



Governing Board

Thursday, September 25, 2014, 7:30 A.M.
Historic Utah County Courthouse
51 South University Ave, Utah

ATTENDEES:

Chair/Mayor Bert Wilson, Lehi City
Mayor James Hadfield, American Fork City
Mayor John Curtis, Provo City
Mayor Jeff Acerson, Lindon City
Mayor Mark Thompson, Highland City
Mayor Randy Farnworth, Vineyard City
Councilman Kim Hancock, Payson City
Councilman Soren Christensen, Salem City
Councilman Dean Olsen, Springville City
Councilwoman Rebecca Call, City Of Saratoga Springs
Councilman Mark Seastrand, Orem City
Mr. Reed Price, Utah Lake Commission
Mr. Robyn Pearson, Utah Dept. of Natural Resources
Representative Mike McKell, Utah State Legislature

Mr. Walt Baker, Utah Department of Environmental Quality
Mr. Mike Mills, CUWCD
Mr. Richard Nielson, Utah County
Mr. Brian Cottam, Utah Division of Forestry, Fire & State Lands

INTERESTED PARTIES / VISITORS

Ms. Laura Ault, Utah Division of Forestry, Fire & State Lands
Mr. Richard Nielson, Utah County
Mr. Greg Beckstrom, Provo City
Mr. Bob Trombly, Provo City
Mr. Henry Maddux, JSRIP
Mr. Rick Cox, URS Corporation
Mr. Jason Allen, State Parks
Mr. Tom Hart, Horrocks Engineers
Mr. Jason Poulson, UVU Student

ABSENT: Woodland Hills, Elk Ridge, Spanish Fork, Alpine, Mapleton, and Santaquin.

1. Welcome and Call to Order

Mayor Wilson called the meeting to order at 7:30 am. and welcomed everyone. He excused Senator Deidre Henderson.

2. Approve the Consent Agenda

Mayor Wilson asked for approval of the consent agenda including the Governing Board minutes from August 28, 2014, the August 2014 financial report, and the annual financial review. Mr. Price said the ULC is required to have an annual financial review. Because our budget is under \$350K, we are allowed to have an "Agreed Upon Procedures Report" rather than an audit. Squire conducted the review finding everything in order, but noted that Governing Board members did not receive training from the presiding officer about the

1 Open and Public Meetings Act - Utah Code 52-4. A corrective action report will be provided along with the
2 report. Mayor Hadfield moved to approve the consent agenda and adopt the annual financial review. Ms.
3 Rebecca Call asked for corrections to be made on page 3 line 19 and page 5 lines 1 and 3 on the August 28
4 minutes. (dredging in the lake. The *negative effects of xeroscaping and the positive effects of green*
5 *landscaping*, and *Saratoga Springs* uses four times the *Utah* average.) Ms. Call seconded the motion to
6 approve the consent agenda with the noted corrections. Voting was unanimous in favor of the motion.
7

8 **3. Report from the Technical Committee**

9 Mr. Richard Nielson said the Technical Committee did not meet in September, but they plan to meet in
10 October. The committee is trying to schedule a new time to hold their monthly meetings.
11

12 **4. Report from Reed Price, Executive Director**

13 Mr. Price mentioned an article written by Mr. Ernel Anderson, printed in the Daily Herald paper on
14 September 21, 2014. The article is titled, "We need to do more to restore Utah Lake."

15 **Outreach:** Mr. Price announced the annual legislative event at Talon's Cove in Saratoga Springs on
16 October 23, 2014. House and Senate Representatives in Utah, Wasatch, Summit, and South Salt Lake
17 Counties will be invited to attend. Mr. Price said a few attendees could view areas where phragmites removal
18 has taken place on an airboat ride. Dinner will be served at 6 pm, and the event will conclude by 7:30 pm. It
19 will be a great opportunity to show what has been accomplished at Utah Lake as well as explain future goals
20 and plans. MAG will hold their meeting afterwards.

21 Mr. Price expressed the need for Governing Board members to invite their local legislators and
22 representatives to the event. Representative Mike McKell asked each mayor to call their representatives and
23 invite them to this event. He asked that representatives from South Salt Lake be invited as well.

24 Mayor Wilson asked about appropriate attire for this event. Mr. Price suggested business casual or nicer.
25 Ms. Call requested that the Natural Resources Appropriation Committee be invited to attend.

26 Utah Lake Symposium: Mr. Price, Mr. Mike Mills, and others decided it was best to hold a lecture series
27 rather than the annual Utah Lake Symposium.

28 The Utah Lake Festival and 4th Grade Field trips and are being planned. The ULC and DWR are planning a
29 spring fishing tournament. There are plans to educate the public about Northern Pike, which is an aggressive
30 predator.

31 **Phragmites:** Mr. Price mentioned a few areas that had been sprayed for phragmites; (1) 250 acres on the
32 south side of Utah Lake which experienced an accidental burn (2) 250 acres of phragmites at Goose Point near
33 Goshen Bay (3) nearly 500 acres on the west side of the lake, between Eagle Park and Pelican Point in
34 Saratoga Springs. Mr. Price said several residents contacted the ULC to thank them for treating the
35 phragmites. Ms. Call said a resident expressed gratitude to the ULC for treating the phragmites as they said
36 they would. Mr. Price said county crews will continue to hand spray phragmites until the first hard frost of the
37 year in places that could not be done with the helicopter.

38 **Carp Removal:** In an attempt to receive funding for carp removal, Mr. Price and others strategized a
39 message for the legislators. They plan to use the media to get their message to the legislators.

40 Bill Loy is preparing for the best carp fishing months; October and November. The low lake level
41 concentrates the fish, but also makes it difficult to get onto the lake.

42 **Beach Development:** Mr. Price has been meeting with Utah County, Provo City, State Parks, and FFSL to
43 discuss the development of a beach along the shoreline in Provo near the Utah Lake State Park. The RFP
44 closed on September 24, 2014. A firm will be selected to help determine location, amenities, and other
45 issues. Saratoga Springs and Vineyard are assisting with this planning process, but other municipalities are
46 invited to help.

47 **Access Points:** There are approximately 30 legal access points around the lake, many of which are
48 unknown and have low accessibility. Mr. Price said he would be meeting with others to prioritize the access
49 points for improvements.

1 **Water Quality:** Mr. Price said he recently received an Interlocal Agreement from the Jordan River
2 Farmington Bay Group. Communities will review the agreement and possibly enter into an agreement with
3 them. Research will begin in the spring.
4

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

6 Mr. Price said the ULC and FFSL began to create the Utah Lake Master Plan in 2008, and completed it in
7 2009. The Master Plan is a living document and can be modified as conditions change. We are required to
8 reassess it every 10 years. The master plan is scheduled for review in 2017 and will be reapproved by 2019.
9 The Master Plan doubles as the Comprehensive Management Plan for the FFSL.

10 A few years ago FFSL received an application for a private boat dock at Utah Lake. The Master Plan does
11 not address this need, so an amendment to the plan would be required in order to allow private boat docks.
12 Mr. Price displayed a chart explaining the process for making changes to the Master Plan. (1) Proposals may
13 originate with any of the member agencies, Executive Committee (EC) or the Governing Board (GB) of the
14 ULC. (2) A proposal for amendment will be presented to the EC of the Commission. (3) The EC will review the
15 proposal and forward it, along with any questions, to the Technical Committee (TC) for recommendation. (4)
16 The TC will prepare a written recommendation for the GB of the Commission. Recommendation will be
17 conveyed to FFSL. (5) FFSL will determine if the proposed amendment affects Sovereign Lands. FFSL will add
18 recommendations, concerns, etc., and forward them to the Executive Director of the ULC. (6) The Executive
19 Director will convene the EC. The EC will forward the amendment proposal and recommendations to the GB.
20 (7) The GB of the Commission will consider amendment proposals with the recommendations of the TC and
21 FFSL. It may modify any proposal as it deems necessary. (8) FFSL will consider the Request for Plan
22 amendment according to FFSL procedures. They may approve or disapprove the amendment. Modifications
23 may be made as deemed necessary. Mr. Price mentioned the possibility of the ULC and FFSL having differing
24 plans, but every effort will be made to keep them consistent.

25 Mr. Price said the Governing Board Executive Committee and the Technical Committee reviewed the
26 amendment. FFSL will present the proposal to the Governing Board today. Mr. Price said each Governing
27 Board Member received a copy of the letter written to Mr. Brian Cottam containing the recommendations
28 made by the Technical Committee. The public comment period and public meetings have been scheduled,
29 following which, the Governing Board will have the opportunity to accept or reject the amendment.

30 **6. Hear Proposal from FFSL staff to amend ULMP/FFSL Comprehensive Management Plan to permit private**
31 **community docks on Utah Land and consider input from the Executive and Technical Committee**

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

42 Ms. Ault said FFSL has the authority to amend existing comprehensive management plans (R652-90-1000),
43 and the ULMP allows for amendment (Section 6.0) because it is a living document. It can be modified and
44 updated as conditions and goals of the Commission change. She displayed a map where the individual, who is
45 not an upland adjacent landowner, would like to build their private dock. Ms. Call said Saratoga Springs
46 designed the current trail system to prevent having multiple land owners responsible for tiny parcels of the
47 trail. By design, residents will not usually be upland adjacent land owners; instead FFSL, a HOA or the city will
48 be the upland adjacent land owner. Ms. Ault said it is the same around much of Utah Lake.

49 Ms. Ault said FFSL considered the following items as part of their analysis: (1) Utah Lake currently has no
50 authorized private boat docks associated with an upland, adjacent property owner. Until recently, there has

1 been little to no demand for such structures due to the absence of shoreline development for residential
2 purposes. (2) There were many factors considered in the development of the analysis and the ultimate
3 selection of a permitting strategy. First and foremost, is the Public Trust Doctrine. (3) Another important
4 consideration was public sentiment towards private boat docks on Utah Lake. (4) Subject matter experts
5 within the Utah Lake Commission Technical Advisory Committee (TAC) as well as government agencies with
6 regulatory authority at Utah Lake were also consulted during the development of the alternatives analysis. (5)
7 FFSL consulted representatives of the sovereign land programs in Nevada, Idaho, and Arizona to determine
8 their management strategies concerning private boat docks on their sovereign land units. (5) The Division's
9 experience in regulating boat docks on other sovereign land units was instrumental in the development of
10 criteria and alternatives. Private boat docks are currently permitted by FFSL on Utah's portion of Bear Lake.

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

15 Mayor Wilson asked if license plates would be required to identify the boat dock owner. Ms. Ault said
16 FFSL is in the process of requiring metal identification plates for each dock.

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

19 **Private boat docks:** Under this alternative, FFSL would permit private boat dock structures on Utah Lake
20 for each residential property owner who successfully completed an application and provided sufficient
21 evidence of ownership of adjacent, upland property. FFSL would allow the installation of portable/floating or
22 fixed boat dock structures on sovereign lands at Utah Lake provided that landowners meet basic spacing
23 requirements from adjacent property lines (and inferred littoral lines), place the dock at a right angle to the
24 shoreline and satisfy DSPRR requirements for marking and lighting (if applicable). There would not be
25 restrictions on size, design, appearance, material type, or number of docks allowed in a given area.

26 **Community boat docks:** A community boat dock is a temporary, non-commercial structure that provides
27 moorage facilities for more than two residential landowners or for a homeowners' association with adjacent,
28 upland property. Under this alternative, a group consisting of two or more upland, residential landowners
29 could form a "dock association" and submit an application for a community dock to FFSL. Members of a
30 community dock association would not need to be immediate neighbors to one another. However, each
31 member of the association would need to verify ownership of adjacent, upland property. In addition, a
32 homeowners' association could also submit an application for a community dock provided the association
33 could demonstrate ownership of adjacent, upland property. Docks would have an operable window of April
34 30th through October 1st of each year. A cap on the number of total docks allowed in a given area would be
35 required and stipulations regarding design, size, and material type of each dock structure would be enforced.

36 Mr. Walt Baker asked who would be responsible if the dock became dislodged. Ms. Ault said the owners
37 would be responsible to correct any problems. She believes most owners will form an LLC. Representative
38 McKell asked if the owners would be required to have to have insurance for the dock. Mr. Ault said in most
39 instances they would need to be co-insured. Mr. Soren Christensen asked if there would be an exception to
40 the rule of having a minimum of two, and a maximum of five slips per dock. Ms. Ault said they do not want
41 massive structures on the lake; it will take some time to determine what will work best at Utah Lake. Mr.
42 Christensen then asked if boats could be tied to the docks all summer. Ms. Ault said it was an option,
43 however, she would not recommend it.

44 **Managed Mooring Field:** FFSL would not allow private boat docks or similar structures on Utah Lake
45 under this alternative. Instead, FFSL would work with an interested local government or private entity willing
46 to develop a managed mooring field (MMF). Fueling stations would not be allowed at any MMF on Utah Lake.
47 The placement of the mooring field would be subject to land use classifications identified in the ULMP and a
48 minimum number of landowners would need to participate in order for the mooring field to receive
49 authorization from FFSL.

1 **State/Local Government Marina:** This alternative is already stated as a goal of the ULMP. FFSL would
2 partner with local government entities through existing FFSL leasing mechanisms to construct and operate
3 additional public marinas on Utah Lake. Marinas would be located where FFSL, local governments and other
4 stakeholders have identified a need for additional access based on public feedback, field observations/data,
5 and Commission input. FFSL would coordinate with the local government entity and the Commission to find
6 funding sources for the construction of the marina. This alternative assumes that FFSL would provide some
7 level of financial support subject to legislative approval for the construction of the marina but not for ongoing
8 operation and maintenance. The operation and maintenance of the marina would be the responsibility of the
9 local government entity with logistical support from FFSL and other state agencies.

10 **Preferred alternative:** FFSL did alternatives analysis and scored each of the options. Community boat
11 docks scored the highest, scoring well in every category except administrative burden, adjacent landowner
12 costs, and threat for aquatic invasive species introduction. The community boat dock strategy is viewed by
13 FFSL as a balance between affording adjacent private landowners direct access to the water and minimizing
14 adverse impacts to the shoreline habitat as well as natural and cultural resources. The FFSL believes that this
15 permitting strategy is consistent with rule, statute, the ULMP and the mandate to manage sovereign lands
16 under multiple-use, sustained-yield principals.

17 Mr. Price said the 45 day public comment period would begin October 1st and continue through November
18 15, 2014. Ms. Ault said the notices for the public meeting would be in the newspaper beginning tomorrow
19 and run through Sunday. Mr. Price said the public meeting would be held on the following dates: Thursday,
20 October 9, 2014 in the Health and Justice Building in Provo from 7-9 pm., and Tuesday, October 14, 2014 at
21 the Saratoga Springs Council Chambers from 7-9 pm. Ms. Ault ended her presentation by displaying an image
22 of the type of community boat dock they envisioned being built on Utah Lake, if approved.

23 Mayor Curtis had a hypothetical question about property owners who gave up land for the trail, and
24 consequently their right for a boat dock. Ms. Ault said their rights would depend on how their land was given;
25 by easement or deed. Mayor Wilson asked how boat dock process would work in Saratoga Springs. Ms. Ault
26 said (1) the developer would deed land to the state for the trail (2) the state would transfer the land back to
27 the city or Utah County (3) the city or the county would then become the upland adjacent land owner and
28 could apply for the community boat dock in behalf of homeowners who desired one.

29 Ms. Call explained the boundary settlement agreement. She also explained that because of how the
30 amendment is written, it provided the opportunity for an individual to have their own boat dock if they are
31 willing to bear the cost of it. Mayor Wilson asked who would be responsible if a boat dock floated away. Ms.
32 Call said indemnification and insurance would be required, and that responsibility for these types of problems
33 would be passed on to the owner/owners.

34 Mr. Nielson, representing Commissioner Ellertson, said the Commissioner had two concerns. (1) Limiting
35 the number of boat docks around the lake. He said this concern was addressed in the presentation. (2)
36 Making sure boat dock owners cannot impede public access to the trails. Ms. Ault responded saying this
37 would not be allowed.

38 Mayor Farnworth asked if there was language in the amendment about ramps. Ms. Ault said ramps would
39 not be allowed because they are problematic. Mr. Christensen asked if the Master Plan allows for building
40 and island marina. Ms. Ault said it would not be allowed. Mr. Price said the Master Plan says engineering
41 solutions that could be used at existing facilities, but it does not state whether it is allowed to create your own
42 area. Ms. Ault said it is hard to get an army corp. permit for it, and they do not work very well.

43 Mr. Rick Cox said having the trail around the lake is a high priority goal. He wanted to know if they had
44 thought about using boat docks as an incentive for property owners near the lake to donate trail property.
45 Ms. Ault said this idea could be explored, but it may be problematic with the legislature.

46 Mr. Christensen asked about commercial boat docks. Ms. Ault said the FFSL always considers public,
47 commercial options.

48 Ms. Ault ended by thanking the Governing Board for taking the time to listen to her presentation.

49
50 **7. Consider Recommending Modification to and/or adoption of the Amendment to FFSL**

1 Ms. Call asked about owners having to remove their docks by October 1st, considering that the lake
2 doesn't freeze until November. Ms. Ault said they wanted to make sure docks were removed before the lake
3 level drops.

4 Mayor Cutis moved to accept the adoption of the amendment and it was seconded by Ms. Call. Those in
5 favor of the motion were Mayor Hadfield, Mayor Curtis, Mayor Acerson, Mayor Thompson, Mayor Farnworth,
6 Ms. Call, Mr. Seastrand, Mr. Christensen, Mr. Price, Mr. Pearson, Mr. Hancock, Mr. Cottam, Mr. Baker, Mr.
7 Olsen, Mr. Mills, and Mr. Nielson. There was one opposing vote from Representative McKell.

8
9 **8. Other Business or Public Comments.**

10 Mr. Price said it was suggested that we have a joint meeting with the Jordan River Commission. He
11 anticipates the meeting will be scheduled in November.

12 Ms. Call said TSSD sent out invitations to tour their expansion and to learn how water is treated before it
13 leaves their facility. She encouraged GB members to participate in a similar opportunity. Mayor Wilson said
14 he believes WWTP's are trying their best to comply with the new requirements.

15
16 **9. Next Governing Board Meeting.**

17 Mayor Wilson said the next Governing Board Meeting would be held at Talon's Cove on Thursday, October
18 23, 2014, at 6:00 pm.

19 Representative McKell mentioned that the Sailboat Association has sent him a lot of email messages. He
20 said he replies with information about our Governing Board meetings and the opportunity to be involved. Mr.
21 Nielson said the Sailboat Association regularly attends Technical Committee meetings.

22
23 **10. Adjourn.**

24 Mayor Hadfield motioned to adjourn the meeting and it was seconded by Mayor Curtis. Voting was
25 unanimous in favor of the motion. The meeting adjourned at 8:37 am.