

APPROVED
November 19, 2009



Governing Board
Thursday, October 29, 2009, 6:00 P.M.
Utah County Health & Justice Building, Room 2500
151 South University Avenue, Provo, Utah

ATTENDEES:

Councilman Mark Atwood, Pleasant Grove City
Mayor Lewis K. Billings, Provo City
Don Blohm, Highland City
Dick Buehler, Utah Division of Forestry, Fire, and
State Lands
Representative Stephen Clark, Utah State
Legislature
Councilman Mike Cobia, Mapleton City
Mayor Jim Dain, Lindon City
Commissioner Larry Ellertson, Utah County
Nathan Riley, Vineyard Town
Chris Finlinson, Central Utah Water
Conservancy District
Councilman David Lifferth, Eagle Mountain City
Councilman James Linford, Santaquin City
Representative Mike Morley, Utah State
Legislature
Councilman Dean F. Olsen, Springville City
Ken Leetham, Saratoga Springs City
Robyn Pearson, Utah Dept. of Natural Resources
Councilman Michael Vail, Genola Town
Mayor Jerry Washburn, Orem City

ABSENT:

American Fork, Lehi, Woodland Hills, Department
of Environmental Quality,

VISITORS / INTERESTED PARTIES

Press:

ABC – Channel 4, Annie
KBYU – Channel 11 – Jennifer Bybee
FOX – Channel 13 – Mike and Sandy
Daily Herald – Joe Pyrott
Salt Lake Tribune – Donald W. Meyers
Deseret News – Sam Lenz
Spanish Fork Sentinel – Jen Allen
Deseret News – Jason Olson
Daily Universe – Courtney Holmes

Visitors - Speaking Comments:

Ronald Sweatman, Saratoga Springs
Jeff Francom, Saratoga Springs
Marc Heilesen, Sierra Club
Dan Potts, SLCF & GA
Jeff Salt, Great Salt Lake Keeper
Keith Morgan, Utah Water Ski Club
Jeff Geertsen, Provo, Utah
Don Davis, Highland, Utah
Robert D. Grier, Midway, Independent Sailors
Paul Mendenhall, Handicapped landowner
Todd Frye, Bonneville Sailing
Matt Clark, Utah Waterfowl Association
Marsha McLean, Sierra Forum
Terry Harward, Business Owner
Warren F. Rosenbaum, Pleasant Grove, Utah
Doug Harris, Highland Utah
Jan Snow, UVSF
Roy Schmidt, Orem, Utah

VISITORS – SPEAKING COMMENTS:

Terese Condon Yost, Orem, Utah
Casey Welch, Alpine, Utah
Susan Sims, Orem, Utah
James O’Neal, Provo, Utah
Terry Kohler, Saratoga Springs, Utah
Ralph Swanson,
Larry N. Johnson, Saratoga Springs, Utah
Dee Chamberlain, Saratoga Springs, Utah SSOA
Clay Chivers, UVU
Chris Jensen,
Curt Bramble, Utah Senate
Dennis Astill, Anderson Geneva Owner
Chris Bartholomew, Orem, Utah

INTERESTED PARTIES / VISITORS

David Larsen, Payson, Utah
Denise Larsen, Payson, Utah
Elizabeth Smart, Provo, Utah
Robert Carter, Springville, Utah
Travis Hall, UVU student
Marsha McLean Sierra Club
Louise Frye, Bonneville School of Sailing
Don Ensign, Salt Lake City, Utah
Ryan Merrell, BYU student
Michael Mills, JSRIP
Shawn Poor, Salt Lake City, Utah
Phyllis Ensign, Salt Lake City, Utah
Jay B. Crowther, Utah Crossing
Terry Harward, Provo, Utah
Joe Pyrah, Provo, Utah
Greg Beckstrom, Provo, Utah
Ernest Rogers, Provo, Utah
Rick McCloskey, Provo, Utah
Devin Allen, BYU
Erick Christensen, Provo, Utah
Doug Sakaguchi, UDWR
Monte Kingston, Ames Construction
Sara Sutherland, CUWCD
Allen Child, Saratoga Springs, Utah
Paul Mendenhall, Saratoga Springs, Utah
Marilyn Price, Orem, Utah
Richard Price, Orem, Utah
Bree Wightman, Student
Marcus Bennett, Student
Bob Trombly, Provo, Utah
Rick Cox, URS

Raquel Smith Orllis, Provo, Utah
INTERESTED PARTIES / VISITORS
Katrone Smith, Orem, Utah
Adam Mathews, Salt Lake City, Utah
Melody Welch, Student
Robert Knight, Orem, Utah
Anny Merrill, Division of Water Resources
Larry Harper, Orem, Utah
Scott Williams, Orem, UVU
Gene Shanecroft, Provo, Utah
Shawn Sayer, MAG
David Robins, Vineyard
Chris Finlinson, Utah Lake Commission
Raquel Smith Orllis, Provo, Utah
Katrone Smith, Orem, Utah
Adam Mathews, Salt Lake City, Utah
Melody Welch, Student
Robert Knight, Orem, Utah
Anny Merrill, Division of Water Resources
Larry Harper, Orem, Utah
Scott Williams, Orem, UVU
Gene Shanecroft, Provo, Utah
Shawn Sayer, MAG
David Robins, Vineyard
Chris Finlinson, Utah Lake Commission
Ed Belliston
Meghan Smith
Thomas Rodgers
Jolena Ashman, Student
Roy Pattel, Property Owner
Kim Chivers, Sailors
Mike Ball, Saratoga Springs, Utah
Kathleen Crawford, Property Owner
Lisa Ornick, Student
Heather Rigby, University Of Utah Student
Julie Wiscombe, BYU
John Allan, BYU
Stacey Edgington, Orem, Utah
Jennifer Pratt, Orem, Utah
Becky Lockhart, State Rep. District 64
Robbe Graham, Landowner
Chris Jensen, Citizen
Andrea Nelson, Provo, Utah
Jose Rios, Provo, Utah
Daniel Will, Orem, Utah
Jennifer Lind, American Fork, Utah

VISITORS / INTERESTED PARTIES

Tyler Orack, Provo, Utah
Marie Siebach, Saratoga Springs
Sara ???
Brad Singleton, Orem, Utah
Rebecca Fawcett, Orem, Utah
Heather Roberts, Salt Lake City, Utah
Amber Blair, Provo, Utah
Steve Cramb, Provo, Utah
Chris Bartholomew, Springville, Utah

VISITORS / INTERESTED PARTIES

Daniel Whitehead, BYU
Jasmine Fuller,
Chad Ballard, Provo, Utah
Jim McNulty, Saratoga Springs, Utah
Senator Curt Bramball, District 16, Provo, Utah
Dr. LaVere B. Merritt, Provo, Utah, Consultant
Jonathan Landon, Provo, Utah
Betty Washburn, Orem, Utah
Bruce Chesnut, Chairman Technical Committee

1. Welcome and call to order.

Mayor Lewis Billings, Chairman of the Governing Board of the Utah Lake Commission, welcomed members of the Governing Board and the public to the Utah Crossing Proposal Public Hearing. Mayor Billings recommended switching Agenda Items 3 and 4 and with no objections and the items were reversed. The Governing Board introduced themselves and which organization or municipality they represented. Chairman Billings then introduced members of the Technical Committee including Chairman Bruce Chesnut and Vice-Chair Greg Beckstrom. Members of the Utah State Legislature in attendance were also introduced who were Representative Mike Morley and Representative Steve Clark (who both serve on the Governing Board), Representative Becky Lockhart, Representative Ken Sumsion, and State Senator Curt Bramble.

2. Opening remarks.

Mr. Reed Price, Director of the Utah Lake Commission, explained the history of Utah Lake Commission, their goals, focus of the Master Plan, and the role the Commission is playing in the Utah Lake proposal.

He told the public that the purpose of the commission is described in the Interlocal Agreement. He stated the Commission is to encourage and promote multiple uses of the lake, foster communication and coordination, promote resource utilization and protection, maintain and develop recreation access and to monitor and promote responsible economic development. He also listed Governing Board and Commission members including American Fork, Eagle Mountain, Genola, Highland, Lehi, Lindon, Mapleton, Orem, Pleasant Grove, Provo, Santaquin, Saratoga Springs, Springville, Utah County, Vineyard, and Woodland Hills, Utah Department of Natural Resources, Utah Division of Forestry, Fire & State Lands, Utah Department of Environmental Quality, Utah State Legislature, and the Central Utah Water Conservancy District.

Mr. Price stated that for many years, there has been a lot of discussion about the need for improvements that would help alleviate traffic congestion experienced by the municipalities on the north end of the county, especially with population projections showing dramatic increases over the next several decades. Ideas have included constructing new facilities on the west side of the lake, limiting the need to come to the east side as well as constructing new roads.

During the 2008 legislative session, then-Governor Huntsman proposed \$1,000,000.00 to go to the Utah Department of Transportation to conduct an environmental study to determine the feasibility and need for a road that would help alleviate congestion. During that legislative session, the legislature approved \$3,000,000.00 of funding for such a study. A resolution of the Utah Lake Commission Governing Board "endorsing the appropriation of funds for transportation and ecological studies and for strategic implementation for projects related to Utah Lake" was used to help secure the funding.

That study would look at, but would not be limited to a crossing of Utah Lake. However, the funding for the study was removed by the legislature during essential budget cuts later in 2008 that were experienced statewide.

Mr. Leon Harward, who is proposing to build a bridge across Utah Lake, has been proposing a specific crossing of Utah Lake for several years. With the funding for the study removed and budget projections not improving in the near future, there has been an increased interest in Mr. Harward's proposal by some.

The Utah Lake Commission's Interlocal Agreement states that "the Commission will review all private development plans, programs or proposals, including residential, commercial, and recreational developments, ("private submissions") within the Master Plan Study Area for conformance with the Master Plan." The Interlocal Agreement required that the Master Plan, which was just recently adopted, include a Transportation Plan, which included consideration of roads, access areas, buffer zones, restrictions and limitations. As the planning process moved forward, the idea of building a cross-lake transportation corridor was proposed and considered for inclusion in the plan by Commission. However, at that time, it was decided to take a neutral position on the concept, purposefully delaying any decision until a later date, when more-adequate review could take place. The Commission has avoided taking any official stance as an opponent or proponent to the idea until the potential negative impacts and potential benefits could be properly reviewed. The Interlocal Agreement also states that "the Commission has no authority to nor does it supplant any powers of individual members as set forth in the Utah Constitution, state law, county or municipal ordinance, or other powers specifically given to them."

The permitting agencies and affected municipalities who hold the authority to make decisions and who are members of the Utah Lake Commission are aware of the proposal. This includes the Utah Division of Forestry Fire & State Lands which is the entity that has regulatory authority and responsibility for the lake bed and shoreline. It is this Division that is directing the review process. They have told Mr. Harward in previous discussions that they will be working with and are awaiting a recommendation from the Governing Board of the Utah Lake Commission as they consider his proposal.

Thus, the Commission is working with the Utah Division of Forestry, Fire & State Lands through a formal, open process where such proposals can be reviewed in order to make an informed decision. The Commission can bring the right people together that will assist the Division of Forestry, Fire & State Lands to allow the right questions to be asked in order to make an informed recommendation.

As a group, the Utah Lake Commission does not come to the table with any predisposition. Nor are they a body of immediately saying "yes" or "no." They come as a body with a passion for our communities and the lake. They are a body of asking the right questions to fully understand the impacts and benefits of all proposals. They have tried, and will continue to identify, as best they can, the key questions and concerns that go with such a project. It is not the intent of the Commission to create or remove obstacles. There are legitimate ideas and concerns from numerous agencies that must be considered. The Utah Lake Commission is a forum that is well suited to ask and answer these questions and concerns.

The Utah Lake Commission was holding the public hearing that night to communicate the review process of this proposal as well as to ensure that accurate information regarding the proposal is presented. They would also invite the public to voice their position on this issue during the public hearing portion of tonight's meeting to help the Commission understand the public support and opposition to this project. More than likely, the Governing Board would not make a final recommendation that night, rather, they would use the information presented to guide them as the review process continues.

He concluded by reviewing the procedures for commenting and stated that comment sheets were available for those who did not wish to speak, but wanted their position to be known. He also referred them to the Utah Lake Commission website where information regarding the proposal and links to a site set up by FFSL to receive comments could be found. He also stated that all public comments submitted would be reviewed.

4. Presentation by Forestry, Fire & State Lands (moved to Agenda Item 3).

Mr. Dave. Grierson, Strategic Planner for the Utah Division of Forestry, Fire, and State Lands, presented the procedural process which is being utilized to evaluate the bridge across Utah Lake as proposed by Utah Crossing, Inc. Because Utah owns the lake and the lake bed, and a portion of the bridge traverses the sovereign lands, FFSL will be the primary entity to either approve or deny the proposal of the bridge. He told everyone the Army Corps of Engineers had issued a written letter stating they have disclaimed jurisdiction. The reasons cited by the Corps letter is that no fill material would enter the lake, the alignment avoids any major wetlands, the lake does not belong to the federal government, and there are no federal funds involved. Mr. Grierson presented the steps involved.

The procedure is as follows:

A nomination by Utah Crossing, Inc., was first presented to FFSL. A nomination is a summary of the project and the area requested. The nomination is first reviewed to see if it is an acceptable use as outlined in the Master Plan, which is used as the management guide for any projects. He stated the Utah Crossing nomination was reviewed and nothing was found which would prevent a bridge crossing at the proposed spot. No other conflicting uses for the area were proposed. The Resource Development Coordinating Committee (RDCC), which is a committee of representatives of state agencies and federal agencies, reviews the nomination as related to their different areas of expertise, such as environmental, geological, economic, etc. In RDCC's evaluation, they define any impacts which they perceive the proposed project may have. Mountainland Association of Governments (MAG) which is the main transportation planning organization for governments in this area also looked at the nomination. The entities then send their comments back to the FFSL stating support or listing concerns they may have. The Utah Lake Commission has also been asked for their input for either support or opposition. Part of the nomination process involves public comments which are the reason for the meeting. Mr. Grierson stated the end of the public comment period was scheduled to end on November 30, 2009.

FFSL will screen recommendations made by the agencies, local governments, RDCC, the Utah Lake Commission, and public comments and then decide whether or not to proceed with the proposal process. FFSL addresses the concerns and impacts cited in the review of the agencies. Analysis would include public trust, financial analysis, structural integrity, environmental impacts, and the highest and best use for the land itself. If the concerns can be overcome and/or mitigated, then the project proceeds. If the concerns cannot be overcome, it will be taken into account. The Director of the Utah Division of Forestry, Fire, and State Lands will make a decision whether to continue with the process or stop the process at that point. If the decision is a no-go, then the process ends and the Division return the nomination back to the proponent.

If the decision is positive, then an application is requested from the proponent. FFSL then decides whether to enter a competitive bid or a noncompetitive bid process. He said for most private commercial development on public lands, FFSL goes with a competitive bid. An ad is placed in the newspapers which states there is a nomination to use the proposed sovereign land for a specific purpose, and FFSL is actively soliciting competing applications for the use of that land. If a competing use for that land is proposed which would give higher averages then FFSL would look at accepting that application. In some instances a noncompeting application is solicited.

After the bidding process, the nominators file an application where fees can be collected, greater details of the bridge design including construction or system plans are requested, as well as financial disclosures. The project information is evaluated project during construction, during operations, and any maintenance-type issues. Other items addressed include revenue sharing options and time lines in the development.

The application process also begins the adjudication process which is a special legal relationship between FFSL and the applicant and begins the Record of Decision process. At that point in time, the applicant is entitled to a Record of Decision and that Record of Decision is appealable. Criteria for reviewing the application includes income potential and the ability of the proposed use to enhance adjacent state lands, the ability of the applicant to perform, including the proponent's financials, the desirability, environmental including the impacts to fish,

waterfowl, water quality, air quality, and other areas. As trustees of the land, which belongs to the state of Utah, FFSL takes their responsibility seriously and looks at the highest and best use for that land.

Additional insight on this project will include an Interdisciplinary Team of experts. The team will look at all the public comments including good, bad and indifferent then validate and group the comments. They will also evaluate the impacts such as financial, visual, environmental, economical, geological, lake access, lake use, water quality, air quality, etc. The interdisciplinary team may promulgate stipulations or conditions or provisions. These conditions addressing the concerns or issues that are presented can be put into the lease or permit during both the construction phase and the operation phase. The Interdisciplinary Team will consist of members from Utah Lake Commission, the technical team, and specific expert disciplines as economic (viability of the company), natural resources (fish, game), geology, ecology, water quality, termination/alignment points, and etc., each looking at specific aspects of the proposal. UDOT and other engineers can evaluate the geological and geo-technical portion of this bridge. Legal expertise will also be included.

The Record of Decision is then forthcoming with three options: Yes, No, or Tentative Yes with provisions. If it is a yes, then the contract or the lease is written up and it becomes a special use permit/lease. If it is a No, then the application is returned to the applicant. He can either revise or withdraw his application; or he can appeal at that point. Or if it is Tentative Yes, a list of items to be addressed is given to the proponent. If the answer is positive, FFSL looks at the entire gamut from beginning to end of this project. The goal is to protect the state and the state resources, and prevent problems down the road. The Record of Decision will contain the term of lease, the provisions, conditions and other specified arrangements. This Record of Decision is not appealable by anyone at any time for any reason; only by the established parties. This is because the adjudication process is a legal relationship started at the application phase and is between FFSL and the applicant, or parties that would come in as a result of a competitive bid or a damaged party.

The public input and comments are vital to the process, which is the reason for the public hearing. Mr. Grierson announced a public meeting (not hearing) on Wednesday, November 11, 2009, from 6-8 p.m. at Saratoga Shores Elementary School, 1415 Parkside Drive, in Saratoga Springs. He also invited the public to write to him directly at Mr. Dave Grierson, Forestry, Fire, and State Lands, P.O. Box 145703, Salt Lake City, Utah. He told those present that they can access the public comment page either through a connecting link on the Utah Lake Commission website, at www.utahlakecommission.org. He stated over 70 comments were already on the site. The comments can be read by the public. He strongly urged people to place their comments on line.

Mayor Billings asked for questions from the audience. Mr. Grierson was asked about a deadline for public comment and he replied the cutoff date was November 30, 2009, which is the last Monday in November. He was asked what the timeframe for a final decision was. Mr. Grierson stated that there was no timeframe for either approval or no approval, but that it would take as long as needed to make a good and correct decision, not a quick decision. Mr. Grierson was asked about availability of his PowerPoint presentation for the public to review. He stated that it could be placed on the Utah Lake Commission website. He stated printed copies were available to the public.

3. Presentation by Utah Lake Crossing, Inc (moved to Agenda Item 4).

State Representative Ken Sumsion explained the history of transportation needs. He cited various population numbers and projections and the impact these numbers would have on Utah Valley. He stated it was time to prepare for future growth. He said the need would come when additional roads and transportation avenues would be needed and the bridge was a good idea for this growth. With the continued shortfall of the Utah state budget, he felt the bridge built by a private entity would be better than using state funds towards the transportation solution. He said the private funding was a solution and would not bring any financial burden to Utah taxpayers.

Mr. Leon Harward explained the progressive history of Utah Crossing, Inc. The management team of Utah Crossing consisted of himself, Brian Nield and Mike Vilanzich from Salt Lake City, and stated together they had

over 60 years of combined real estate and related venue experience and background. He stated one of the motivating factors pursued for the bridge idea was his perception that there was “no true” east/west corridor anywhere in Utah County, and the only way out of Utah County going east is through Provo Canyon. He felt that if the transportation concerns were addressed now, it would be less expensive than in the future. Addressing a resolution for an east/west corridor could be accomplished by the Utah Lake Bridge. Utah Crossing would design, operate, maintain, finance and own the bridge. He said no city, state, or federal funds would be used in this project.

He stated FIGG Bridge, a world renowned and award-winning company had designed the bridge. FIGG Engineering exclusively specializes in developing and designing and constructing of bridges with over 30 years of bridge construction in 38 states or foreign countries. He stated that FIGG designs environmentally attractive bridges with unique custom designs and lighting for each bridge.

Studies were done for various termination points of the bridge. After considerable evaluation, it was decided termination points for the Utah Lake Bridge would be in Saratoga Springs and in Vineyard, and cross approximately six miles of the lake. He anticipated completion of phase one in three years. The construction will use local labor, local materials and provide a local economic stimulus. He said the bridge would be sustainable, eco-friendly, and safe with good, high strength. The initial bridge will include two lanes with shoulders and a pedestrian’s path. Another structure would be built in the future as traffic demands, and will total six lanes for traffic. The bridge profile will be 35 feet above compromise elevation of the lake. This would give a passage for any motor boat or anything that would want to get from one side to the other. In addition, in the center of the lake, you will see a hump. There is a 50-foot hump in the center of the lake which will allow for any sailboat, mast size that is capable of getting on the lake. He explained the steps of the construction with being built off site, the put together in stages with the foundation, placement of the pylons, and other construction criteria. He also stated the design would include steps to take into consideration earthquake standards. The bridge will make use of the state’s electronic tolling system as utilized by UDOT.

5. Explanation of Public comment procedure for public hearing.

It was motioned and carried that the meeting go to the public hearing. Mayor Billings explained the specific rules and procedures that were proposed for participants who wished to address the Governing Board in the public hearing. He explained those who wished to speak had a numbered sheet which was to be filled out ahead of time and after speaking was to be put in the basket which was provided. He said that there were two chairs labeled “Up Next” and “On Hold.” Comments would be limited to three minutes. Following numerical order, the person speaking needs to use the microphone and clearly state their name, town or organization represented, and then make their comments. If the Commission has heard the same comments from prior speakers, the person can agree with previous speakers and then add additional comments. Mayor Billings explained if comments were repeated, the Commission would ask that they cut their comments short that specific concern was cited. He wanted to use the time very efficiently. He told the public there would be a monitor which would time the three minutes, with a one-minute warning. When the three minutes were completed, the speaker should end their comments. He also stated everyone should be courteous and with no applause, booing or howls. He told the audience the meeting would end at 10:00 p.m. He invited those who did not want to speak to write their comments on a sheet and leave it as they left the meeting. He also explained that the meeting would be recorded in its entirety and available for on-demand at Provo’s Channel 17.

6. Conduct Public Hearing to receive comments on the proposed bridge crossing Utah Lake.

Mayor Billings asked those who presented before the Commission to follow the established procedure and state their position and concerns. The following summarizes the speakers’ viewpoints. Transcriptions of their statements as well as copies of their written comments were provided to FFSL.

Thomas L. Rodgers, representing Paul Mendenhall, a handicapped landowner, was concerned about Mr. Mendenhall's rights as a landowner. He said Mr. Mendenhall, who owned land adjacent to the west side termination point, had not been approached by the bridge developers and his land would be impacted from the bridge landing. He explained Mr. Mendenhall, even though he was handicapped and perceived as incapable of understanding, understood the proposal and the final results of the bridge. Mr. Rodgers assured everyone that Mr. Mendenhall understood the proposed plans. He asked for communication with Mr. Mendenhall concerning his land.

Ron Sweatman from Saratoga Springs stated he was opposed to the bridge because of the impact on the "country, rural living." He also felt the bridge would feed the growth on the west side much faster. He suggested waiting for several years to determine the need for the bridge.

Jeff Francom from Saratoga Springs said he was opposed to the proposal. He felt the bridge would interrupt and affect the lifestyle of Saratoga Springs. He also said the bridge would have a visual impact on the view from the west side of the lake. He stated he did not feel there was communication and full disclosure with the citizens concerning the bridge. He recommended the Board review the bridge for other destination points.

Marc Heileson, from Provo, represented the Western Regional of the Sierra Club. He said he considered Utah Lake a treasure. He and his group were against the bridge. He disagreed with the termination points and believed the bridge was more about development and speculative value of the land rather than transportation. He also stated roads were already established or being built that could meet the growing transportation needs. He said evidence was available which showed toll roads were failing and wondered who would financially support the bridge if the company failed. He was concerned about the environmental impacts of the bridge over the lake.

Dan Potts represented the Salt Lake County Fish and Game Association and was opposed to the bridge. He said the proposal did not provide fishing and/or hunting access. He stated the pylons would attract large fish predators and have a negative impact on the native fish of the lake. He agreed the bridge would open a way for more rapid population growth.

Jeff Salt represented the Great Salt Lake Keeper. He and his group were opposed to the construction. He felt there was inadequate evidence established for the bridge through traffic modeling. He was also concerned about seismic activity and safety issues. Another concern he stated was geo-technical activity under the lake and the potential effects building the bridge would have. He explained that a USGS study would be forthcoming and may play into the decision of approving the bridge. He asked for the decision to be postponed until the study was completed. He listed all environmental impacts should be addressed including storm water runoff polluting the lake, other contaminants, as well as noise and air pollution. He said the bridge was not identified in MAG's long-range transportation plan. He stated that the vision project that MAG had for a crossing had the alignment to Provo Bay. He stated he felt FFSL is not equipped or qualified to permit this project due to the socio-economic factors and impacts the bridge would create. He said FFSL lacks the jurisdictional authority to really permit this project. He stated the bridge will facilitate sprawl development in Cedar Valley, where water supplies are already in question. He stated a full EIS should be done before this project is approved or a decision is made. He questioned concerns of the financial backing of a private developer.

Keith Morgan represented the Utah Water Ski Club and was indifferent to the proposed bridge. He stated it would not interfere with recreation on the lake, especially with the natural ebb and flow process.

Jeff Geertson, a private citizen of Provo, supported the proposal stating that building now is a better time than waiting until later. He was appreciative of the formation of Utah Lake Commission and the steps being taken to restore the lake.

Don Davis, citizen from American Fork, works with transportation. He stated he was in favor of the proposal. He stated that planning for transportation growth was needed now. He believed transportation foresight was critical with the anticipated growth as well as establishing an east/west corridor.

Robert Greer, a citizen from Midway, stated he represented the independent sailors. He was opposed to the project. He was concerned about the impact of the bridge on sailing opportunities. He said the scenery and visual beauty would be compromised. He stated that not all development was good and now would be a good time to stop development.

Todd Frye represented the Bonneville School of Sailing which operates out of the Provo Marina. He and his group were against the bridge. His concerns as a sailor on Utah Lake were the potential navigational hazards that the pylons would represent. He also was concerned about the visual effect and affecting the serenity of Utah Lake that the bridge would have.

Matt Clark represented the Utah Waterfowl Association with membership of over 15,000 duck hunters. The duck hunters strongly oppose the project. The main reason cited was the impact it may have on migrating waterfowl through the Wasatch Front. He stated Utah Lake is a critical staging area for the birds to rest and feed and the bridge would be a huge deterrent to those birds which critically rely on Utah Lake. Another concern is the effects the bridge would have on the marshes. He said it would have a drastic impact on the quality of duck hunting. He voiced concern over water quality issues resulting from the bridge. He stated the Lake was just starting to be resurrected and hoped that the revival would continue.

Marcia McClean was a member of the Utah Valley Sierra Forum, member of the Utah County Birders, and citizen of Provo, as well as a real estate agent in Utah County. She was against the project. She quoted a line from the Code of Ethics for Real Estate Agents which stated, "That we promote healthy environment in all that we do." She was concerned about the result of a non-healthy environment if the bridge was constructed. She felt as a natural resource, the lake should be preserved. A concern of hers was the water pollution from the cars and trucks. She was also worried about air quality. She suggested building up businesses on the west side of the lake to promote tax revenue.

Terry Harward, a Provo citizen, was in favor of the proposal. He appreciated the studies that were already completed. He was grateful that MAG and the Commission were looking forward with the projected growth. He said he did not think the present roads being constructed would satisfactorily address the growth. He believed jumping ahead with plans and projects to address the growth at the present time were better than waiting. Another reason for his support was that private money and not public money being spent. He stated a public/private partnership that addresses these kinds of issues was important.

Warren Rosenbaum is from Pleasant Grove and was opposed to the bridge. He voiced concern about the lifestyle changes with the increased growth and development. He believed the bridge would open more issues than resolve them, such as increased crime, more traffic, population congestion, and a busier lifestyle.

Doug Harris, a citizen of Highland who is a realtor was in favor of the project. He said a big point to him is what we see, we care about. He felt building the bridge would bring more people to the lake and in turn, seeing the lake they would care more about it. He supported the no-risk with private funds. He also stated the bridge would be a symbol of hope to the country with the depressed economy. He stated he liked the design and that it appeared to be a beautiful bridge.

Laura Snow from Provo is opposed to the proposal. She felt the projected growth and building the bridge was premature and the present population would not support the bridge and neither the projected growth. She said projections that a bridge would be built at sometime were not soundly supported.

Roy Schmidt, a retired person from Orem was opposed to the bridge. He stated more planning and modeling should be performed so explosive, uncontrolled growth does not happen in Utah County which happened in Los Angeles, California. He lived right off of 800 North, one of the termination points. He was opposed because of the increased traffic on 800 North as well as the increased traffic congestion, air pollution, and noise factors. He stated these factors were in direct opposition to his health.

Terese Condon Yost who lives in South Orem was opposed to the bridge building. She had a background in emergency response and believed the bridge would create safety issues. For example, if a fire occurred, she questioned if there were enough water available to fight the fire. She also stated the smog or pollution created

was a real concern. She addressed truck traffic and questioned if it would be allowed, what types of materials would be allowed to be transported across the bridge. She was strongly against transporting hazardous materials across the bridge. She wondered who would respond to emergencies on the bridge, whose jurisdiction, and would there be room for emergency vehicles (police and ambulance) to get to the scene.

Casey Welch, from the city of Alpine and a recent graduate from BYU in urban planning, was opposed to the bridge. He believed the lake unified the county and building a bridge across would divide the county. He stated citizens should treat the lake like other national parks preserving the integrity of the lake for recreation, fishing, and duck hunting. He stated building the bridge was taking extreme measures for estimated for population growth figures.

Susan Sims was opposed to the bridge idea. She did not like the impact it would have on the quality of life. She felt the projected figures were exaggerated and questioned how the statistics were garnered for the study. She stated if the life span of the bridge was 50 years and the growth is projected in 50 years, a new bridge would need to be built at that time anyway, so why start prematurely. She said the estimated jobs would end at completion of the bridge. She reminded the Commission there was an aquifer in the bottom of the lake, and wondered what putting pylons across the lake would do to the bottom of the lake bed, the aquifers and affecting the water stores. She was concerned about the contaminants from cars, maintenance, and cleaning.

James O'Neal from Provo, a private citizen, was indifferent. He was opposed to the bridge placement, but agreed a bridge was better than a causeway. He also suggested a light rail would be even better than the bridge. He was concerned about the pile driving into the geo-thermal area. He was concerned the homework and studies have not been conducted adequately to assess the effects and the harm the drilling of the lake bed would do. He would like to see an impact study done before moving ahead. He questioned the sustainability of the bridge with tolls and believed it would fail. He stated preparing for growth in the southern end of the county would be more profitable than focusing on the north end.

Terry Kohler, of Saratoga Springs and who is retired from the transportation industry, was in favor of the project. He stated if planning and preparation as well as implementation of the bridge is not addressed at the present time it may be too late. He stated concerns about emergency public service using the bridge. Otherwise, he believed the bridge was a good beginning in the planning.

Ralph G. Swanson lives in Orem and uses the lake for recreation. He was opposed to the plan and the procedure. He stated FFSL is incorrect in their interpretation of the Army Corps of Engineers and their lack of jurisdiction over the land. He believed the Army Corps of Engineers, even with putting their reasoning for refusing to take up jurisdiction or being unwilling to take jurisdiction, would be challenged in court. He stated the whole project needed to have an EIS study done. He suggested FFSL join forces with the Corps as lead permitting agencies and this would give a forum for public involvement. He was worried about the ongoing opportunity for lack of public input throughout the process. He believed more detailed construction plans and financial arrangements should be available. He said UDOT had rejected the need for a cross-lake highway in its I-15 EIS that ended about a year ago. It stated the crossing was considered as a vision project but rejected by UDOT as to its need at the present time. He asked if UDOT was the paid highway planner, and responds without bias to the county's need for future highways, why did UDOT reject the bridge idea? He supported a previous speaker about public safety considerations.

Larry Johnson from Saratoga Springs was in favor of the proposal. He said he lived right near Pelican Point and near the hot springs. As a newly-elected HOA president, he believed it would be a good idea not only for future traffic, but to enhance the beauty of the lake. He supported the idea of being able to travel to east destinations at a faster pace rather than through the bottleneck of Lehi. He said the future requires infrastructure with electricity, gas, and water, but questioned having adequate roads. He believed the bridge could be sustainable with the tolls. He also stated the design would not detract from the lake.

Clay Chivers lives in Lehi. He was opposed to the bridge because of the urban sprawl that it would create. He wanted the lake and the county to remain pristine for future generations. He stated having the bridge was like a

cancer which once started it would be hard to stop it from growing. He was concerned about the visual impact it would have.

Curt Bramble, State Senator for District 16, had several questions about the bridge. He asked for information in case future legislative action may be needed on the bridge lease, etc. His first question concerned the financial integrity of the company and the debt instruments of the project. He asked if there would be bonding and what method of capital infusion would be used on the project. He asked about ongoing maintenance of the bridge. He asked about the traffic studies and if they were done. He asked about the alignment of the bridge and reasons for the specific placement. He wondered who would bear the risk if the company went bankrupt; who then would have the responsibility. He was concerned about increased litter into the lake. He would like to see the documentation from the Army Corps of Engineers. He would like to see the environmental issues, emergency response; ongoing law enforcement patrolling; liability for collisions with the pylons, or other accidents. He also asked about state funds needed to build or improve roadways that connect with the bridge for access to the lake.

Dennis Astill, a project manager and general counsel for Anderson Geneva, supported the project wholeheartedly. He felt the bridge addressed the need for East/West corridors in the county. He stated that the bridge would be an alternative for land-roads. He also believed the toll would and could support the bridge.

7. Governing Board Discussion.

Commissioner Larry Ellertson moved that the public hearing close and the meeting go to board discussion. Representative Mike Morley seconded the motion. The motion unanimously carried. The Public Hearing was closed and the Governing Board commented on and discussed the issues.

Mayor Billings stated from the public input, the people of Utah County in the State of Utah care about Utah Lake. He was appreciative of the role each member on the Governing Board of Utah Lake Commission played in representing various areas of the county. He asked for comments from the members of the board.

Mayor Jim Dain had two questions of the developer. First, he asked about providing maintenance for the bridge, at what standard the bridge would be maintained and who would set the standard. Second, he questioned the regulation of the tolls.

Mr. Harward stated the bridge would have ongoing maintenance with a sinking fund. He said FIGG would design and monitor the bridge throughout the construction phase, and upon completion follow maintenance procedures for the life of the bridge citing any imperfections, cracks, or deterioration of the bridge and then take corrective measures. Pertaining to the charge of the toll, he stated the modeling was equivalent to a gallon of gas. Mayor Billings asked if the state had specific regulations regarding approval of tolls. Mr. Harward replied that there were not.

Mayor Jerry Washburn asked Mr. Grierson concerning the lack of jurisdiction pertaining to the Army Corps of Engineers and their professional environmental input. He said he was shocked the Corps had signed off on the project. He asked Mr. Grierson to respond to the capability of FFSL to make the decision about the bridge.

Mr. Grierson said he was shocked as well at the Corps act to decline jurisdiction. He said the state is really committed to making the right decision, being transparent, and making the decision based on science and not based on political pressure. He stated there would be hard socio-economic and environmental factors involved. He reassured the public and the Governing Board that his department was capable. He stated organizing the Interdisciplinary Team, who would be experts, would address items which were raised by the public as well as governing agencies and officials. He reiterated FFSL would not be rushing into a decision but wanted to make the correct decision and try to prevent future litigation from occurring. Mayor Billings stated he was more concerned about the perception that the citizens did not receive a quality environmental analysis, because the observation is the Army Corps is very thorough and capable. He wanted the public to be assured that FFSL and the Utah Lake Commission were giving the project the same kind of quality analysis the Corps would. Mr. Grierson replied FFSL does not have an eco-process in place and did not think the state was ready to implement

an ecological process. However, FFSL was trying to mimic the process to some extent, as well as other things that FFSL is required to address including environmental, economic, etc. and FFSL will spend time on those items as well.

Mayor Washburn asked Mr. Grierson if he felt his department would be the ultimate decision-maker or if there might be a need for an executive or legislative sign-off on the lease or in the process. Mr. Grierson said according to the established rules, it is the Division and not the department which signs off on the proposal. He stated the Utah State Legislature has a duty as an elected, law-making body to obviously be a major part in developing policies for public trust. He restated the four pillars of the public trust are: (1) public access and making sure the public has access to those public lands; (2) property law; (3) state law; and (4) case law. Mayor Billings asked if this included negotiation, the lease, and authorization of the lease documents. Mr. Grierson confirmed the understanding, according to the Division's rules.

Mr. Dean Olsen wanted to know if the developer was aware of an aquifer located under the bed of the lake. Mr. Harward told the Governing Board some geo-tech work had been done, but future studies and more detailed information for the drilling and where each pylon would be placed needed to be completed. He said he was aware of the springs in the lake. He reassured the public his company had looked at environmental issues. He stated his group had met with every agency which could possibly become involved, those who want to, or should be involved. He said Utah Crossing, with the cooperation of FIGG Engineering, was working with an environmental consultation firm to go through details and the specific bridge and environmental issues.

Commissioner Larry Ellertson reassured the public they could have continued input in the process until the Record of Decision. He told the public to continue to express themselves individually on the website. He stated he was confident the process was identified and the intent of all involved was to be thorough in making the correct decision for the right reasons without being overly anxious in terms of regulatory or any other authority.

Director Dick Buehler was appreciative of the public input with their comments which is a vital part of the process. He stated the decision would be based on a lot of input from experts and FFSL would address all the issues and concerns. He said Utah Crossing will have to answer questions which will be given to them at a future time and they will need to continue to work with their environmental consultant. He reassured the public the questions would not go unanswered. He said the questions raised will be addressed within reason and the decision will be based on all information from the studies, scientific data, and other information as well as the understanding, knowledge, and expertise which is at FFSL's disposal. He stated FFSL is aware not everyone will agree and or be happy with the final decision but FFSL is doing the best they can. He invited the public to the public meeting in Saratoga Springs on November 11, and re-invited the public to post comments on FFSL's website.

Mr. Robyn Pearson said the harshest critics of the decision-making process would be the other Divisions in the Department of Natural Resources, including those Divisions representing geo-technical science, wildlife resources, parks and recreation, etc. He said he knew it was going to be a very difficult process within divisions of the sister agencies to bring the process forward in a such way to make sure every question is answered and every response is responded to in accordance with the established process.

Mr. Ken Leetham asked Mr. Harward if there was clear evidence from a traffic study for the chosen roads which would demonstrate the number of projected trips and of those who would use the bridge. He also asked him to address why the present alignment has been proposed for the bridge. Mr. Harward reassured the group when the state required more detailed information; Utah Crossing would make the information available. Mr. Leetham asked Mr. Grierson if traffic data would be part of the information requested for the review. Mr. Grierson stated with the nature of this nomination coming from private individuals using private money and being put on public lands would be a hard requirement to fulfill. He said FFSL needed to answer the question "What is our role as trustees of these public lands?" He stated since public lands are involved, then the public factor needs to be part of the decision-making process. He said he needed legal counsel to determine what the

answer to the question would be. Mr. Grierson said FFSL was looking at origin and destination studies, the traffic, where it is coming, where it is going out, and what is going to happen at those landing spots.

Mr. Leetham asked Mr. Grierson if Mountainland Association of Governments was part of the review. Mr. Grierson explained the Interdisciplinary Team had not been officially put together and at present was not involved. He said FFSL was looking at MAG, at least the transportation subcommittee, to be part of the Team for this project. He also stated UDOT and their engineering studies would be used.

Mr. Nathan Riley explained the history of and profile of Vineyard had changed from rural with a lot of empty land formerly used for agriculture and farming. He said previously the Vineyard Council had been in favor of the bridge, but in a town meeting recently held, the citizens raised additional concerns. The council promised they would discuss and hold additional meetings to address the concerns which were raised. He stated one particular concern was the Vineyard Connector that is planned to come through the project. He asked where the project was going to connect to the Vineyard Connector. He said the proposed termination point was coming into 800 North. He said statements were made by Vineyard citizens that 800 North was not possible. He said UDOT and others would need to determine a different location. He said the town of Vineyard would like an answer for the citizens as to the location. He also stated Vineyard would continue to pursue and request answers to other questions raised.

Mr. Blohm asked Mr. Harward about the storm water runoff including possible waste from automobiles, litter, and possible spills. Mr. Harward stated the water which lands directly on the bridge by way of rain or snow comes straight down and lands on the bridge going into the lake anyway. He said the cars would not be bringing it across. Mr. Blohm asked about automobile waste which is landing on the bridge. Mr. Harward said his group would be monitoring the bridge maintenance very carefully. He addressed the concern of toxic spills and stated his group was working with Enviro-Care in North Salt Lake who is well-known throughout the state for addressing spills in the creeks and lakes. He said they can respond within one hour to mitigate damage or any potential hazardous things. Mr. Blohm again asked about a plan for a storm water system to collect the water runoff to drain it from the road. Mr. Harward assured the Board there would be a filtering system. Mr. Blohm asked if it was on the website. Mr. Harward explained it would not as this was protected, professional proprietary information. If the information were publicized, it could potentially be used by competing companies.

Mr. Michael Vail told the public they can continue their input when the Commission meets each month. He encouraged the public to continue to take an active part in the process at these monthly meetings. He assured the public the process would be transparent and the best decision of the group would be formulated.

Representative Mike Morley asked Mr. Harward about the progress in the design of the bridge. He stated that as a contractor, with so many unanswered questions and other details needed, for example, the collection systems of the storm drainage and the filtering, he believed the final design for the bridge was not completed. He wondered if Mr. Harward had his working drawings or if Utah Crossing was still in the preliminary stage and if the bridge was still in the beginning of the process, and not the end. He questioned the progress of the structural design when studies for future drillings where the pylons would be placed and compiling the data was not completed. Mr. Harward answered in the affirmative. Representative Morley pursued answers about the storm water drain processes and asked if the system was completely designed. Mr. Harward stated the system was not completely designed. He said there were still a lot of questions which Utah Crossing was aware of and his group was working with the state lands people as the process continues and to assure the questions are answered and answered properly. Mr. Harward also explained he did not know where the lighting would be on the bridge or the designs for the historical memorabilia being incorporated into the plan but they were working on it.

Representative Morley stated with state lands involved many of the questions that have surfaced needs to be answered. He said the public hearing was a beginning point as the Commission begins to work through the

process. He stated the Commission was not an end point and the decision would be based on how the issues that were raised would be resolved.

Mayor Billings asked Mr. Grierson about communication to the public with answers their questions and concerns. He asked if the answers would be posted on FFSL's website so the public could track answers. Mr. Grierson stated FFSL is required by the rules in the Record of Decision process to post the comments and the responses. In the Record of Decision these concerns and responses become part of the permanent file. He stated until an actual application is required; Mr. Harward's proprietary information should not be made public in order to protect his interests.

Mr. Billings asked if a sub-component of experts could be empanelled which could sign disclosures to not reveal the proprietary information. The technical experts could then utilize the protected information in making a more informed evaluation to answer the questions. Mr. Billings stated he did not want to get too far into the process when new information is revealed which sheds a different light on the project and cause a change of opinion. Mr. Grierson stated he could extend the time for public comments if needed. He stated this extension would be utilized if different kinds of comments continue to surface. He stated allowance of nondisclosure statements would be Mr. Harward's decision so he can protect disclosing any kind of trade secrets that might be involved.

Mr. Billings asked about a pending USGS study of the bed of the lake, what is being studied, and when the study would be completed. Mr. Grierson stated Rob Baskin from the USGS office in Salt Lake was starting a study of the features of portions of the lake, the kinds of sediments, location of the aquifers and springs, and other information. He did not know when the study would be concluded. He stated the information gathered could affect the design and therefore design changes may need to be made in order to accommodate the geo-technical features.

Chairman Ellertson asked Mr. Harward when the second phase would begin. He stated when demand gets to a point, which would require the second phase, was there assurance it would be built. Mr. Harward answered in the affirmative. Chairman Ellertson wanted to know what assurance the public had for the second phase. Mr. Harward stated the project would not be started until the money was in place. He also stated there would be bonding for completion. The same criteria would apply to the first and second phases. Mr. Ellertson asked for clarification stating when the demand required a second phase, would Mr. Harward still build it. Mr. Harward stated the company was committed to continue the project.

Mr. Billings said the proposal showed that on the west side, there was a substantial piece of road which needed to be constructed beyond the shore of the lake on land which goes quite a ways into the foothills. He asked Mr. Harward if he believed the construction of that road would be funded by a toll. Mr. Harward said the only thing funded was the strip of ground from the shoreline to Redwood Road and his company's responsibility was only to where the bridge connects to the state road. Mr. Billings asked for clarification stating any road beyond the shores on either side would be funded from some other source. Mr. Leetham interjected the road on the west side was called Foothill Boulevard and was on the city's long-range plan as an intended second north/south arterial which would parallel Redwood Road. He stated about eight miles of road would need to be completed. The road would connect to what is being proposed as a terminus of Mountainview Corridor on State Road 73 or Lehi Main Street. This road was scheduled to be constructed as a 20-year project, but not in the current plan or the near future. He stated the county or city did not have funds to complete the road, and because it was a local road, the state would not provide money.

Mr. Ellertson asked about the east side at 800 North which ends at Geneva Road and what road development was required. Mr. Harward stated UDOT was buying the right of way for the Vineyard connection. He understood there was an agreement between Anderson Development and UDOT. He said the Vineyard connection would continue west across the lake with the bridge and the Vineyard connection coming north and south would T-into the Vineyard Connector rather than dogging north. Mr. Ellertson asked who would build the Vineyard Connector and Mr. Harward replied Utah Crossing would.

Mr. Billings stated that initially only private money would be utilized for the bridge but understanding what Mr. Harward explained, there would be substantial public funding for the road development. He stated it was very expensive to build roads and he was grateful for this new information. He stated he would like to see experts study the bridge placement and road situation earlier in the process and not later. Mr. Harward explained his company had looked at many termination points including Provo Center Street as well as 1600 North, Center Street, and University Parkway in Orem. The group had considered various issues and concerns at each location. When discussing the present location, Mr. Harward stated Darrell Cook from MAG stated Utah Crossing had chosen the best location. Mayor Billings again stated he wished to see more state of the art traffic modeling and studies which data could tell the Commission the information they need.

Mr. Billings asked Mr. Harward to clarify if he had spoken and communicated with the land owners of where the proposed bridge termination points were located or any others it may impact. Mr. Harward replied he had met with the particular individual mentioned as well as others who owned land and tried to communicate with them. Mayor Billings suggested further communication from Mr. Harward or someone else in his group to clarify the bridge location would be beneficial.

Mayor Dain asked Mr. Grierson if there was a time frame for a recommendation from the Governing Board. Mr. Grierson stated FFSL would not be rushed and they would be thorough. He felt a possible decision within the first quarter of 2010 would be viable, but stated a time frame could not be determined until the public comment period was over. Mayor Dain asked the Governing Board if there was a perceived timeframe they had in order to make their recommendation. Mayor Billings said it is impossible to have all the answers, but there are key people who have possible answers. He stated he felt the Governing Board's job was to try to interact with the people represented. After having listened to the public, he felt the Board had a responsibility to return and collaborate with the experts in their individual cities prior to making a decision or recommendation. He reminded the public and Board the Governing body will not make the final decision, but contribute to the decision but as a body they is concerned about this issue as well as many others. He asked the public to personally experience the lake, what it offers and creates memories. He stated the Board's recommendation is important and would be taken very seriously.

8. Confirm the next meeting will be held at the Historic Utah County Courthouse Ballroom on Thursday, November 19, 2009 at 7:30 a.m.

Mayor Billings thanked the public, the Governing Board, the staff and the media. He invited the public to the next Governing Board meeting or to contact the Board members individually to give their comments or input if the public felt a need.

A motion was made to hold the next Governing Board Meeting on Thursday, November 19, 2009 at 7:30 a.m. in the Historic County Courthouse. It was seconded and unanimously approved.

9. Adjourn.

A motion was made and seconded to adjourn and was unanimously approved. The Governing Board meeting adjourned at 9:50 p.m.