



TECHNICAL COMMITTEE MEETING

Monday, August 25, 2014, 8:30 A.M.
Historic County Courthouse, Suite 211
51 South University Avenue, Provo, Utah 84601

ATTENDEES:

Richard Nielson, Chair, Utah County
Laura Ault, Utah Division of Forestry, Fire & State Lands
Jason Allen, State Parks/Recreation
Chris Keleher, Division of Natural Resources
Mike Mills, JSRIP
Mike Pectol, U.S. Army Corp of Engineers
Reed Price, Utah Lake Commission
Tyler Murdock, Forestry, Fire & State Lands (FFSL)
Sara Johnson, Central Utah Water Conservancy District
Matt Howard, Utah Division of Wildlife Resources
Jordan Cullimore, Lindon City
Kim Struthers, Lehi City

Dennis Sorensen, Spanish Fork
Dale Goodman, Vineyard, American Fork

VISITORS:

Ben Anderson, Utah Division of Water Rights
Robert Krejci, Saratoga Springs Owners Association
Dee Chamberlain, Saratoga Springs Owners Association
Lee Hansen, Utah National Parks Council, BSA
Casey Serr, Provo
Todd Frye, Bonneville School of Sailing
Louise Frye, Bonneville School of Sailing
Chris Schulz,

ABSENT: Division of Water Resources, Department of Environmental Quality, Utah Lake Water Users, City of Saratoga Springs, Orem City, Springville City, Mapleton City, Woodland Hills City, and Santaquin City.

1 **1. Welcome and Introductions.**

2 Chairman Richard Nielson called the meeting to order at 8:30 a.m. He welcomed members and visitors to the
3 meeting. Each attendee was asked to introduce him/herself to the group.
4

5 **2. Review and Approve the Technical Committee Minutes; June 23, 2014**

6 Mr. Lee Hansen asked to have a sentence removed from the minutes. Mr. Tyler Murdock motioned to approve
7 the minutes with the mentioned correction and it was seconded by Ms. Sara Johnson. Voting was unanimous in favor
8 of the motion.
9

10 **3. Update on Utah Lake Issues, Projects and Priorities**

11 Mr. Reed Price mentioned an article printed in the Daily Herald featuring Utah Lake and Mr. Todd Frey of the Utah
12 Lake sailing community.

13 **Recruitment:** Mr. Price, along with a few members of the Governing Board, has been working to recruit new
14 members to the Utah Lake Commission. Alpine, Elk Ridge, Salem, Spanish Fork, and Payson have joined. Highland
15 renewed their lapsed membership. He is still working to recruit Pleasant Grove, Eagle Mountain, and Cedar Hills.

16 **Lake Level:** Mr. Price received several phone calls about the low lake level. It is currently 4.5' below compromise,
17 and is 1' lower than last summer. The lake typically rises 1' in the winter and lowers by 3' during the summer months.

1 He expects the lake to be about 4' next spring. Low water levels are part of the drought cycle and although it seems
2 unfavorable, it creates various opportunities such as exposed beach areas.

3 Mr. Jason Allen asked if any marinas were planning to dredge. Mr. Price said a few legislators have been
4 contacted by their constituents and realize the need to dredge. The Utah Lake State Park marina is the most likely to
5 be dredged.

6 Ms. Laura Ault asked about the historic low lake level of Utah Lake. Mr. Price said it was near empty in the 1930's.
7 She asked if there is a minimum amount of water needed for June Sucker. Mr. Ben Anderson said it is physically
8 impossible to get the last 160,000 A-F of water out of the lake. Mr. Allen said the Utah Ski Club recorded the lake low
9 at 8' below compromise. He said the lake is only operational to small fishing boats, small sail boats, and water ski
10 boats at this time.

11 **Outreach:** Mr. Price said a Legislative event has been scheduled for October 9, 2014 at Talon's Cove in Saratoga
12 Springs. Last year 14 of 18 legislators attended. Members of the Technical Committee are welcome to attend. A
13 dinner, a short presentation about Utah Lake goals, and an opportunity for legislators to see improvements at Utah
14 Lake on an airboat will be part of the evening.

15 **Phragmites:** Rainy weather conditions have delayed phragmites treatment around the lake, but they are planning
16 to spray next week if conditions permit. They will be working on 500 acres in Saratoga Springs between Eagle Park and
17 Pelican Point. They will also be retreating 250 acres that experienced an accidental burn, as well as up keeping areas
18 that have been treated in the past. Land owners in these areas have been contacted for permission to spray. Spot
19 treatment will take place in areas that are less than 40' from the shore, and helicopters will spray the areas that are
20 more than 40' from the shore. Mr. Price said it is important we do not loose progress that has been made, which is
21 why previously treated areas are being maintained. Mr. Chamberlain asked about spot treatments in Saratoga Bay.
22 Mr. Price said the area would be spot treated.

23 **Carp Removal:** Mr. Mike Mills said 2014 has been a difficult year for carp removal due to weather and other
24 obstacles. He said 2013 was recorded as their best year for carp removal. On August 16, 2013 they had removed 2.17
25 million pounds of carp. Even with all the difficulties this year, a total of 2.32 million pounds of carp were removed by
26 August 16 of this year. The months of September, October and November are noted as the best months for carp
27 removal. The low water levels create a few fishing problems, but it also concentrates the fish into a smaller area.
28 A total of 15.8 million pounds of carp have been removed from Utah Lake since September 2009. He said there
29 enough funding to continue carp removal through the end of 2015. Mr. Price said the ULC would continue to assist
30 the JSRIP by seeking funding through various sources, including the legislature.

31 **Beach Development:** Mr. Price said he has been working with Provo City and Utah County to develop a showcase
32 beach area near the Utah Lake State Park. He is working through an RFP and is seeking a consulting firm to help with
33 planning.

34 **Access Points:** Mr. Price recently met with a committee to discuss legal access points at Utah Lake. He will seek
35 input from the Technical Committee to determine and prioritize the access points needing improvement for
36 recreational and other uses.

37 **Water Quality:** The state is imposing limits on phosphorus and considering limits on nitrogen. The Governing
38 Board has asked him to work with municipalities to conduct research on the lake. He is working with the Jordan River
39 Farmington Bay Water Quality Council to determine what is best for the community and the lake.

40 **4. Review Utah Lake Master Plan/FFSL Comprehensive Management Plan Amendment Process**

41 Mr. Reed Price emailed a draft copy of the boat dock amendment to each member of the Technical Committee for
42 review. He also provided a few hard copies at the meeting.

43 Mr. Price briefly explained the Utah Lake Master Plan process. The Master Plan was adopted in 2009. It contained
44 a provision allowing changes to be made as well as the process for making changes. The Master Plan must be
45 reassessed every 10 years, with the next reassessment in 2017. Re-approval will be completed in 2019. It serves as
46 the guiding plan for the Utah Lake Commission and it doubles as the comprehensive management plan for FFSL.

47 Mr. Price displayed a chart, which visually explains the process for making changes to the Master Plan. (1)
48 Proposals may originate with any of the member agencies or the Executive Committee or the Governing Board of the
49 Commission. (2) A proposal for amendment will be presented to the EC of the Commission. (3) The EC will review the
50

1 proposal and forward it, along with any questions, to the Technical Committee for recommendation. (4) The TC will
 2 prepare a written recommendation for the GB of the Commission. Recommendations will be conveyed to FFSL. (5)
 3 FFSL will determine if the proposed amendment affects Sovereign Lands. FFSL will add recommendations, concerns,
 4 etc. and forward to the Executive Director of the ULC. (6) The Executive Director will convene the EC. The EC will
 5 forward the amendment proposal and recommendations to the GB. (7) The GB of the Commission will consider
 6 amendment proposals with the recommendations of the TC and FFSL. It may modify any proposal, as it deems
 7 necessary. (8) FFSL will consider the Request for Plan amendment according to FFSL procedures. May approve or
 8 disapprove the amendment. Modifications may be made as deemed necessary.

9 Mr. Price said the issue of private boat docks at Utah Lake was not identified in the Master Plan, and would
 10 require amending it. FFSL will present the proposal to the TC today and ask for questions or recommendation for the
 11 proposal. These suggestions will then be presented at the Executive Committee meeting, and at the next GB meeting.
 12 Public meetings and a 45 day comment period have been scheduled. A final decision could be made by the end of the
 13 year.

14
 15 **5. Presentation and Discussion by the Utah Division of Forestry, Fire & State Lands to amend the Utah Lake Master**
 16 **Plan/FFSL Comprehensive Management Plan to permit private community docks on Utah Lake.**

17 Ms. Laura Ault said the purpose of the amendment was necessary because (1) in June 2011, FFSL received an
 18 application from an adjacent, upland landowner for the installation of a private, non-commercial boat dock on
 19 sovereign lands of Utah Lake. This was the first official application for a private boat dock on Utah Lake since the
 20 adoption of the Utah Lake Master Plan (ULMP). (2) FFSL consulted the ULMP for guidance concerning the permitting
 21 of privately owned docks, piers and similar structures. The ULMP lacked detailed analysis and direction concerning the
 22 permitting and use of such structures on Utah Lake. (3) FFSL determined an amendment to the ULMP was required. It
 23 is intended to provide policy guidance to FFSL and the Utah Lake Commission regarding the placement and use of
 24 private boat dock structures on sovereign lands of Utah Lake. (4) Provides the reasoning behind selection of the
 25 preferred permitting strategy as well as the specific requirements and stipulations that FFSL will utilize to implement
 26 the selected permitting strategy.

27 Ms. Ault said FFSL has the authority to amend existing comprehensive management plans (R652-90-1000), and the
 28 ULMP allows for amendment (Section 6.0) because it is a living document. It can be modified and updated as
 29 conditions and goals of the ULC change. She displayed a map to show where the land owner would like their private
 30 dock. The landowner is not currently an upland adjacent land owner. She said they considered the following items as
 31 part of their analysis: (1) Utah Lake currently has no authorized private boat docks associated with an upland, adjacent
 32 property owner. Until recently, there has been little to no demand for such structures due to the absence of shoreline
 33 development for residential purposes. (2) There were many factors considered in the development of the analysis and
 34 the ultimate selection of a permitting strategy. First and foremost is the Public Trust Doctrine. (3) Another important
 35 consideration was public sentiment towards private boat docks on Utah Lake. (4) Subject matter experts within the
 36 Utah Lake Commission Technical Advisory Committee (TAC) as well as government agencies with regulatory authority
 37 at Utah Lake were also consulted during the development of the alternatives analysis. (5) FFSL consulted
 38 representatives of the sovereign land programs in Nevada, Idaho, and Arizona to determine their management
 39 strategies concerning private boat docks on their sovereign land units. (5) The Division's experience in regulating boat
 40 docks on other sovereign land units was instrumental in the development of criteria and alternatives. Private boat
 41 docks are currently permitted by FFSL on Utah's portion of Bear Lake.

42 The criteria selected for analysis included navigation and public safety, shoreline habitat and vegetation, water
 43 quality, public access, wildlife and endangered/threatened species, threat of aquatic invasive species, cultural
 44 resources, administrative and financial burden, capacity to address future demand, adjacent landowner costs and ease
 45 of accessibility.

46 Four alternatives were considered. (1) Private boat docks, (2) community boat docks, (3) managed mooring field,
 47 and (4) state/local government marina. She then explained each of the alternatives in detail.

48 **Private boat docks:** FFSL would permit private boat dock structures on Utah Lake for each residential property
 49 owner successfully completing an application and providing sufficient evidence of ownership of adjacent, upland
 50 property. FFSL would allow the installation of portable/floating or fixed boat dock structures on sovereign lands at

Utah Lake provided that the landowner meet basic spacing requirements from adjacent property lines (and inferred littoral lines), place the dock at a right angle to the shoreline and satisfy DSPRR requirements for marking and lighting (if applicable). No restrictions on size, design, appearance or material type of dock structure nor would it cap the number of docks allowed in a given area.

Community boat docks: A community boat dock is a temporary, non-commercial structure that provides moorage facilities for more than two residential landowners or for a homeowners' association with adjacent, upland property. Under this alternative, a group consisting of two or more upland, residential landowners could form a "dock association" and submit an application for a community dock to FFSL. Members of a community dock association would not need to be immediate neighbors to one another. However, each member of the association would need to verify ownership of adjacent, upland property. In addition, a homeowners' association could also submit an application for a community dock provided the association could demonstrate ownership of adjacent, upland property. Docks would have an operable window of April 30th through October 1st of each year. A cap on the number of total docks allowed in a given area would be required and stipulations regarding design, size, and material type of each dock structure would be enforced.

Managed Mooring Field: FFSL would not allow private boat docks or similar structures on Utah Lake under this alternative. Instead, FFSL would work with an interested local government or private entity willing to develop a managed mooring field (MMF). An MMF is a mooring field that is enhanced by the addition of facilities to accommodate waste disposal from bilge pumps and other trash and is regulated by a designated harbormaster. No fueling stations would be allowed on any MMF on Utah Lake. The placement of the mooring field would be subject to land use classifications identified in the ULMP and a minimum number of landowners would need to participate in order for the mooring field to receive authorization from FFSL.

State/Local Government Marina: FFSL would not allow private boat docks or similar structures on Utah Lake under this alternative. Instead, FFSL would partner with local government entities through existing FFSL leasing mechanisms to construct and operate additional public marinas on Utah Lake. Marinas would be located where FFSL, local governments and other stakeholders have identified a need for additional access based on public feedback, field observations/data, and Commission input. FFSL would coordinate with the local government entity and the Commission to find funding sources for the construction of the marina. This alternative assumes FFSL would provide some level of financial support subject to legislative approval for the construction of the marina but not for ongoing operation and maintenance. The operation and maintenance of the marina would be the responsibility of the local government entity with logistical support from FFSL and other state agencies.

FFSL did alternatives analysis to determine the best of the four options and determined community boat docks scored highest. It scored well in every category except administrative burden, adjacent landowner costs, and threat for aquatic invasive species introduction. The community boat dock approach is desirable because it has a high capacity for meeting future demand for private access, affords an above average level of accessibility for adjacent landowners, and has relatively minor impacts to cultural and natural resources when compared to the other alternatives. Community boat docks are viewed by FFSL as a balance between affording adjacent private landowners direct access to the water and minimizing adverse impacts to the shoreline habitat as well as natural and cultural resources. FFSL believes this permitting strategy is consistent with rule, statute, the ULMP and the mandate to manage sovereign lands under multiple-use, sustained-yield principals.

Ms. Ault said final draft edits would happen in early September. The Governing Board will hear the presentation on September 25, 2104. Public meetings are scheduled in late September and the 45 day public comment period will happen in September and October. Final revisions will be done in October, and a final amendment and a record of decision will be completed by the end of the year.

She asked if there were any questions. Mr. Allen asked if those outside of the HOA would have rights to use the docks. She said they cannot have ownership of the dock, but the HOA would have to make decisions about use.

Mr. Christ Schultz asked about wave attenuation. Ms. Ault said floating logs, boat ramps, jetties, and dredging will not be allowed.

Mr. Krejci asked if Saratoga Springs would require a permit. Ms. Ault said it is up to them, and it is likely the city would request boat docks in behalf of the citizens.

1 Mr. Schultz asked about water and power at the docks. Ms. Ault said they would not be allowed at the docks.
2 Power could only be provided by solar power battery operated options. She said it is important to include these
3 stipulations in the amendment.

4 Mr. Lee Hansen asked about the definition of upland property owners, and indicated that the Boy Scouts would
5 soon become upland property owners. Ms. Ault said she would need to talk with him after the meeting concerning
6 the property.

7 Mr. Krejci asked about wooden walkways. Ms. Ault said raised wooden walkways would not be allowed. Instead,
8 they would allow metal grates that are flush with the surface.

9 Mr. Anderson asked when docks would need to be removed. Ms. Ault responded saying October 1st has been
10 determined as the date for removal, but the date is flexible.

11 Mr. Krejci said there were boundary disputes in Saratoga Springs and Ms. Ault disagreed. She said individual
12 boundary settlements were made, and the state is the upland adjacent landowner in most circumstances.

13 Mr. Allen asked how many boat dock requests they expect to receive. Ms. Ault said she expects a lot in the
14 beginning, but interest may decline depending on the lake level. Some may consider community mooring buoys,
15 which are cheaper. Mr. Schultz said it is harder to engineer short anchors. Someone asked if the Master Plan would
16 have to be revised if an again if they wanted a mooring option. Ms. Ault said it potentially would.

17 Mr. Price said he met with the Executive Board and they had some items they wanted the Technical Committee to
18 discuss. (1) What are the unintended consequences? (2) Liability of dock owners expressed in the document. (3) No
19 impact on trail use. (4) Remedies for improper docks. (5) Minimum lake level for docks. (6) Permit costs. Ms. Ault
20 said permit costs are \$300/year, which is lower than the administrative costs to offer the permit. These costs are set
21 in state code by the legislature. Mr. Price said the Executive Committee felt like these costs were a bargain, and
22 should consider an increase. Ms. Ault thought it best to leave it as it is.

23 Mr. Hansen asked if the state notifies dock owners about their bill. Ms. Ault said they send a courtesy bill, but
24 they do not send out notices. Mr. Hansen asked how the state will know if a dock is put up. Ms. Ault said they would
25 create a way for owners to notify the state if they are putting in their dock. They use Google Earth and boat rides to
26 observe what is happening on the lake.

27 Mr. Schultz asked if this would allow upland land owners to do a commercial business with their dock. Ms. Ault
28 said it would not be allowed, but commercial options are available. Mr. Price asked if there is something in place for
29 commercial use. Ms. Ault said a special use lease would cover that aspect. When the Master Plan is reviewed, many
30 of these things can be considered and contemplated.

31 Mr. Krejci asked when the state would take ownership of the land from the homeowners association. Ms. Ault
32 said it would depend on the home owners association. They have to complete trail construction and other
33 requirements in the boundary stipulations before the state would take ownership. Mr. Krejci then asked if she would
34 come to the owners association meeting to outline their responsibilities. Ms. Ault said she planned to attend their
35 next meeting.

36 Ms. Ault thanked everyone for his or her time, and then asked that all comments be given to Mr. Price. She also
37 asked that the draft not be distributed.

38
39 **6. Discuss and Review the Proposed Amendment.**

40 Mr. Price felt this topic had been discussed as part of agenda item 5.

41
42 **7. Make a Formal Recommendation Regarding the Proposed Amendment to be Forwarded to FFSL and the**
43 **Governing Board**

44 Mr. Price said the Technical Committee was required to create a written recommendation for FFSL. Items to
45 include for recommendation included: (1) prohibit private community mooring structures at certain lake levels (2)
46 allowing metal grates for access to docks, (3) prohibit water and power at the docks (4) prohibit living or camping on
47 the boats when docked (5) establish quiet hours (6) prohibit wave attenuation near the docks (7) limit impact on trail
48 use and access (8) clearly communicate liability assumed by dock owners (9) establish boat dock standards for public
49 and owner safety (10) permit costs seem too low. {The group determined it was best to not consider this concern.}

1 (11) FFSL should be prepared to clearly explain why private docks for individual upland adjacent landowners was not
2 proposed.

3 Mr. Keleher said the public hasn't had a chance to make their comments yet. Mr. Price said he would include a
4 line to include their desire to hear public comments as well.

5 Mr. Allen motioned to have Mr. Price create a written statement of recommendation to FFSL including the
6 discussed items. The motion was seconded by Mr. Dennis Sorensen. Voting was unanimous in favor of the motion.

7 Ms. Ault asked additional comments should be sent to FFSL as soon as possible.
8

9 **8. General Comments from Committee Members and the Public**

10 Mr. Price said he receives a lot of calls about Eagle Scout projects. He asked for meaningful ideas that could be
11 passed along to interested parties. Mr. Allen said the Utah Lake State Park website has a list of ideas. Mr. Price said
12 the ULC is the best group to field the initial requests for eagle project ideas.

13 Mr. Todd Frye expressed concern about the low water level at Utah Lake and the possibility of dredging the lake to
14 increase recreation possibilities. He asked if anyone knew of someone who can handle heavy equipment for dredging.
15 Ms. Ault said FFSL has requested funding for dredging, but it is helpful to have citizens approach the legislature as well.
16 Mr. Price said Jim Cross is capable of dredging the lake, but it is more a matter of getting the right funding and permits
17 in place to have it happen. Mr. Hansen suggested Blake Barney of BD Barney Construction because he has specialized
18 equipment for dredging.
19

20 **9. Discuss changing the regular meeting time of the Technical Committee**

21 Mr. Nielson said his schedule has changed, making it difficult for him to attend the Technical Committee meeting
22 at the regularly scheduled time. He asked for suggestions for other times to meet. Ms. Sara Johnson asked that the
23 meeting be scheduled a little later in the day. Mr. Price said he would send out a Doodle Poll form to see what works
24 best for most committee members.
25

26 **10. Adjourn.**

27 Ms. Sarah Johnson motioned to adjourn the meeting and Mr. Sorensen seconded the motion. Voting was
28 unanimous in favor of the motion and the meeting was adjourned.