



TECHNICAL COMMITTEE MEETING

Monday, September 19, 2011, 8:30 A.M.
Historic Utah County Courthouse, Suite 211
51 South University Avenue, Provo, Utah

ATTENDEES:

Greg Beckstrom, Provo City
Ryan Nesbitt, Forestry, Fire, and State Lands
Adam Cowie, Lindon City
Deon Giles, Pleasant Grove City
Greg Flint, Santaquin City
Lee Hansen, Saratoga Springs City
Jim Hewitson, Lehi City
Chris Keleher, Department of Natural Resources
Mike Mills, June Sucker Recovery

ATTENDEES:

Reed Price, Utah Lake Commission
Douglas Sakaguchi, Department of Natural Resources
Sarah Sutherland, Central Utah Water Conservancy District
Dave M. Wham, Division of Water Quality

VISITORS:

Dee Chamberlain, Saratoga Springs HOA

ABSENT:

Mapleton City, Orem City, American Fork City, Springville City, Vineyard Town, Woodland Hills Town, State Division of Water Resources, Utah Lake Water Users, Utah Division of Parks and Recreation, US Army Corps of Engineers, Utah County

1 **1. Welcome.**

2 Chairman Greg Beckstrom called the meeting to order at 8:38 a.m. He welcomed the Technical
3 Committee members and visitors.
4

5 **2. Review and approve minutes from the June 20, 2011 meeting.**

6 Mr. Beckstrom asked for discussion, comments, or corrections of the minutes for the meeting held on
7 June 20, 2011. It was motioned by Mr. Lee Hansen to approve the minutes; it was seconded by Ms. Sarah
8 Sutherland. The motion carried and it was unanimously approved.
9

10 **3. Update from the Committee Chair and Executive Director.**

11 Mr. Price updated the Technical Committee about Utah Lake events:

12 **A: Utah Lake Symposium:** The Utah Lake Symposium will be held on Tuesday, October 25, 2011, at
13 the Library at Utah Valley University. It will start at 10:00 a.m. Mr. Mike Mills, June Sucker Recovery
14 Implementation Program, explained the location would be LI120, on the south end of the library.

15 **B: Phragmites Spray:** Mr. Price explained the Commission and the Phragmites Removal Team (PRT)
16 had a successful phragmites spray on Monday, September 14. Over 260 acres were sprayed near the
17 Saratoga Springs area from the inlet to the Jordan River south to Eagle Park, which is the Saratoga Bay. The

1 Saratoga Springs Marina area was sprayed utilizing a helicopter and helped in PRT’s efforts to restore the
2 shoreline. The spray began at 7:00 a.m., first light, but stopped after 70% was completed because of
3 increasing winds over five miles per hour, thus assuring no properties were harmed. The spray was then
4 completed the following day (Tuesday morning). He suggested members of the Committee go to the
5 website, www.UtahLake.gov for the write-up, a video, and pictures of the spray.
6

7 **4. Report on Northern Pike in Utah Lake.**

8 Mr. Doug Sakaguchi, Department of Natural Resources, explained the Northern Pike, an aggressive fish,
9 was found over the summer months, and had not been documented for over 40 years in Utah Lake, so
10 finding the fish was a surprise. They were caught by DWR biologists in Utah Lake -- one was near the
11 mouth of the Jordan River, another by the mouth of the Provo River, and the third was in the Hobbie Creek
12 Restoration area. With this recorded capture, the state will possibly institute an emergency action and
13 have a catch-and-kill regulation on Northern Pike on Utah Lake. Mr. Beckstrom asked what the objections
14 to Northern Pike were. Mr. Sakaguchi said Pike are predatory fish and there are enough fish predators in
15 Utah Lake. The Pike makes it more complicated to manage the fishery in Utah Lake, especially with an
16 already endangered species. Mr. Price asked how large the pike were. Mr. Sakaguchi said the largest was
17 14 inches and the other two were between 6-8 inches long. Mr. Beckstrom asked if finding the pike
18 happened accidentally or if it was intentional. Mr. Sakaguchi said it was an intentional and illegal
19 introduction. Mr. Price asked if Mr. Bill Loy ever reported catching them in the past. Mr. Mills said Mr. Loy
20 had not caught any in the summer, but the last one he caught was in 2001, and the only one he caught was
21 in Utah Lake. Mr. Beckstrom asked what time of the year the pike were found. Mr. Sakaguchi said he was
22 not sure, but sometime this past spring/summer. Mr. Mills said they were caught in late July and in August.

23 Mr. Beckstrom asked if Mr. Loy had done much fishing this past summer. Mr. Mills said yes, but he had
24 not come across any pike. Mr. Hansen said he believed they were cold water fish, and asked if they would
25 do well in Utah Lake if they became established. Mr. Mills said they were able to tolerate cold water and
26 might get established. Mr. Hansen asked if they could tolerate the warm water of Utah Lake. Mr. Mills said
27 they do quite well in places like Yuba Reservoir, Redman Reservoir, and said they could live in Utah Lake.
28 Mr. Beckstrom asked what catch-and-kill meant, and when the emergency action would take place. Mr.
29 Sakaguchi said it meant the fish could not be released. Mr. Sakaguchi said they would be holding Regional
30 Advisory Council Board meetings within the next few weeks, and after the presentation is made, approval
31 could be given to implement the program.
32

33 **5. Discussion on Santaquin City wastewater treatment plant and potential for discharge to Utah Lake.**

34 Mr. Price introduced Mr. Greg Flint, Santaquin City’s Planner as well as their Technical Committee
35 representative. Mr. Price said Santaquin City had been facing wastewater issues for several years. They
36 had gone through an extensive process to improve their wastewater treatment capability. A membrane
37 filtration plan had been approved and the plant was ready for construction. However, a group of citizens
38 believed a more efficient way was available to move forward and so Santaquin was forced to readdress the
39 issue, going through legal avenues up to the State Supreme Court. It was determined Santaquin needed
40 the funding issue for the facility be placed on the November ballot. Santaquin’s present leaders are trying
41 to educate the public about the ramifications for changing directions. Mr. Flint will explain to the Technical
42 Committee the issues they are facing and seeking feedback on possible direction.

43 Mr. Flint stated Santaquin had wastewater concerns. He presented the six options Santaquin City
44 considered, one of which was discharging into Utah Lake. By history, in 1991, Santaquin voted to move
45 forward with a city wastewater system for the entire city rather than a septic tank system. Between 1992
46 and 1995, the city bonded and constructed a lagoon treatment. The system was designed to process .49
47 million gallons per day (mgd) with a maximum capacity load of 4,939 people, and the system should last
48 until 2010-2012. Since then, Santaquin experienced a 5-8 percent growth every year. In 2003, Santaquin

1 needed to look at more options for the wastewater treatment plan. More winter storage was added but it
2 did not add capacity to treat the water. Also, Santaquin added 20 annexations between 2000 and 2003,
3 increasing their population to 6500 people, as well as the 2010 census showed 9,128 people. The problems
4 of providing sewer and wastewater treatment for the area evolved from the amount of population growth.

5 Santaquin currently has a lagoon system with two winter storage ponds. The Type II water is applied
6 on two city-owned fields totaling 100 acres and is leased to people who raise alfalfa. Santaquin is facing
7 wastewater concerns with more land application to discharge more water. A third issue is with pumping. A
8 majority of Santaquin flows to the north of the pump station and 60 percent pumps to a lift station at 420
9 West. The pump stations have been operating close to maximum, and the state requires a standby pump
10 at all times. The manufacturer stated the pump is beyond the capacity of its design. Another lift station is
11 located at the town's north end and pumps 1000 gallons per minute. At present, there are no problems.
12 Pumping into the existing lift station will cause problems as development happens at the north end of
13 town. Between 2005 and 2009, a Facility Master Plan was put together with six alternatives. The city
14 studied the long-term wastewater treatment options:

15 **Alternative 1:** No Action Alternative

16 **Alternative 2:** Upgrade the Lagoons/Expand Land Application getting more land to apply Type II water on it

17 **Alternative 3:** Upgrade the Lagoons/ Discharge to Utah Lake

18 **Alternative 4:** Send wastewater to Payson for treatment

19 **Alternative 5:** Mechanical Plant (Membrane Bioreactor or MBR) is the most favored alternative. Quite a bit
20 of work has gone into this alternative. After studying the information, Santaquin City used \$1.9 million
21 from city funds to design the MBR facility and received the necessary construction approvals. Funding
22 approvals from various agencies for construction of an MBR facility have been obtained. The project was
23 sent out to bid contingent on closing on \$9.9 million in bonds. Some citizens became upset with the
24 project and the \$20 per month increase in their utility bills. A referendum was initiated to the City Council-
25 approved bond resolution, so the \$9.9 million bond issue has been placed on the November ballot. With
26 the upcoming election, there are discussions and beliefs within the city that by voting down the bonds in
27 the upcoming election, the funding package will stop the MBR facility from being constructed and then
28 lower the sewer rates as previously. Even if the bonds are voted down, the city must still find a solution for
29 its over-capacity lagoon and land application, and so the other alternatives would have to be explored.

30 **Alternative 6:** Regional Wastewater Plant. The regional plan talked about was for 2030, but Santaquin
31 needs to move forward with an interim plan to treat wastewater.

32 Mr. Flint wants to make sure Santaquin citizens are informed of all the options before the election. He
33 asked the Technical Committee members if they had questions or suggestions.

34 Mr. Beckstrom asked how Santaquin supplies their pressurized irrigation system. Mr. Flint said it was
35 through the culinary water with 60 percent from a pond that pumps out of a well and from the Polk Canyon
36 area. Mr. Hewitson asked if the ponds had been dredged. Mr. Flint was not sure as they planned to dredge
37 previously, but focus was working on the new facility. Mr. Hewitson asked if there were ponds in more
38 than one area. Mr. Flint said an additional blower was needed a couple of years ago, but Santaquin is not
39 concerned about the treatment because there are methods to add more air to it. There is more land
40 application-type of water, but Santaquin is struggling with how to discharge the water. A new facility
41 located at the north end of town would utilize gravity flow. Another possible site was to put the facility at
42 the current lagoon site, but it would still have to pump through the lift station. Mr. Nesbitt said Santaquin
43 would need a permit from FFSL if something needed to be constructed on sovereign lands. Mr. Flint said
44 appreciated the insight on the permit.

45 Mr. Hewitson asked when pumps reached their capacity, if there was a backup system for them. Mr.
46 Flint said there are two pumps in the lift station. One is supposed to be operating only as the backup but it
47 is pumping now, so Santaquin is over capacity.

1 Mr. Beckstrom asked about water quality with discharges into Utah Lake. Mr. Wham, DEQ
2 representative, from DEQ's standpoint depended on Santaquin's direction. From a permitting standpoint,
3 it would be a new discharge and would need to meet water quality standards, such as ammonia, and
4 secondary treatment standards. DEQ doesn't have nutrient permits, and so Santaquin has to meet all areas
5 of DEQ's current water quality standards. Another requirement would be an anti-degradation review.
6 With new discharge, it is part of the facilities planning process. When an alternative is selected, Santaquin
7 will need to select the least degrading feasible alternative with costs, guidelines, etc., that is affordable to
8 the town. He felt the least degrading alternative, is the Membrane Plant. The affordability has been
9 demonstrated because of the design and meeting other requirements. Mr. Beckstrom asked what the
10 options were for water quality if Santaquin discharged from a lagoon. Mr. Wham said additional treatment
11 would need to be added as they couldn't discharge what they put on land directly into the lake and still
12 meet the standards, such as with ammonia, which would be toxic to fish.

13 Mr. Flint said there were high levels of phosphorous coming out of the water, and the phosphorus
14 would not be regulated and the Lake doesn't need more at this point. Mr. Price said when TMDL was an
15 issue; the Commission stated communities should do what they could to limit phosphorus flow into Utah
16 Lake. Mr. Wham said DEQ was expressing the same thing. They could not give support for a lagoon unable
17 to treat the discharge, but would support higher level treatment lagoons or a mechanical treatment.

18 Mr. Beckstrom asked what the specific question was to be put on the ballot in November. Mr. Flint
19 said, "Do you approve of the 9.9 million dollar bond resolution for the construction of a water reclamation
20 facility (or a membrane reactor)?" Vote is either a yes or no. The Utah State Supreme Court said it wasn't
21 correct and so it went out on a referendum vote because they had enough signatures. After that time, a lot
22 of misinformation was dissipated to the citizens. The city council decided to put the question on the
23 November ballot prior to the court action. Mr. Beckstrom asked what changes those who signed were
24 seeking. Mr. Flint said they wondered if land application could be utilized more and so the council sought
25 to get more land, but when farmers/landowners were approached, they said no.

26 Mr. Beckstrom asked what the basis was for rejecting the discharging to Payson. Mr. Flint said
27 Santaquin had evaluated this as a viable option. If sent to Payson, Santaquin would construct the transfer
28 line, which is favorable with the downhill direction to Payson. Santaquin's hesitation is it would give up
29 control of its own ability to make their general plan work, giving major control to Payson, as they would
30 control the rates, the development, etc. Payson would also need to approve this option.

31 Mr. Chamberlain asked if Santaquin needed oversight by the United States Army Corps of Engineers
32 (USACE). Mr. Flint said yes. The Corps would have a review process, and Santaquin had been instructed to
33 avoid wetlands at all costs, as piping would be the least damaging to the area. Santaquin has not chosen
34 the site where the water could be discharged and so more in-depth research was needed. Mr. Wham had a
35 problem with the wording of the bond referendum. Santaquin will need bonding at some funding level and
36 there would be another rule. Mr. Flint concurred stating they had expended the money for the projects,
37 and did not have any more reserves, so a bond would be needed and it would be at a higher rate.

38 Mr. Beckstrom asked what the facility capacity was for the population. Mr. Flint said one mgd was the
39 design capacity at present, but could be expanded to 1.5 with planned expansion on the east side of the
40 building. Mr. Beckstrom asked for Santaquin's projected population for 2020. Mr. Flint said it had been at
41 eight percent growth rate. Mr. Beckstrom said the 9.9 million is one mgd and it appeared Santaquin was
42 just catching up and would be in the expansion mode when the economy turned around. Mr. Flint agreed
43 stating a finance plan of 20 years was built into the plan and Santaquin would be to 2030.

44 Mr. Hansen asked if Payson had the capacity for Santaquin. Mr. Flint said yes they had the capacity and
45 for future growth, but it depended on projected development in both Payson and Santaquin. If growth
46 moves quickly, the plant would have to be upgraded with a lift station and the cost would be shared. Mr.
47 Hansen asked what the cost was for the viable options. Mr. Flint said the initial costs were high, such as a
48 brand new building could cost 18.35 million. The initial cost for other options, such as the discharge going

1 into Utah Lake, going to Payson, a regional plan for the future, and other options would range to \$9-10
2 million dollars in initial costs with operation and maintenance. The review process was completed, but
3 opposing citizens felt it was not the most viable, affordable option for the city. Reusing the water as
4 opposed to buying future water had arguments for and against it. Mr. Hansen asked if the Bio-membrane
5 reactor cost was \$18 million with the next viable option costing about \$10 million. Mr. Flint concurred.

6 Mr. Price asked for a review of the questions Mr. Flint wanted the Technical Committee to answer. Mr.
7 Flint listed the questions.

- 8 • What other review processes/considerations would need to be examined to discharge to Utah
9 Lake?
- 10 • What information would the Technical Advisory Committee need before it could make a
11 recommendation to the Utah Lake Commission?
- 12 • Will the Technical Advisory Committee make a recommendation now?
- 13 • What affect will the Technical Advisory Committee/Utah Lake Commission have in the review
14 process?

15 Mr. Hewitson said one MGD is about 10,000 people. Mr. Beckstrom said it sounded like Santaquin's
16 limit at 2020 population was already close. Mr. Hewitson asked if the Payson option was chosen would a
17 lift station be needed. Mr. Flint said the lift station in Santaquin would be phased out, but when
18 connecting to Payson, a little bit of lift would be needed to meet; their plan and Santaquin would be
19 responsible for it.

20 Ms. Sutherland said Santaquin would lose CUP funding for the project, and it would impact their
21 alternatives. Mr. Flint concurred stating funding had come from CUP and it would be lost. Mr. Price said
22 the choices would cause some financial ramifications. Santaquin has grants from Rural Development with
23 favorable rates from the Water Quality Board and if Santaquin goes to a degrading treatment process, then
24 the favorable rates would decrease the funding, the Rural Development funding could be lost or decrease
25 significantly. Then the \$18 million price tag is really \$9 million from Santaquin and the other \$9 million
26 from grants and favorable loans. He said Santaquin owns the water they reuse, but when it is sent to Utah
27 Lake, they give up ownership of that water.

28 Mr. Keleher asked if the \$20 per household was an annual fee. Mr. Flint said it was a monthly fee, and
29 was significant. The city voted to have phased in incrementally over the years but then decided to increase
30 it all up front. It is based on growth rate, so as new connections are required, impact fees would be
31 assessed to help reduce the cost. Mr. Hansen asked for the current monthly fee. Mr. Flint said it increased
32 from \$22 to \$42, but stated it had not been raised for over ten years. Mr. Price asked if it was a flat fee
33 regardless of the amount of water used. Mr. Flint said commercial users have a flat fee, but residents'
34 water use doesn't have a user-rate fee. Mr. Keleher asked what the status was on the regional plant. Mr.
35 Flint understood it was still a viable plan, with purchase of the land, but did not know the exact location.
36 Mr. Wham said it had a \$1 billion dollar price tag.

37 Mr. Price said they were still looking into it, and in a discussion with Mr. Beckstrom and Santaquin's city
38 planner, Santaquin needed to contribute to building the new treatment plant as well at a cost of \$30
39 million to pipe Santaquin's wastewater to the new facility. Mr. Wham said he heard the number and it
40 didn't seem possible. Mr. Price explained rights-of-way needed to be purchased, and it gets pricey.

41 Mr. Beckstrom asked what Santaquin would like the Technical Committee or Utah Lake Commission
42 Governing Board to do. Mr. Flint said from the comments he heard, FFSL would have to look at the
43 options, as well as other agencies such as Fish and Game, etc. Mr. Flint would like the Technical
44 Committee to provide some insight to the questions and possible reviews that might need to occur. Mr.
45 Beckstrom said it is currently a complicated issue with the key variables being more financial. He didn't
46 think the Technical Committee or Commission should be involved in ancillary planning, financial and in
47 other ways. The only alternative the Technical Committee should be interested in is the one of potentially
48 discharging into Utah Lake, which raises water quality issues with the Commission. Mr. Flint said obviously

1 the Utah Lake Commission would be interested discharging into the lake and if there were objections or
2 other information, they needed. Mr. Beckstrom asked if there other potential lake-related impacts or
3 issues anyone felt was relevant to the discussion.

4 Mr. Keleher asked if Fish and Wildlife Services should be involved. Mr. Hansen said as growth
5 continues around Utah Lake, this issue would continue to come up. He wondered if there was anything in
6 the Master Plan that addresses the issue and if a policy change should be put into place. He said the
7 options of not discharging into Utah Lake would be preferable. Mr. Price had looked into the Master Plan
8 and there was nothing specific about wastewater treatment standards but there was a goal to have high
9 quality water in Utah Lake, which is chemically and visually appealing. Mr. Hansen said this is an
10 opportunity to address these sorts of issues before they occur.

11 Mr. Beckstrom asked if Mr. Hansen was proposing Utah Lake Commission do something they were not
12 doing. Mr. Hansen said looking at the future of the lake, as population growth continues, data needs to be
13 gathered on what would happen if the water discharged from sewage treatment continues to go into the
14 lake and if discharging was something the Governing Board would prefer not to have happen. Mr.
15 Beckstrom said he understood discharges going into the lake would go through an expensive, regulatory
16 water quality review before they would be approved. He asked if the Technical Committee suggested
17 there was something inadequate about the process or if things needed to be upgraded, as an extensive
18 process was already in place that regulates any discharges into the lake. Mr. Hansen said his question was
19 if the process was sufficient for the future.

20 Mr. Cowie wondered if in 50-100 years the state would ask that no more discharge be allowed into the
21 lake, and if the state would never allow any more even with a treatment process and then a reclamation
22 facility would be needed. Mr. Beckstrom was not aware of a body of water where agencies will say no to
23 more discharges. There should be strict regulations and standards, such as with TMDL, restricting nutrients
24 or other potential impediments to the body of water. Over the next decades, regulations may become
25 more costly to engage discharge into the lake and a hard decision will need to be made. Mr. Hansen said
26 the decision may be driven by financial objectives and it may get to where it is less costly to reclaim the
27 water and place it back into the irrigation system than it is to discharge. He asked how much water going
28 into Utah Lake flows through the municipal system and wanted specific information.

29 Mr. Price asked if enough information was obtained from the Technical Committee discussion or if Mr.
30 Flint needed more. Mr. Flint said more discussion might be needed, as he was made aware of a few more
31 agencies where Santaquin needed to get permits. With the engineering studies and information, he might
32 return to have the Technical Committee to discuss and get their insight and experience. Mr. Price said the
33 Technical Committee could entertain a motion with a recommendation based on information already
34 received that Santaquin continue with the membrane filtration plant or they discharge to Payson or
35 another option.

36 Mr. Cowie did not have enough information to be able to support a motion. Mr. Beckstrom said he was
37 not sure the Technical Committee's place should be proactive or specific in terms of making a favorable
38 recommendation or if they needed to make one. He believed consideration might be given to forward a
39 motion to the Governing Board expressing significant concern, objection, or terminology regarding the
40 alternative of discharging lagoon water into Utah Lake. He perceived this option being undesirable from a
41 quality standpoint, and it might be undesirable from a financial standpoint. From water-quality impact on
42 the lake, it is probably undesirable.

43 Mr. Price said it was good feedback to bring to them, and something the director and chairman would
44 continue to work together with the Santaquin personnel to understand the issue more clearly. At the next
45 Technical Committee/Governing Board meeting, they would consider if the option were considered
46 relevant. With the elections in November, it needed to be addressed within a month. It may also be the
47 right time to use the media just prior to the election for Santaquin to get the word out on this ballot item.

1 Mr. Wham asked if the 208 Water Quality Management Plan had been discussed, which was funded
2 and created 20 years ago. The 208 was Mountainland’s plan for wastewater planning for the state. Mr.
3 Wham said a law was on the books stating discharge permits cannot be issued that are not in conformance
4 with the improved 208 plan. It has not been touched for several years. Mr. Price said 208 plans were not
5 discussed on what would be required to discharge the water. The state may need to update Section 208
6 pertaining where treatment plants can be built and discharge is allowed.
7

8 **6. Discuss review process for permit requests for private boat docks on Utah Lake.**

9 Mr. Price introduced Mr. Ryan Nesbitt, sovereign lands planner for FFSL. An application had recently
10 been received to place a private dock in the Saratoga Springs area, and another request may be
11 forthcoming. Before FFSL proceeds, they wanted input from the Technical Committee to determine the
12 criteria to be used in evaluating the facility.

13 Mr. Nesbitt said the dock application presented a rare opportunity in the regulatory world to capture
14 something at the beginning and can set new standards, before other existing uses are grandfathered in.
15 The Comprehensive Management Plan (CMP) and Master Plan do not address private boat docks, but
16 address planned and existing marinas, informal boat access. (The Division interprets boat access to be
17 informal concrete ramps located at different parts of the lake, not private boat docks.) After one dock is
18 approved, it opens the door for others to be erected. The Division is not for or against boat docks. The
19 main issue is there are no private docks erected on the lake at present, and the Master Plan doesn’t
20 address it. The CMP and Master Plan would need to be amended and the Division is asking for help in
21 studying the issue.

22 Several concerns were voiced by the leaders with potential boat docks.

- 23 • A concern is if it would be feasible with the unique qualities of Utah Lake -- being shallow
24 throughout, extreme wind conditions and problems with ice in the winter – to allow docks or piers
25 on Utah Lake.
- 26 • Another concern is density with the amount of docks allowed on the shoreline and establishing
27 construction guidelines. A rule is in place stating structures may extend to a length that will
28 provide access to the water depth and will afford sufficient watercraft customarily in use on the
29 particular body of water during normal low water period. To determine if it is feasible would
30 require a rule change, or there would be little control over the boat docks on the lake.
- 31 • A concern is the types of structures permitted – set standards or allow for whatever anyone wants
32 to put out on the lake.
- 33 • A concern is the navigational hazards.
- 34 • A concern is the additional administrative burden placed on the state park and Division staff to
35 monitor and control them.
- 36 • A concern is the potential impacts on June sucker from all the docks.
- 37 • A concern is the impact on the proposed non-motorized trail around Utah Lake. How can the
38 owners access their dock with the trail in place?
- 39 • The Saratoga Springs HOA owns a strip of land.
- 40 • Private versus public use was another concern.

41 With the various concerns, an immediate need is addressing the Saratoga Springs area for docks. Once
42 one was erected, it could spread others throughout residential areas along the shoreline. A proposed
43 solution would be to amend Utah Lake CMP and the Master Plan, which requires going through a planning
44 process. If deemed feasible, then FFSL would move forward to review allowing boat docks or piers on Utah
45 Lake by creating a defensible set of standards to be put into the CMP and the Master Plan.

46 Two approaches are used to amend the CMP -- one is long and the other short. The difference is the
47 long process allows public comment up front, before the amendment is drafted, and the shorter options
48 drafts the amendment first and then gets the public comment. The Division planner preferred the long

1 process. Tradition shows it is better to get public comment before the draft amendment is written. The
2 shorter process allows the public input up front and has a 45-day comment period, while the longer
3 requires several scoping meetings. The Division is open to either option. He would like input from the
4 Technical Committee which option they prefer be used. Another important part of this process under the
5 rule is the Division has the authority to do a withdrawal. If the planning process moves forward, FFSL may
6 have an interest in withdrawing Utah Lake for consideration of any type of boat docks until the planning
7 process is complete implementing a moratorium and not consider any applications. Any applications would
8 be held in abeyance until the course of action is complete when the application process would proceed at
9 that time. He cited Bear Lake as the only body of water where boat docks are permitted. According to the
10 rule, a general lease or special use lease is granted for the general purpose of a boat dock. A general
11 permitting process is used if the applicant is the private upland land owner and they are using the land for a
12 private structure. The special-use permit in process is for a private person who does not own land adjacent
13 to the sovereign land.

14 Mr. Beckstrom thanked Mr. Nesbitt for the presentation. The Technical Committee's focus is to get
15 initial reaction, identification of issues, red flags, concerns, and ideas the members may have after hearing
16 the presentation. He asked for discussion from the members.

17 Mr. Chamberlain asked if a location from the first applicant was pinpointed and if it was on the bay
18 within the HOA area. Mr. Nesbitt said he did not know exactly where but it was in the bay area within the
19 HOA boundaries. Mr. Chamberlain asked if it were a private dock, would the public be able to use it. Mr.
20 Nesbitt said it was an issue to include, whether docks erected on Utah Lake, could be used by the public. At
21 Bear Lake, it is not allowed unless there is a storm or emergency and need to find a port to pull into.
22 Complaints about the public using the boat docks at Bear Lake inundate the Division and it becomes an
23 administrative nightmare.

24 Mr. Chamberlain invited Mr. Nesbitt to make a presentation to the Saratoga Springs HOA secondary to
25 the three-mile bay area owned by the HOA. Before he started with the Division, the HOA intended to turn
26 over the strip of land and deed it to sovereign lands, which transpired before he started work at the
27 Division. Mr. Chamberlain said he was unaware of the information. Mr. Hansen said they originally held
28 the area for the future planning of a trail to go through. Mr. Nesbitt said it was a concern because he was
29 interested in having the public non-motorized trail around the lake, and questioned how people would get
30 access around the public trail to a private boat dock. Mr. Hansen asked if road access to the dock was
31 needed, and if so, there would have to be a street or road into the dock. Mr. Nesbitt said if a dock were
32 allowed an informal road might be needed. Mr. Chris Keleher did not agree and said not every boat dock at
33 Bear Lake required a motorized access. Mr. Hansen said it might be needed with the lifts to take the boats
34 out of the water and no boat accesses were across the strip of land that he knew of. Mr. Chamberlain said
35 Eagle Park could be a possible access. Mr. Nesbitt said they did not allow access to sovereign lands unless it
36 is an exceptional case and so it would an issue.

37 Mr. Beckstrom said access would be in a certain area, and possibly cross the boundary line of sovereign
38 lands and private lands, to get access down to the sovereign land boundary. It would be detailed in
39 individual cases but not universally applied.

40 Mr. Keleher asked if the Division had discussed feasibility. Mr. Nesbitt said the first priority is deciding
41 whether it is feasible and seeks input of the resource experts of the Technical Committee and the public.

42 Mr. Beckstrom asked several questions including if the fee schedule for Bear Lake was annual or one-
43 time; what constitutes a boat ramp from a dock or pier, and fix and floating docks. Mr. Nesbitt said the
44 fees were one-time and were set by the legislature. The difference between a floating dock and dock pier
45 is one is a temporary and one is a permanent structure. A metal boat ramp is a portable removal-type
46 structure. Docks or piers are permanent structures. Mr. Keleher said a ramp would need to have vehicular
47 access. Mr. Sakaguchi said a dock is not necessary as duck hunters and fishermen get to the lake. Mr.
48 Beckstrom said there are no private boat docks or piers are on Utah Lake at present, but there are a

1 number of private marinas and facilities, and others are not considered private. Mr. Nesbitt said there
2 were private marinas but no private docks for private, individual residential use. Mr. Beckstrom clarified
3 his understanding of private is not available for public access, but there are private, commercial docks that
4 are available for public access. Mr. Nesbitt concurred with the statement.

5 Mr. Hansen said the one at Saratoga Springs belonged to the HOA and was a private marina with four
6 docks and public access. He said Mr. Nesbitt would have to define a marina versus a dock. Mr. Nesbitt
7 agreed, distinguishing between the two definitions. Mr. Hansen believed the Commission did not want to
8 limit putting in marinas around the lake for public access.

9 Mr. Beckstrom expressed concern when public bodies are put in the position of determining feasibility
10 of various potential development options, such as the docks or piers. He felt feasibility was financial, such
11 as the expense of appropriately constructing the facility. He was not sure if it is the Commission's role or
12 even FFSL's role to make that particular evaluation. He outlined what he believed the Technical
13 Committee's role as identifying the specific concerns, objections, or requirements to be addressed and met
14 if a dock is permitted. After those are decided, it becomes the obligation of the property owner/applicant
15 to make financial evaluation, and if his compliance with the requirements/standards are feasible. Mr.
16 Cowie asked if there were regulations on boathouses, lake houses, etc. Mr. Nesbitt said anything is
17 possible at present, but there are some forthcoming regulations on houseboats, which will go into effect
18 next year. There is nothing limiting how long a houseboat can stay anchored in the water. Mr. Cowie
19 asked about building permits for the structure, if the applicant was referred to the adjacent community or
20 if they had to get a building permit through the community. Mr. Beckstrom clarified that this rule or
21 regulation would only apply to sovereign lands. Any facility extending beyond the sovereign land on private
22 property, upland, or other publicly-owned property within the city limits would be subject to the
23 regulations of that municipality. Mr. Nesbitt concurred.

24 Mr. Beckstrom preferred the shorter process to get the meaningful public input and participation on
25 the process, so they have something with which to respond. He would advocate for a process that would
26 be amenable to the public. Mr. Nesbitt said it was a good point and the planner can give them something
27 to look at. Mr. Beckstrom asked why the public review process couldn't be expanded and incorporated
28 into the shorter process if there were considered a legitimate concern.

29 Mr. Beckstrom said the key thing the Technical Committee should consider is the development of
30 defensible standards for the placement and use of these dock/pier structures. The role is to implement a
31 particular standard or regulation on these facilities. The Technical Committee needs to list the concerns:
32 what we are trying to prevent, public safety issues in terms of civility, and visibility of these structures,
33 issues regarding endangered species to make sure the docks have certain specifications, and address sport
34 fishery issues. It is a matter of coming up with a series of standards and concepts to permit these to occur.
35 It would be a balancing act between promoting and facilitating use of the lake and its best benefit. One of
36 the objectives and goals of the Commission is balancing by protecting environmental, native species, and
37 public safety aspects of accommodating the use on the lake with a set of rules and standards for the
38 permitting of docks/piers.

39 Mr. Nesbitt said the director wanted to run the dock application by the Division's Advisory Council at
40 the yearly meeting in October. FFSL will let them know the intentions, what is happening, and get feedback
41 from them. The Advisory Council cannot grant approval/disapproval, but gives valuable input.

42 Mr. Keleher said the dock application would set a precedent for Utah Lake, as there are no private dock
43 owners or similar access points on the lake at present. There is nothing wrong with going to the public first
44 because Utah Lake is a public resource. The Commission needs to help develop the standards for dock
45 placement if it is allowed and it is important to understand how the public feels. Because owners have
46 adjacent property to the public land, does not mean they can move right in and develop the standards to
47 have access. FFSL should be careful about putting out a statement that causes problems with either private
48 land owners or the public. Mr. Nesbitt said the word should be changed from feasibility to desirability.

1 FFSL wants to engage the public on whether they want to see docks at Utah Lake or not, the lake being a
2 public resource and FFSL needs to manage the public resources.

3 Mr. Sakaguchi said a concern of having a private facility on the lake is that it may not be constructed
4 sound enough to withstand winds or ice on the lake. After the first season, the individual owner may not
5 want to maintain the dock, so the dock moves along the shores or floats out on the lake. Whatever is used
6 for anchors would still be in the bottom of the lake, providing habitat for the fish but causing hazards for
7 whoever else uses the lake. Anchors for these structures are not easily removed by the owner of the dock.

8 Mr. Nesbitt said it had happened at Bear Lake on numerous occasions with floating docks. If the docks
9 broke loose, no one claims the docks; they float in the middle of the lake, and become a navigational
10 hazard. FFSL has to capture them, bring them to shore, and destroy them, never knowing who the
11 responsible party is. Standards were established where owners need to put their name and permit number
12 on their dock in large letters. Mr. Beckstrom agreed it should be put in the development of the specific
13 standards and requirements with identification, bonding, providing liability insurance, or other means.

14 Mr. Beckstrom addressed Mr. Keleher's concern saying it is a two-stage public process. He said Mr.
15 Keleher asked if the public interest is best served by not permitting these under any circumstances on
16 sovereign land. He personally did not have any objections or concerns about the docks or piers, but it
17 would be desirable and appropriate to go through a public review process on docks being allowed. If it
18 were consistent with public interest to allow a certain number at some locations, then a more public review
19 process with a drafted outline of issues would be needed before finalizing it.

20 Mr. Cowie gave an example in Oregon where there were a lot of rivers and estuaries, with lakes and
21 docks and it became a similar issue where docks proliferated over the past 50-80 years on some of the
22 bigger lakes. Even with the newer regulations, there were some limits on how far they could go out, with
23 coordination between the agencies on the regulations. When he boated on the water and there is a lease
24 with the publicly-owned water, there is a perception not to go near it because they are posted as private
25 and the perception in higher density areas is you can't even go along the shoreline. If people are in a
26 smaller water craft on Utah Lake, such as canoeing, where the habitat is and the fish are, and docks are
27 starting to be built, it becomes a hindrance to the water craft. The perception is you can't go near the
28 facility, even if the boat can be pulled up to it without impacting someone's private property and gives the
29 visual appearance there are some limitations to access to the lake. Mr. Cowie expressed it would be a
30 disappointment the public would be restricted in areas such as Saratoga Springs. Mr. Price said Vineyard
31 was beginning to develop, and Mr. Cowie said Vineyard had a buffer area with a few dozen lots. Mr. Price
32 said the issue could not be ignored. Mr. Cowie's perception and experience with water bodies where
33 everyone had their own dock degraded the visual experience on the waters. Mr. Price said he had heard
34 Mr. Ty Hunter tell where he hosted a field trip tour for park rangers from around the nation. When they
35 came to Utah Lake, and saw the size with no private docks, they said Utah should keep it this way.

36 Mr. Mills asked how policies like this would affect the existing water ski and slalom courses; with
37 platforms currently out on the lake. Even though they are not docks, they are affecting the lake. There is
38 one in Provo Bay and one in Goshen Bay. They are located in one of the great carp take-out spots and it
39 impedes the carp removal, but they are working around it. Mr. Beckstrom asked if the courses were there
40 during the winter, and Mr. Mills said no, they were pulled out. Mr. Nesbitt said there are existing permits
41 in place and the two courses would be grandfathered in. Mr. Beckstrom asked when the ramps were
42 permitted and length of time allowed. Mr. Nesbitt said the right-of-entry permits were good until August
43 2012.

44 Mr. Hansen asked how the ramps were anchored. Mr. Mills said with a big five gallon bucket of cement
45 and several had already been encountered. Mr. Beckstrom said Mr. Keleher had the best primary question
46 -- should docks be allowed at all on sovereign lands. Mr. Nesbitt agreed. If public comment is sought,
47 whether docks are desirable or not, the question would be answered by public input. If the Division moved
48 forward amending the CMP and never analyzed the issue of the docks, FFSL might face litigation. Mr. Price

1 asked if the CMP and Master Plan needed to be amended if the decision were to allow the docks. Mr.
2 Nesbitt said regardless, there would be an amendment process.

3
4 **7. Bridge review update from FFSL.**

5 Mr. Nesbitt said Laura Ault, the planner, is involved in the bridge crossing but he was communicating
6 the news of the bridge. The Transportation Commission approved the final rules in September. Mr.
7 Beckstrom said he understood FFSL gave Mr. Harward feedback in terms of expected additional
8 information required because of the resource committee. Mr. Harward is trying to respond to the
9 feedback and submit something to the Transportation Commission to comply with an application according
10 to their rules. Mr. Nesbitt said to his knowledge, Mr. Harward had not submitted anything for the
11 Committee. Mr. Beckstrom said in order to comply with the Transportation Commission rule, does the
12 applicant make the submission directly to the Transportation Commission, FFSL, or simultaneously. Mr.
13 Nesbitt said he makes it directly to the commissioner, and FFSL is copied on it. Mr. Beckstrom called for
14 questions on the bridge proposal. Mr. Wham asked if there was any information on bonding requirements
15 and if it was part of the response to the applicant. Mr. Nesbitt said yes but the applicant had not
16 responded.

17
18 **8. Other discussion items.**

19 Mr. Hansen asked what progress was being made and the status was on the Seventh Grade Curriculum.
20 Mr. Price said he was working on finalizing it.

21 Mr. Wham said his office was contacted by a Saratoga Springs landowner regarding the abandoned
22 canal that runs adjacent to the HOA, and was wondering if there was interest in draining, etc. Mr.
23 Chamberlain said the person would have to pay for it. Mr. Wham said even if they would, they were
24 curious on what steps would need to be taken. He had the landowner contact the United State Army Corps
25 of Engineers and HOA to allow mechanized access to the shoreline. Mr. Chamberlain said it would be the
26 Corps' decision. Mr. Nesbitt said he had been dealing with the same group. He explained the issue with
27 the canal is complicated. Half of the canal is owned by HOA, another is owned by sovereign lands, while
28 another portion is completely owned by HOA. The Corps has determined a portion of it is jurisdictional
29 wetlands but a portion is not, complicating matters further. Saratoga Springs discussed one study might be
30 done for a wetlands delineation and a historical analysis of the entire canal, but it was decided each
31 individual land owner would have to apply to the Corps, to FFSL division, and other agencies. Mr. Wham
32 asked for clarification if the canal were considered wetlands or not, and Mr. Nesbitt said just a portion of it,
33 but was unsure which part. Mr. Chamberlain asked if the Corps had the information of what sections were
34 wetlands. Mr. Nesbitt said the Corps had been dealing with it.

35
36 **9. Confirm that the next meeting will be held in Suite 212 of the Historic Utah County Courthouse on**
37 **Monday, October 24, 2011 at 8:30 AM.**

38 Mr. Beckstrom reminded the committee their next meeting will be held in Suite 212 of the Historic
39 Utah County Courthouse on Monday, October 24, 2011, at 8:30 a.m.

40
41 **10. Adjourn.**

42 Mr. Beckstrom adjourned the meeting at 10:32 a.m.