy District  
Michael Styler, UT Dept, of Natural Resources  
Mayor Heber Thompson, American Fork  
Mayor Jerry Washburn, Orem

**Other Interested Parties**

Stephen Schwendiman, Attorney General's Office  
Clyde Naylor, Utah County  
Greg Beckstrom, Provo  
H. Barry Tripp, Forestry, Fire & State Lands  
David Grierson, Forestry, Fire & State Lands  
Bruce Chesnut, Orem  
Michael Mills, JSRIP  
Chris Keleher, Dept. of Natural Resources  
Dave Wham, UT Dept. of Environmental Quality  
Rick Cox, URS Inc.  
Darrell Cook, MAG  
Jerry Olds, Division of Water Rights  
Rich Tullis, Central UT Water Conservancy District  
Jared Hansen, Central UT Water Conservancy District  
Gary Aitken, Strawberry Water User's Association  
Joel Racker, UT Valley Convention & Visitors Bureau  
Matt Clark, Utah Waterfowl Association  
Ron Rydman, UT Valley Home Builder's Association  
Taylor Oldroyd, UT County Association of Realtors  
Catherine Smith, Deseret News  
Donald W. Meyers, Salt Lake Tribune  
Marsha McLean, Visions of Utah Lake  
Marc Heilesen, Sierra Club  
Bob Craghead, Intrinsic Motivators  
Ed Belliston, Property Reserve

**ABSENT:** Genola, Lindon, Pleasant Grove, Santaquin, Saratoga Springs, Vineyard, Woodland Hills

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

The meeting was called to order by Chairman Lewis K. Billings at 7:43 A.M. The Chairman apologized for being late and stated that Commissioner Ellertson, Vice-Chair, would be arriving shortly. He welcomed everyone to the meeting.

**2. Review and approve the Utah Lake Commission minutes from May 22, 2008**

Chairman Billings requested that everyone turn their attention to the minutes from the Governing Board meeting that was held on May 22, 2008. Mr. Price provided copies of the minutes to the Board members in

packets that were mailed to them and by email. Mayor Howard H. Johnson moved to approve the minutes and Mayor Heber Thompson seconded the motion. The minutes were approved unanimously.

### **3. Review and approve the monthly financial report of the Commission for May 2008.**

Mr. Price summarized the monthly financial report ending May, 2008. The balance for the Zions Bank Checking account on May 31, 2008 was \$3,948.33. The Zions Bank Money Market account balance was \$141,377.48. He pointed out the monthly expenses totaling \$12,439.27. The Budget Report section of the financial report shows the original budgeted amounts, year-to-date transactions, balances and the percentages left for the accounts. With 8.3% of the fiscal year remaining the percentage of the budget remaining is 43%. The reason there is 43% remaining is because there is a Restricted Account with approximately \$30,000 and also because the total amount budgeted for the Master Planning consultant services has not been expended.

A motion to approve the May financial report was made by Mr. Walt Baker and it was seconded by Mr. Gene Shawcroft. The motion carried unanimously.

### **4. Report from the Technical Committee**

Mr. Bruce Chesnut, Chairman of the Technical Committee, addressed the Commission. He reported that at the Technical Committee meeting held on Monday, June 23 the members had a presentation from Mr. H. Barry Tripp, Forestry, Fire and State Lands, regarding the ownership of land around Utah Lake. It was very helpful for those on the Land Use subcommittee and for those representing the various municipalities and agencies surrounding the lake. He expressed appreciation to Mr. Tripp for his presentation.

Mr. Michael Mills gave the Committee an update regarding the June Sucker Recovery Implementation Program (JSRIP) and will be giving the Governing Board a similar report following Mr. Chesnut.

Mr. Dave Wham, Department of Environmental Quality (DEQ), spoke with the Committee on the sampling the State has been doing with Utah Lake. He gave a very positive announcement that the specific results from the e-coli sampling the DEQ completed pointed out that the samples were well below quality standards. They took the samples in numerous locations around the lake.

The DEQ has also been doing some sediment sampling of the PCBs and will have those lab analysis results sometime in late August.

There has been a lot of discussion on the Master Plan and a lot of work in the subcommittees.

The Chair voiced gratitude on behalf of the Commission for the diligence in the many different roles the Technical Committee members have played.

### **5. Report from the June Sucker Recovery Implementation Program**

Mr. Michael Mills briefed the Board on the progress that has been made in response to the RFP that the JSRIP recently issued. Mr. Mills said that the JSRIP initially was hoping in the RFP process to find fishermen that would team up with marketers that would be able to complete the entire carp removal process. That project was hoped to include the fishing, marketing and disposal/use of the carp. They did receive a number of responses but, unfortunately, the quotes from those that could complete the entire process far exceeded the budget of \$500,000. There was quite a range of prices in the proposals, the highest being in excess of two million dollars. The JSRIP was able to narrow the selection down to two applicants. Many of the proposals were eliminated solely on price evaluation.

The JSRIP met with three remaining bidders last Friday and narrowed it to two applicants. Of the two groups that are still being considered one of them is a great fishing group and the other is a great marketing group. The JSRIP are now evaluating how to put the two groups together. There is a limitation on the funding and if they had more it would be an easier process. Nevertheless, the JSRIP is doing more research and planning on making a selection that will help them accomplish their goals.

Chairman Billings inquired as to the approximate timeline of the project. Mr. Mills answered that they have been working with some local companies on marketing strategies. They have sent some samples to the companies for more testing for turning the carp into fish meal. Mr. Mills estimated that it would be mid-to-late July before a selection is made. The fishermen have indicated that after getting the necessary equipment they would probably start fishing the end of August. The fishermen all stated that the best fishing is in the fall and throughout the winter.

Chairman Billings requested clarification that the goal of the JSRIP is to try and get as far as they can with the budget that is already available.

Mr. Mills replied that the goal is to remove five million pounds of carp in one year's time. Even though the money is limited they are still trying to find a way to make that goal work.

Mayor Thompson questioned that with the marketing effort to sell the product if it isn't feasible that the revenue produced would assist with the funds needed for the goal. Is it possible that the project would itself produce a profit? Mr. Mills said that they were hopeful when they sent out the RFP that it would produce a profitable effort. They intended that the funding would act as a subsidy, but the reports they received were that the fishing would be about twenty cents a pound to remove the fish. With five million pounds of carp to remove that results in one million dollars just for that step. The marketing group that the JSRIP are still evaluating has proposed that they would be able to make a profit. In evaluating some proposals that came in some groups estimated that they would be making a sizeable profit after a year or two, but the JSRIP didn't want to get into a position where they would be subsidizing a company that would turn around and be pocketing millions of dollars off of the original funding. Mayor Thompson commented that there probably isn't an organization that would want to take a risk and become involved if they are not going to be making a profit. Mr. Mills stated that both the marketing and fishing groups being considered are taking a sizeable risk.

Chairman Billings asked if it would be correct in assuming that the project would need additional subsidizing in the future to cover the costs for the completion of the entire process. Mr. Mills confirmed that reality. He stated that over the years they had hoped to find a solution that would be profitable, but that hasn't materialized. Chairman Billings asked if they had been able to find someone elsewhere that has been successful with this kind of project, but Mr. Mills responded that they hadn't found anyone at this level. He said that the commercial fishermen on Utah Lake had been able to make a profit on an annual basis with the marketing of a few hundred thousand pounds of fish, but they haven't dealt with the sizeable numbers of this project.

Commissioner Ellertson clarified that the amount of carp that would be extracted exceeds the demand. He asked Mr. Mills to estimate what the difference is between the funds that the JSRIP has and the amount of funds they would need to be successful. Mr. Mills answered that he would estimate that they have about half of the needed funds. Commissioner Ellertson asked Mr. Mills if he expected that same differentiation to continue and Mr. Mills said that he expected it would for at least a couple of years.

Chairman Billings interjected that this is a very important process. He asked if the Commission could play some kind of role that could be more helpful. Mr. Mills said that as the JSRIP moves forward and makes a selection from the candidates that they would appreciate the support of the Commission with the public. Chairman Billings asked if there is preparation to acquire more funds in the next legislature session. Mr. Mills responded that Reed Harris, Department of Natural Resources, is planning on preparing future requests for additional funding.

Chairman Billings commented that he felt the JSRIP has gone the extra mile in trying to give all those interested in this project fair consideration.

## **6. Report from the Executive Director**

Mr. Price reported that the Utah Lake Festival that was held on June 7 was a great success. The goals that were met were to cultivate the community's appreciation for the Lake and its eco-system and the native species, instill a sense of stewardship and promote the JSRIP. There was an estimated 2,000 people who attended which was double the attendance of last year. Many of the Commission members helped with the Pancake Breakfast that was held in the morning which was a success despite the weather. The Festival was fortunate to have a break in the weather early in the morning just as the Festival started.

Mr. Price reviewed that the Utah Lake Commission sponsored the pancake breakfast and invited elected officials in Utah County and candidates running for office along with their respective families. Members of the Commission helped to serve and prepare the breakfast. There was a presentation given to the elected officials on what the Utah Lake Commission is doing and also on the goals and accomplishments of the JSRIP. Several cities participated in the Festival itself. Provo City sponsored an Arts and Crafts booth and gave out snow cones. Orem City sponsored a face painting booth and gave out hot dogs. Mr. Olsen represented Springville City with free popcorn. American Fork sponsored bottled water and a fish pond booth and Santaquin gave out apples.

Since one of the goals of the Festival was to assist the JSRIP they had their own information booth promoting their efforts. The Living Planet Aquarium was there with their transportable setup which allowed visitors to see actual June Suckers and other interesting things about the lake.

Other organizations that participated in the Festival and helped to promote the lake included the Bonneville Sailing School, Visions of Utah Lake, Sierra Club, several state agencies, Central Utah Water Conservancy District (CUWCD), and the Waterfowl Association.

One unique event was the Sailboat Regatta. Chairman Billings was able to ride in one of the sailboats. There were a series of sailboat races. Mr. Price commented how impressive it was to see so many sailboats on the lake from the shoreline.

As people came in the front gate they were asked how they had heard about the Festival. From those responses it was tabulated that 20% heard about the Festival from their city newsletters. About 10% of the people had heard about it on the radio. Mr. Price expressed appreciation to the cities for including these announcements in their newsletters. The Festival garnered great news coverage both before and after the event. The public relations firm of Wilkinson Ferrari who helped to organize the event estimated that the coverage from the news was an equivalent of \$35,000 in advertising.

In summary, the Utah Lake Festival was a success and brought a lot of people to the lake that hadn't even been to the lake before and the goals for the event were met.

Last month Mr. Price was asked to organize a committee that included Mr. Dean F. Olsen (Springville), Mr. Walt Baker (Department of Environmental Quality – DEQ), Representative Steve Clark, and Ms. Chris Finlinson (CUWCD) to try to find a way to allow other organizations to be involved with the Commission. Mr. Price thanked those mentioned for their work. He reported that the committee, as stated, was concerned about those sitting at the Commission table becoming too large of a group and thus, too unmanageable with too many voices. With excessive groups in the Commission the Committee was concerned that the efforts of the Commission would begin to stagnate. The Committee believes the primary purpose of the Ex-Officio membership, which is in the Interlocal Agreement, is to allow municipalities that are interested in participating in the Commission a chance to see how the Commission operates. It provides these municipalities with a little more time to convince their city councils to join the Commission.

The recommendation of this Committee is that the Commission phase out the current Ex-Officio membership altogether and leave it as stated in the Interlocal Agreement which allows other additional municipalities who are interested to join the Commission. There would only be a few municipalities that would be eligible to join in the future including Alpine, Spanish Fork, Elk Ridge and a few others.

The committee has suggested that the current municipalities that are Ex-Officio members be given a year to convince their councils to join the Commission. After that they would be asked to join the public in the audience and participate in that way. This will give the two current Ex-Officio members of Eagle Mountain City, one year and Payson City, two years to join the Commission. The other Ex-Officio members, South Utah Valley Water Association (SUVWA) and the Provo/Orem Chamber of Commerce would be allowed to retain Ex-Officio status until June 30, 2009, and asked to join the Public Advisory Group. This idea came from Mr. Paul Hawker (Utah County) and Mr. Walt Baker (DEQ).

The new Public Advisory Group would allow non-governmental organizations to have a separate and distinct voice on the Commission. This group would be invited at every Governing Board meeting to make a presentation and to report on any concerns or ideas they have. It would be similar to the Technical Advisory Committee. The Committee has suggested that the Executive Director act as a coordinator of this group because there may be a variety of ideas that some parties in the group would not be concerned or interested in. An application process for the advisory group has been suggested. This would help to discern whether the group who wished to be a part of the Public Advisory Board had a legitimate reason and interest in the lake.

The ability to create this advisory board is spelled out in the Interlocal Agreement which allows the Governing Board to form committees that they feel are necessary. This was done previously when the Selection Committee was formed for the Master Planning process. Mr. Price stated that he is currently working with Mr. Stephen Schwendiman to create bylaws to make this process a little clearer.

Chairman Billings clarified that Mr. Price was presenting this suggestion as a proposal and is welcoming feedback. He summarized that this Board is to create another effective forum such as the Technical Committee as well as the subcommittees to try to effectively work to bring forward information that is helpful to the process. The Committee is proposing to create a separate body as a Public Advisory Group to allow others to come together in a meaningful way and be able to advance concepts together as a group and have a more effective voice in the Commission.

Mr. Price will be receptive for the next two months for feedback and it is hoped that by the August Governing Board meeting some official action can be taken on this proposal.

Mr. Don Blohm asked what groups Mr. Price envisions as being part of this new board. Mr. Price said that specific requests have come from the Utah Valley Sierra Forum, Sierra Club and Nature's Conservancy group. There is also interest from Provo/Orem Chamber of Commerce, Waterfowl Association, and Utah County Association of Realtors. He realizes the diversity of the group may sometimes be difficult for them to understand each other's concerns but it will provide an opportunity for them to share their ideas with each other. They will have the opportunity to present their ideas to the Board individually.

Chairman Billings shared that the farm landowners contingency, water skiers and recreational users have also expressed interest in being able to be heard before the Board.

It is hoped that the Public Advisory Group will provide a forum for discussion.

Mr. Baker commented that the Commission could try "test hopping" this new Group for awhile and that the Commission has the authority to create subcommittees from this Group if needed.

Mr. Price reminded the Board that on Wednesday, July 9<sup>th</sup> from 9:00 A.M. to 12:00 P.M. in the Courthouse Ballroom will be the Opportunities and Constraints Workshop. Those opportunities and constraints that have been identified will be presented to the public at two Open Houses. On July 30 the Open House will be held at the Utah County Justice Building and on July 31 at the Lehi Senior Citizens Center. Both Open Houses will be held from 7:00 to 9:00 P.M.

The Chair requested that the Agenda proceed to Agenda Item 11.

## **11. Upcoming Meetings**

### **a. Consider encouraging attendance at either of the Master Planning Public Openhouses scheduled for July 30 and 31, 2008 in lieu of the Governing Board meeting currently scheduled for Thursday, July 31 at 7:30 AM in the Historic Utah County Courthouse.**

The Executive Committee proposed that the July Governing Board meeting scheduled for Thursday, July 31, 2008 be cancelled with the agreement that members would attend the July 9, 2008 Opportunities and Constraints Workshop and one of the Open Houses scheduled for July 30 and 31, 2008.

Mr. Michael Styler so moved. The motion was seconded and approved unanimously.

## **7. Public Hearing on the Utah Lake Commission budget for the Fiscal Year beginning July 1, 2008**

Chairman Billings stated that the Utah Lake Commission needs to hold a public meeting to present the Utah Lake Commission budget for the fiscal year beginning July 1, 2008 through June 30, 2009. Mr. Price summarized the fiscal budget that had been sent to the members previously and had been discussed at the last meeting. He said there was one correction to the budget that they had received in their packets and so an updated version was passed out. The correct version lists that the Total Revenue and Expenditures for the Proposed Budget 2008-2009 is \$369,572. The tentative budget that was passed last month listed the Total Revenue at \$363,203 with the assumption that all the money that was budgeted to the Master Plan consultants in the amount of \$85,000 would be extended. After receiving an invoice last week in the amount of \$78,630, it increased the 2009 budget to \$132,572 for Account #3100, Consultants, and the final document was changed. Previously, assuming the \$85,000 would have been expended the Account #3100, Consultants was listed at \$126,203 and so has now been increased. The rest of the Tentative Budget remains the same.

The Proposed Budget of \$369,572 does not include a General Fund balance of \$46,010 which is approximately 12.4% of the budget. Packets have been mailed to all of the Governing Board members with statements of their contributions towards the budget. The total of all the contributions equal \$319,000 which is calculated by population, shoreline and area according to the funding structure in the Interlocal Agreement.

Mr. Price stated that according to the Employee Policy Manual it stipulates that the Executive Director should advise or suggest a Cost of Living Adjustment (COLA) for staff. After consulting with Orem City's Human Resources Department Mr. Price submitted to the Board a COLA of 3% based on a summary sheet of Orem and other cities in the area's COLAs or market adjustments. The summary sheet was provided to the members. Mr. Baker asked if there was sufficient funding in the budget if the COLA was approved and Mr. Price affirmed that the funding for employees' wages is included in the budget.

Chairman Billings asked Mr. Price to stipulate how the budget information has been made public. Mr. Price replied that the budget document was published in the newspapers informing the public that they could come to the Commission office to obtain a copy. Copies were also available at the last public meeting. The final document was also available at today's meeting.

Chairman Billings opened discussion of the budget to the public. There was no comment. Chairman Billings closed the discussion.

## **8. Approve Resolution 2008-2 of the Utah Lake Commission Governing Board adopting a budget for the Utah Lake Commission for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009**

Chairman Billings stated that by State law the budget for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009 was required to be approved in the meeting. Mr. Baker asked if the 3% cost of living adjustment would be in addition to the discretionary raise. Mr. Price stated that policy states that merit raises come after six months of employment and then every year thereafter. The Utah Lake Commission staff would be eligible for a merit increase in January and February of 2009. It was moved to approve the budget with the correction and with the cost of living adjustment. The motion was seconded and approved unanimously.

Chairman Billings welcomed Representative Mike Morley to the meeting.

### **9. Master Planning Presentation on Opportunities and Constraints (2 hours)**

Mr. Price stated that the main focus of the meeting is to be a preliminary meeting for the Opportunities and Constraints Workshop being held on July 9, 2008. He acknowledged Mr. Rick Cox, Project Manager of the Master Planning project and other esteemed guests and turned the time over to Mr. Cox. Mr. Cox passed out the Visioning Statements and a copy of the power point presentation.

Mr. Cox began by stating that the Visioning Statement is the basis for the Opportunities & Constraints Workshop. There has been a lot of effort in defining what will be the future of Utah Lake. He asked the Board to review the handouts and welcomed any feedback. At the Workshop the goals for the lake will be discussed and then the Opportunities will be identified on how to accomplish those goals. Following that there will be discussion of the constraints facing those goals. He said that he wished to address some of the technical issues and in the Workshop the consultants hope to develop policies. Since the time is limited to three hours for the Opportunities and Constraints Workshop it is hoped all the members will come to the workshop with ideas already formulated of the visions and goals of Utah Lake.

One of the important issues is the sovereign lands issue. The bed of the lake and the small boundary on the outside of the sovereign lands is owned by the State of Utah. It is public trust lands. Everything that is done in the bed of the lake is affected by the fact that it is public trust land.

There are five examples that will be addressed:

- Lake Levels
- Transportation Corridor
- Model Ordinances/Buffer zones
- Water Quality
- Dredging

Mr. Cox introduced Mr. Jerry Olds, State Engineer from the Utah Division of Water Rights. He would explain how the State manages the water rights. He also introduced Mr. Rich Tullis, Assistant General Manager of CUWCD, who will also be presenting following Mr. Olds.

Mr. Olds stated that he would be discussing Water Rights in Utah Lake and the Distribution Plan.

The Utah Lake Distribution Plan was implemented in 1992. Mr. Olds feels it is the guideline by which Utah Lake and the Jordan River Basin water rights are managed. From numbers taken from a 1992 study, the inflow to Utah Lake is around 726,000 acre-feet. The outflow is 346,000 acre-feet which includes spills and releases to satisfy downstream water. The evaporation is about 380,000 acre-feet. The concept that needs to be realized is that Utah Lake is not an efficient storage reservoir. The compromise elevation is 4489.045 feet. Whenever Utah Lake meets compromise, the floodgates are opened and water is allowed to flow out. The total capacity at that elevation is somewhere around 870,000 acre-feet.

In the early 1990's Jordanelle Reservoir was being constructed. People were asking the state engineer offices when the upstream storage reservoirs could divert water and when would the water rights in Utah Lake be satisfied. The state engineer's office undertook a study to answer these questions. The objectives of the

study were to give certainty and order to the system and allow for the maximum utilization of limited water resources. There are other upstream reservoirs, in addition to Jordanelle, that are affected by this as well. The Utah Lake water rights have an early priority dating from 1850 and in extreme drought conditions water rights users could call water from Utah Lake to satisfy those. There is also what is called Primary rights which have a priority date of 1870. There was a court case that allowed for additional applications to appropriate water and those are referred to as Secondary water rights and have priority dates between 1908 through 1912.

Utah water rights are based on a priority system with the principle being “first in time, first in line.” The water rights from 1850 would be satisfied first and then on down to the other priorities. The primary water rights have a demand of 189,307 acre-feet, the secondary rights are 112,739 acre-feet making the total storage demand at about 302,046 acre-feet. Many of these water rights, both primary and secondary, are being converted from historical agriculture uses to the Department of Natural Resources (DNR) and some of it is being reduced.

For example, some studies were conducted to see how the DWR could administer primary and secondary water rights and found that the active storage, 585,000 acre-feet, was defined as system storage which is that water that is needed to satisfy primary and secondary water rights in Utah Lake. Primary storage is 125,000 acre-feet and in extreme drought conditions if the water rights get down to the primary storage level then the secondary water rights are cut off and the 125,000 acre-feet is then allocated between the primary water rights and Utah Lake. Also there is about 160,000 acre-feet of inactive storage of Utah Lake which is at about a level of 8.7 feet below compromise.

When upstream reservoirs are allowed to divert water, basically in the winter season, it still has a call on that water in that the primary and secondary water rights have to be assured first. Then it can be converted to priority storage and used for the other purposes. Water can be stored upstream and released downstream easily. In essence, water is held upstream early in the season, but it could be subject to call.

The conversion system operates between November 1 through October 31 water year and that is based on the irrigation season. The system storage in Utah Lake has to be 585,000 acre-feet on November 1 before water can be diverted. That system storage has to stay up through April and then in May if the level of the lake is at about 500,000 acre-feet then upstream reservoirs can convert their water over to system storage. There is no opportunity for hold-over storage in Utah Lake due to the high evaporation rates. The distribution plan clarifies the water rights in Utah Lake and the relationship with Utah Lake and the upstream reservoirs. It protects prior water rights. It does integrate the entire watershed including the Spanish Fork River, Provo River and American Fork River and is integrated into one system based on the priority of the water rights. A detailed copy of the plan is available on the website, [www.waterrights.utah.gov](http://www.waterrights.utah.gov). It is meant to be a guideline and does not remove local control. It has been in operation for sixteen years.

Commissioner Ellertson asked if the historical storage level is shown. Mr. Olds said that the historical storage level dates back to the early 1930's.

Chairman Billings asked if there are examples of the 1850 water users. Mr. Olds said the water users from 1850 are the direct flow water rights and they were not listed because there are thousands of them. Around Jordan River and Utah Lake there are about 25,000 individual water rights. It was asked if Kennecott is a major water rights holder and it was answered that they are but that they have sold some of their water rights to CUWCD.

Mr. Mike Styler questioned if the lake gets low enough if there is a dead pool that is not useable. Mr. Olds said that in the summer of 1992 the DWR proposed that the inactive storage level of the lake would be 9.2 feet and when it got down to 9.7 feet they couldn't get any more water out. The level was then changed to 8.7 feet. Mr. Styler asked if the level of useable water would be increased if there would be extensive dredging done in the lake and Mr. Olds replied it could be but it would also increase the evaporation.

Mayor Thompson asked if the evaporation rate remains the same regardless of the depth of the water. Mr. Olds replied that the evaporation of the water in the lake is very complex, but as the lake goes down the surface area recedes so the total amount goes down but the amount per unit area would go up because it's shallow and warms up quicker. There are a lot of dynamics that would affect that answer. Mr. Olds expressed thanks and invited anyone with further questions to contact him.

Mr. Rich Tullis, CUWCD, passed out handouts of his presentation and some copies of an article written by Leroy W. Hooten, Jr., Public Works Director of Salt Lake City regarding Utah Lake. Mr. Tullis was asked to address the Board on how CUWCD utilizes Utah Lake and how they make exchanges with Jordanelle Reservoir, the Central Water Project Exchanges (CUP) and the Central Water Project (CWP). The CWP is a project the CUWCD is just beginning utilizing the wells purchased from the old Geneva Plant which also affects Utah Lake.

The CUWCD was organized in 1964 as the sponsoring agency of the Bonneville Unit, Central Utah Project. Currently they are completing the CUP which is being termed the Utah Lake System. These pipes connect Diamond Fork to Santaquin and up to the Provo Reservoir Canal. They are starting construction of the Central Water Project (CWP) which will connect water from Geneva to Eagle Mountain and Saratoga Springs. They are fulfilling many environmental commitments including instream flows and water conservation and future recycling.

The CUP water supply is about 244,150 acre- feet which is developed from water rights from the Colorado River Basin.

The CWP water supply is from M&I (culinary water) at 54,000 acre-feet and secondary irrigation water in the amount of 11,000 acre-feet. The CUP water rights exchanges have the earliest water rights. Mr. Tullis reviewed the Bonneville Unit Area Map.

Much of the Colorado River Basin water comes into the Wasatch front and by doing so interferes with water rights in the southern part including fishing areas. This is why Starvation Reservoir was constructed so they can store winter water and then when they interfere with direct flow water rights they can make releases from Starvation Reservoir as well as providing for exchanges above Starvation. They are able to convey about 101,000 acre-feet per year from Strawberry Reservoir into the Bonneville Basin. As that is done water is brought into Utah Lake. When they store water at Jordanelle Reservoir they can store water in the amount of 300,000 acre-feet but that is going to hurt some water rights especially in Utah Lake. They are replacing that lost water with water from the Colorado Basin. He further explained the water exchanges between the reservoirs.

The CWP water mostly comes from the wells in Geneva CUWCD purchased. A significant quantity also comes from water rights CUWCD purchased from Utah Lake, both primary and secondary rights and also water rights purchased from the Provo River. All of those are combined into the project which basically expands the Utah Valley Water Treatment Plant at the mouth of the Provo Canyon. Utah Lake in turn becomes the hub of their operations. All the underground and the surface water is connected.

Responding to the previous question of the history of the lake level, Mr. Tullis showed the graph that listed the lowest water year at around 1936. CUWCD does not control the levels of Utah Lake. They operate in a way that they can utilize its water rights in order to take delivery of its CUP water in water right priority. The CUP and CWP are separate projects. One is a Federal project and the other is CUWCD's.

In the dry years the water level of Utah Lake can drop significantly as Mr. Olds mentioned it did in 1992. The distribution plan is paramount to their operation. It provides for the conversion and exchange of water stored upstream. He feels the Jordanelle Reservoir has worked very well since its construction. It has provided coordination of operations between the upstream water holders, the junior water right holders (CUP), and the Provo River Water Users and others who have storage. He reviewed the 27% of Utah Lake water rights that CUP/CWP holds.

Utah Lake evaporation because of the surface area at compromise is 94,311 acres compared to Jordanelle at 3,017 acres which is an inactive storage. In July and August the average annual evaporation rate at compromise is 1,000 cfs. On June 24, 2008 they estimate that the evaporation rate will be at -0.37 feet (93,264 acres) with 900 cfs going into the atmosphere.

Mr. Tullis commented that when Utah Lake is full all is well but when Utah Lake is slightly down system storage water is being stored at Jordanelle Reservoir. There has to be adequate water in Utah Lake in order to meet the primary water rights and it affects all the exchanges.

Mr. Steve Densley asked if there is any value of Jordan River water going to the Great Salt Lake. Mr. Tullis commented that they are water rights in Salt Lake they have to operate within the priorities. Mr. Styler interjected that there are significant businesses around Great Salt Lake that extract the minerals and salts and the Great Salt Lake has to be high enough for them to reach it. There are environmental reasons and business reasons that wouldn't allow for changes in those established water rights.

### **Lake Levels**

Mr. Cox added that he would like to put this information into the context of the Master Plan. There are a lot of issues associated with the lake such as the removal of the carp and part of the goal for the removal of the carp is to re-establish aquatic vegetation. When the aquatic vegetation is re-established then the lake fluctuates and then small fluctuations can extend the shoreline out into the lake and the vegetation that was developed is lost and new vegetation has to be created. There are wetlands issues associated with the Master Plan. The resorts that used to be around the lake were impacted by both floods and droughts. Those developments that were flooded never returned. And so, in the context of the Master Plan, Utah Lake fluctuations have impacts to the ecology, development plans, and recreation plans and those impacts need to be addressed in the Master Plan.

Mr. Don Blohm asked what role Deer Creek Reservoir plays in the water rights priority. Mr. Tullis answered that Deer Creek is exactly in the same position as Jordanelle Reservoir with the exception that they have an earlier priority. An interesting note is that CUP uses Deer Creek on a space available basis. Deer Creek is on the same distribution plan as all the other small reservoirs. Mr. Blohm asked what the relative size of Deer Creek is to Jordanelle and it was answered that it is about one-half the size.

Mr. Densley asked how the wells are monitored that are underground and it was answered that the engineers are able to do that and watch it very closely.

Mr. Tullis commented that the future of Utah Lake is more stable today than it will be in the future.

Mr. Densley said he gets asked many questions about the development of Eagle Mountain and their future water development. Mr. Tullis said that Eagle Mountain City is in the process of purchasing CWP water which comes from Provo River, Utah Lake water rights, and from the wells. Mr. Gene Shawcroft affirmed that Eagle Mountain has purchased a large amount of the CWP water in anticipation of the population growth. Their ground water is limited. Mr. Tullis said they do tap into the distribution plan as well.

Mayor Thompson asked if the priority principle of "first in time, first in line" system could be superseded by a higher set of priorities like sustaining life, or drinking water. He asked if the system could be altered if necessary. Mr. Tullis answered that the legislature is addressing that highly controversial question. His personal opinion is that everything that is possible to maintain the system is the priority. He believes at this point everyone is working to maintain the priority system.

Mr. Shawcroft said that he had heard Mr. Olds speak on occasions that the market would drive the concerns and that those who needed the water the most would purchase it from others. He said that this is happening today as municipalities are purchasing water from others.

Mr. Cox mentioned that the JSRIP commissioned a study last year to look at the fluctuations in Utah Lake. Some of the results produced good news. From that study it was estimated that the average fluctuation in

Utah Lake is 2.9 ft. Using models they were able to predict that fluctuation in Utah Lake is going to diminish in the future.

It is understood that lake levels have an important impact to everything related to Master Planning.

### **Transportation**

Mr. Cox requested that Mr. Price introduce the Transportation discussion.

Mr. Price reviewed that the Vision Statements that have been created help in understanding what is envisioned for the future of Utah Lake. He put the transportation issues in three categories; access points to the lake, trails, and a transportation corridor.

There is much interest in the news regarding a transportation corridor. This transportation corridor may not be the most important transportation issue in the future. The vision statement that has been created states that the Commission will address these transportation needs and will have a significant and early role in planning the transportation projects that are proposed. Any decision of either support or opposition of any transportation system affecting Utah Lake will be delayed until the necessary studies are performed and reviewed by the Technical Committee, subcommittees, and other committees that are set up.

Mr. Price recalled that back in November the Commission was approached by Representative Ken Sumsion who was moving forth with an effort in seeking funding for a study of environmental impacts of Utah Lake in regard to a transportation corridor from the Orem/Provo side to the Saratoga Springs shoreline. After much consideration and review by the Technical and Executive Committee the Commission developed a resolution that supported funding for many different types of studies that would help gain an understanding of Utah Lake and its environment. The resolution could be used for different kinds of funding, for example, like the PCB study being developed by the DEQ.

Representative Sumsion used that resolution to seek funding and he received three million dollars in funding from the Legislature. UDOT will release an RFQ on Saturday, June 28 in the newspapers and on their website on June 30. Mr. Price will be on the Selection Committee with UDOT that will review the RFQs at the end of July and they will narrow the firms down by early August. Even though the resolution was used for funding to solve transportation problems the studies will also help the Utah Lake Commission learn more about the lake and also allows the Commission a significant voice in determining whether or not a project is beneficial to the lake and to the community. The Commission will be allowed input as the study progresses. Any controversial issues will be brought to the Board for their consideration and to see if an official stance is needed.

Some of the issues that are expected to be researched in this study are visual impact, ecological impacts and recreational impacts. There are some other questions like the lake bed stability, and if there alternative methods, are expected to be answered with this study as well.

The Commission envisions having a significant role in the decision making process for this study and for any other projects that may be presented to the community that affects Utah Lake. It was asked what the timing for the studies is and Mr. Price answered that UDOT hopes to have the entire study completed in three years, but that is to be determined based on the negotiations with the firm selected.

Chairman Billings commented that the Commission has not supported a causeway as such but has said that if there is to be a causeway the Commission wants to look at all the issues of the lake that will be affected with due diligence. There has been some misconception that the Commission has fully supported the building of a causeway.

Mr. Styler commented that the Utah Lake Commission wants to be sure all the possibilities of building a causeway or corridor make sense. He has also had people approach him with the understanding that the Commission is appearing to oppose the corridor. He agreed that the Commission needs to send the correct position of the Commission to the public.

## **Water Quality**

Mr. Cox stated that water quality of Utah Lake is another critical issue. There are many aspects to discuss including visual, technical and biological. The definition of water quality is subjective. Mr. Cox listed three areas of definition.

The first category is public perception and aesthetics. People who look at Utah Lake have different perceptions. The second classification is the TMDL beneficial uses; and drinking water uses. Mr. Price made this comment in a previous meeting, "Clarity does not necessarily equal high quality, or the converse." Generally the algae growth that is in the lake is a good kind of algae and not the blue-green algae that is more toxic. However, there are people who would be allergic to the algae that are in the lake and be affected by it. The turbidity is high with suspended solids because of shallowness and the high energy associated with a large lake and with the wind action. There has been a health advisory issued on PCBs and the eating of some fish. Also the Total Dissolved Solids (TDS) is a good indicator for what the water can be used for. The TDS averages in the 900 parts per million which is a little high for agricultural uses as well as for drinking water. There is also a high phosphorous level which is an indicator of human activity, discharges from the treatment plants, and run-off from agricultural uses. It is known that the phosphorous and other nutrients in the lake are very high.

Water quality has a complex relationship between all the things that are going on in the lake. Aquatic vegetation and wetlands tend to settle with turbidity and make the water more clear. It also has an opportunity to uptake some of the nutrients and reduce the amount of algae that is present in the system. Aquatic vegetation and wetlands is a good thing. Light penetration can provide for more aquatic vegetation on the bottom of the lake but it also allows for more algal growth which can be a negative. The destruction of the bed of the lake increases the turbidity so the carp, which is in the process of being eliminated, contributes to the negative water quality of the lake. Relatively speaking the lake is unpolluted. For instance it doesn't have a lot of mercury which is a problem with many other lakes back East.

Chairman Billings expressed concern that as the need for water continues to grow that the Master Plan should have a strategy for evaporation and how to facilitate that strategy.

Mr. Cox answered that there is a Vision Statement that talks about looking for solutions to evaporation control. The challenge is that evaporation is directly related to surface area and most of the prime wetlands are on the fringes. If the surface area is reduced then the wetlands areas will have to be re-established and other things will have to be done to avoid a negative loss. The Bureau of Reclamation has looked at the problem of evaporation for many years. Goshen Bay could be dried out as a solution. Provo Bay is one of the most prolific biological areas and is a June Sucker habitat and efforts are being made there and could be increased. The trouble is all the evaporation concepts that are currently out there have environmental impacts associated with them. Chairman Billings commented that in order for the Master Plan to be worthwhile it has to withstand the test of time. There needs to be a good process of review where the options can be stated and the reasons for those options listed. He is hoping the Plan will do that.

Mr. Cox agreed and said opportunities need to be identified and then the restraints can be identified. From there policies can be suggested for implementation.

One of the water qualities for drinking water that he feels is an important issue is taste and odor. That has been a real problem with some of the tests that Jordan Valley Water Conservancy District (JVWCD) has run with treating some of the water from Utah Lake. That problem could diminish by solving some of the other problems like carp removal, re-establishing aquatic vegetation and clarifying the water if the water could be culled from the lake in certain areas.

Mr. Baker commented that Utah Lake is classified as an impaired body of water because of the TDS and phosphorous. Those issues haven't been resolved and are somewhat in a holding pattern. Nutrient pollution issues are huge throughout the country. The floods happening in the Midwest right now are picking up large loads of fertilizer and run-offs and accruing nitrogen and phosphorous and washing it into the Gulf of Mexico.

There is oxygen depletion in the waters. On the other hand because of the fertilizers and chemicals that are used in agriculture food is able to grow much better than before. Ultimately either through storm water or run off those chemicals end up in the waters. Mr. Baker said that the DEQ is studying the effect if waste water plants would be required to remove phosphorous and nitrogen and that study should be completed in about eighteen months.

### **Dredging**

In discussion of dredging one of the Vision Statements is that there should be some opportunities to re-engineer the lake and increase the depth of the lake and create new lands. Some of the reasons for increasing the depth would be for recreational purposes, reducing turbidity, and additional shoreline. Increasing depth does not necessarily improve the water quality. Mr. Cox explained that as the depth is increased the light penetration is increased also which can increase the algae growth. If the depth is sufficient to reduce the turbidity then it is probably sufficient to create a zone with less oxygen. As the algae growth dies off it settles to the bottom and then there would be some anoxic conditions that could decrease the water quality. In the Visioning process some good reasons have been identified for localized, versus lake-wide, dredging.

Many of the proposals that have come before the Commission would be to create new islands for resorts or for residential purposes. One thing to remember is that the bed of the lake would remain in public ownership and so there would be public trust issues.

It is obvious that dredging would have impacts to fishery habitat and aquatic vegetation.

Finally the geo-technical issues with dredging are that the bed of the lake would produce what is commonly called "ooze" and because of that it would take a lot of time to develop strength in the bed to hold any kind of construction.

In regard to the discussion of aquatic vegetation, Commissioner Ellertson asked if it would be possible to plant Goshen Bay at certain times of the year. Mr. Keleher answered that the DNR has done some case studies in the lake where they excluded carp and the vegetation came back. So there are seed banks in the lake.

Mr. Dick Buehler stated that Forestry, Fire & State Lands grow some wetlands species at their nursery at Point of the Mountain for re-establishing aquatic plants. It is expensive but it can be done.

Mr. Blohm asked what the goal is of the Master Plan regarding this subject. Mr. Cox replied that the Visioning Statements are still drafts and as the process moves into the Opportunities and Constraints Workshop the group will decide the policies it supports that will be included into the Master Plan draft. There will eventually be three options: 1) keep it on the table, 2) eliminate lake-wide dredging, or 3) whole support of dredging.

Mr. Densley asked if it was known how much the lake fills up on the bottom per year and Mr. Cox answered it is two inches per year.

### **Model Ordinances/Buffers**

One of the issues that emerged from the Visioning Workshop and the subcommittees meetings is that almost everyone felt there should be some kind of a model ordinance that all communities can share and some buffers around the lake. It was discussed how wide the buffers should be and what would be the criteria for these buffers. These criteria should be included in the Master Plan. Utah County is working on a trail with the intent that everything between the trail and the lake be termed a buffer zone and not available for future development. There may be other areas around the lake where the lake is deeper or where sagebrush is almost immediately out of the lake where a buffer may not be as critical. This model ordinance needs to be flexible enough to recognize the elevation, the environment, and the beneficial aspects of the land. Another consideration is that there are some good wetlands around the lake particularly in the north and the east and

that as communities are developed there are needs to develop wetlands elsewhere. There is an opportunity to preserve those lands that are adjacent to existing wetlands that are potential wetlands. The sovereign lands boundary is being established. Most of them have been identified. The sovereign lands boundaries will not be enough of a buffer as many of those are too close to the lake.

The last issue is the protection of private ownership rights. Those need to be recognized when preparing the model ordinances.

Commissioner Ellertson asked if in conjunction with the buffers if there is some science available to look at that would help. Mr. Cox said they hoped the consultants will have enough expertise to identify that. Individual communities will need to help identify sites within their community.

Mr. Baker asked if there have been any discussions with groups such as Nature's Conservancy to ask for their advice. Mr. Cox replied that as part of the process different funding options have been pursued.

Mr. Price said that Nature's Conservancy has requested to be a part of the Commission and stated they could offer help in this regard and be available as a resource. Mr. Price has been working with Lindon City in drafting a letter for them to purchase some lands with funds from the McAllister funding. Mr. Price said if a municipality sees an opportunity to receive grant money for the preservation of shoreline or creation of some sort of buffer zone the Commission would be willing to participate.

Mr. Buehler said that Nature's Conservancy has a history of being interested in Utah Lake. They attempted to purchase some land previously but were not able to do so. They also have been actively trying to make some other purchases around the lake. There was discussion on some of the buffer areas around the lake. Mr. Cox said the wetlands are protected by law; it's the areas beyond the wetlands that need protection.

### **Master Plan Process**

Mr. Cox stated that the Vision Statement process has been completed. He asked that everyone understand that everything that has been done so far is still a draft. The Current Conditions Report is still being worked on and is in its third revision. The Vision Statement has been through three or four revisions.

The next step in the process is the Opportunities and Constraints Workshop. Hopefully from that workshop policies will be developed that will be incorporated into the Master Plan.

After the next Open Houses the consultants will start working on the Master Plan and developing policies and bring them back to the Commission and the Technical Committee for further consideration. Then there will be time for reviewing and modifying. The consultants will have from July to November to get the Master Plan to a satisfied product. At that point the Master Plan will be available for adoption.

He asked that the members of the Commission plan for the Opportunities and Constraints Workshop by reading the visioning statements carefully and understand what the words mean. As they read the statements they should focus on those areas that are of particular interest to them and turn that statement into an opportunity and add specifics. They should identify the criteria on why they selected that opportunity and then identify the constraints that may be associated with it. It would be helpful if they could identify a policy statement associated with that opportunity. They can also try to bring to the workshop other alternatives related to those opportunities.

URS will come prepared with Opportunities and Constraints for each section of the visioning statements.

Mr. Blohm questioned if the Master Plan is running on schedule with their budget. Mr. Cox said they have used approximately 50% of the time and 35% of the budget. They have revised their schedule to stay on budget.

Mr. Price interjected that there was no longer a quorum present. Chairman Billings had to leave and Commissioner Ellertson assumed to conduct as Vice Chairman.

Commissioner Ellertson requested clarification as to the July 9<sup>th</sup> Workshop. The Workshop will be held in the Historic County Courthouse Ballroom from 9:00 A.M. to 12:00 P.M. Responding to Mr. Fisher, Mr. Price said the public is welcome to come.

Mr. Styler questioned if there would be an attempt to get the public there. Mr. Price said notification would be posted similar to the Governing Board meetings. The newspapers will be notified as well as the list of the Governing Board Interested Parties.

**10. Other Business**

**11. Upcoming meetings.**

**b. The meeting for August is scheduled for Thursday, August 28, 2008 at 7:30 AM in the Historic Utah County Courthouse.**

**12. Adjourn.**

Commissioner Ellertson adjourned the meeting at 10:03 A.M. as there was not a quorum present for a motion.