

SUMMARY OF THE GREAT SALT LAKE ADVISORY COUNCIL MEETING

February 19, 2009

Department of Environmental Quality, Room 101

GREAT SALT LAKE ADVISORY COUNCIL MEMBERS PRESENT

Leland Myers	Acting Chair, Central Davis Sewer District
Lynn de Freitas	FRIENDS of Great Salt Lake
David Livermore	The Nature Conservancy
Don Leonard	Utah Artemia Association
Neka Roundy	Mayor of Kaysville
Bonnie Baxter	Westminster College
Bill Fenimore	Wild Bird Center of Layton
Corey Milne	Great Salt Lake Minerals Corporation

OTHERS PRESENT

Leah Ann Lamb	DEQ/ Division of Water Quality
Jodi Gardberg	DEQ/ Division of Water Quality
Walt Baker	DEQ/ Division of Water Quality
John Whitehead	DEQ/ Division of Water Quality
Chris Montague	The Nature Conservancy
Mike Mower	Governor's Office of Planning and Budget
Kelly Payne	Kennecott Utah Copper
Jill Houston	Central Davis Sewer District
Bill Ross	Ross & Associates Environmental Consulting
Jim Carter	Logan Simpson Design, Inc.
Rick Cox	URS Corporation
Jeff DenBleyker	CH2MHill
Chris Keates	Westminster College
Heather Tanana	University of Utah

1. Call to Order:

Acting Chairman, Leland Myers called the meeting to order and welcomed all in attendance. A motion was passed to approve the December 9, 2008 and January 14, 2009 Summaries of the Advisory Council meetings. All were in favor with no opposition. Leland Myers welcomed Bill Ross who was invited by The Nature Conservancy to facilitate the meeting.

2. Review of the Meeting Agenda and Purpose – Facilitator Bill Ross

Bill Ross, Ross and Associates reviewed the meeting agenda that covers subcommittee work.

3. Sub-Committee Reports: Governance Structure and Funding – Don Leonard, Utah Artemia Association

Don Leonard, Utah Artemia Association presented the draft report of the Subcommittee on Governance, Structure and Funding (posted at

http://www.gslcouncil.utah.gov/docs/GSLAC_Governance_Structure.pdf). The report was put together by Leland Myers, Corey Milne, and Don Leonard. Representative Ben Ferry was contacted but was unable to contribute to the report.

Comments/Questions Regarding Role:

Bill Fenimore, Wild Bird Center of Layton asked if there was a discussion amongst the subcommittee regarding the recommendation that the GSL Commission be an “advisory body” rather than an agency.

Don Leonard, Utah Artemia Association replied that there was a lot of discussion and the decision was that an advisory body had more chance of being adopted by the Governor and the legislature rather than create a new entity/agency and funding for that agency. He added that the members of the commission will have inherent authority that each member will bring to the commission.

Comments/Questions Regarding Authority:

David Livermore, the Nature Conservancy said that the Council needs to be cognizant of the past but that it shouldn't be timid in its recommendations because of the legislature. He asked what could a commission do when agency responsibilities to the Lake conflict. He asked Bill Ross to speak about governance models that have authority without creating a new agency. For example, the Puget Sound Partnership reviews agency budgets that have responsibilities to the Sound.

Don Leonard, Utah Artemia Association replied that there was healthy debate amongst the subcommittee about adding language that increased the authorities of the commission. They concluded that extra authorities would appear to the legislature as a “super agency” and in order to get this passed he added that an advisory body could ask state agencies to appear before the commission concerning their responsibilities and budgets.

Bill Ross, Ross and Associates added that “super agency” models tend to have non complex land ownership. An example is the Lake Tahoe Regional commission where most of the land is federally owned. With more complex ecosystem arrangements the models tend not to be “super agency” models.

David Livermore suggested that instead of the word “may” in the authority it should have more words such as “shall” or “will”.

Don Leonard, Utah Artemia Association agreed that “shall” will be incorporated.

Comments/Questions Regarding Participation:

Bill Ross, Ross and Associates asked if the chair and vice-chair made up additional seats on the 7 member or 11 member commission compositions.

Don Leonard, Utah Artemia Association said that no, they would be part of the 7 member and 11 member commission.

Bill Fenimore, Wild Bird Center of Layton complimented the sub-committee on their hard work. He asked if the committee considered a federal member because of the USFWS National Bird Refuge and/or academia members to the commission. He agreed it should be an odd number commission

Don Leonard, Utah Artemia Association said they considered a federal member but the chairman, Senator Eastman thought it should be local and that the legislature wouldn't favor it. They will be part of the process but not on the commission. Academia was not considered but they could be part of the environmental interests' position. He mentioned that the Division of Water Quality had a Steering Committee made up of stakeholders and a Science Panel to aid them when establishing the water quality standard for Selenium that worked very well.

Bill Ross, Ross and Associates said that with regard to federal participation, federal participants have a tough time participating in state statutes issues. Most of them have some kind of federal compact associated with them that parallels the state effort and enables them to put their authority at the table. It is not easy to invite a federal participant under state statute.

Bonnie Baxter, Westminster College asked if term limits were discussed.

Don Leonard, Utah Artemia Association said that they thought the legislative committee would determine that.

David Livermore, the Nature Conservancy said that Division of Wildlife Resources is only represented by the Department of Natural Resources (DNR) even though the Utah Division of Water Quality (DWQ) has a seat rather than the Department of Environmental Quality (DEQ).

Bonnie Baxter, Westminster College said maybe it should be DEQ instead.

Leland Myers, Central Davis Sewer District added that it doesn't make a difference but the thought was that DWQ is directly involved with the Lake.

Don Leonard, Utah Artemia Association said there are multiple divisions within DNR that have direct management responsibilities to the lake whereas for DEQ, it is mostly DWQ with direct responsibilities.

Bonnie Baxter, Westminster College remarked that to have a public-private balance, an 11 member commission makes more sense.

Corey Milne, Great Salt Lake Minerals said to avoid distraction, it may be better to have a person from DEQ rather than DWQ.

Walt Baker, Division of Water Quality made the suggestion that the position could be the DEQ Executive Director or a designee. Based on his experience with the Utah Lake Commission, the Executive Director was too busy to attend so the position was assigned to the Director of DWQ.

Don Leonard, Utah Artemia Association said the power of the organization when seats are delegated is diminished and if the governor tells people to come than they will.

Leland Myers, Central Davis Sewer District said that assigned alternates or designees are better than vacancies.

Comments/Questions Regarding Funding:

Leland Myers, Central Davis Sewer District said Tooele County does not discharge to the lake, they have a reuse system. Box Elder County is an indirect discharger. The recommendation is to levy more from direct dischargers because most of the pollutant load comes from those dischargers. He said he was not strongly opposed to including all dischargers both indirect and direct. The monthly surcharge collected by the dischargers would be based on connection. Only NPDES permit holders would be charged so that billing and audit requirements would be small.

Comments/Questions from the Council:

Don Leonard, Utah Artemia Association clarified the council's input. He was going to make changes to the structure to incorporate the word "shall" instead of "may" and make revisions to the composition to include 11 members.

Corey Milne, Great Salt Lake Minerals asked if the composition of the Commission is 11 members, who would those extra members include.

Bill Fenimore, Wild Bird Center of Layton suggested that there be a recreation representative that would represent the Duck Clubs, Airboat Association

Don Leonard, Utah Artemia Association replied that if the commission included particular interests than it would get to lofty.

Bill Ross, Ross and Associates suggested that the same categories could be used for the 11 member commission and that the council specify what interests reside in each category as opposed to naming specific spots. For example, Environment/Recreation/Conservation could be one group or industry would include Brine Shrimp and Mineral Extraction.

Lynn de Freitas, FRIENDS of Great Salt Lake suggested that the committee revisit the counties involved in the levy from the Wastewater Treatment facilities. She suggested that all the counties be involved, the 5 counties surrounding the lake.

Dave Livermore, The Nature Conservancy wanted to revisit the authority of the commission. As it is written now there is no obligation from the commission to others to do anything when conflicts arise. There is nothing requiring discussions to take place. He asked if there were some procedural mechanisms or check list of local, state and federal responsibilities that the commission could review.

Leland Myers, Central Davis Sewer District said any public or private party could bring a concern to the commission. If the authority is at the table, there is situational power such as the Executive Director of Department of Natural Resources.

Rick Cox, URS Corporation described the Utah Lake Commission and the Master Plan that guides the commissions charge.

Bill Ross, Ross and Associates suggested that the council define what structural functions the commission will do and determine what the agencies will do in response to the existence of the commission. For example, agencies submitting their budgets to the commission.

4. Sub-Committee Reports: Science – Dr. Bonnie Baxter, Westminster College

Dr. Bonnie Baxter, Westminster College gave a presentation titled “A MODEL TO CONSIDER, GSL SCIENCE ADVISORY TEAM”. The presentation is posted at this web address: http://www.gslcouncil.utah.gov/docs/GSL_science_advisory_Team_021909.pdf

Comments/Questions from the Council:

Corey Milne, Great Salt Lake Minerals asked if there were any other technical advisory committees (TACs) besides the Division of Forestry, Fire and State Lands, GSL Technical Team which is an informal group. He asked how other TACs would interact with the Science Advisory Team.

Bonnie Baxter, Westminster College replied that she is on the board of the Division of Wildlife Resources, Great Salt Lake Ecosystem Program TAC that meets 3 times a year, acts as a peer review panel and are appointed by the Division Director. She added that the Science Advisory Team was designed to be independent of the state or federal agencies so if those agencies wanted to submit research proposals they could, otherwise there would be a conflict of interest. She added that the TACs would be in free communication with the Science Advisory Team and Commission.

Don Leonard, Utah Artemia Association added that a good model such as the one used in the Selenium project is when the science panel are not the people doing the research rather they are scientists who made decisions and recommendations based on the parameters set by the council.

Bonnie Baxter, Westminster College agreed that is what the subcommittee is proposing

Leland Myers, Central Davis Sewer District said that the decision will need to be made whether the Science Advisory Team is a consultant group paid by the commission, voluntary group made up of interested parties or employees of the commission.

David Livermore, The Nature Conservancy added that the foundation of the Commission is “lake health”. The Science Advisory Team would establish the indicators, and oversee the research to support that. The Annual State of the Lake Report would be produced by the Science Advisory Team and approved by the Commission.

Bill Ross, Ross and Associates gave the example of the Great Lakes Commission. Once the health of the lake is defined with benchmarks and a baseline to develop strategies, this will determine the research needed. The report on the state of the lake brings the data together. The main decision that needs to be determined is the Science Advisory Team independent of the Commission or subservient to it. The functions and relationship to the commission needs to be explored.

Leland Myers, Central Davis Sewer District replied that the Science Advisory Team should be subservient to the commission or in essence, 2 commissions would be created.

Bonnie Baxter, Westminster College said that science is the objective and there are arrows going both ways signaling open communication between the commission and Science Advisory Team and that the Science Advisory Team would be a unit of the Council rather than independent of it. She said that the science sub-committee will review the structure, discuss the composition and determine if the SAT members are voluntary or paid by the commission.

There was a discussion about the communication and structure regarding state and federal agency management responsibilities and how they will report to the Commission.

Don Leonard, Utah Artemia Association said he would add language to the Commission Structure and Role that will say the Commission shall establish a Science Advisory Team, may appoint technical committees and may contract with agencies, individuals or entities to make accurate decisions. The Commission shall establish an ecosystem coordination team that would include the agencies and other individuals

5. Sub-Committee Reports: Mission Statement - Lynn de Freitas, FRIENDS of Great Salt Lake

Lynn de Freitas, FRIENDS of Great Salt Lake explained the draft mission statement to the council and is posted here http://www.gslcouncil.utah.gov/docs/GSLAC_Mission_DRAFT.pdf

Unfortunately there is no recording of this section of the meeting.

There was a discussion regarding whether to include the words “public trust” and “trust obligations” in the Mission Statement. Most of the Council agreed that it is better to use words that are not controversial. Don Leonard, Utah Artemia Association handed out an alternative Mission Statement and is posted here http://www.gslcouncil.utah.gov/docs/GSLAC_Mission_DL.pdf The Council decided that the Mission Statement will get better defined once a governance structure is determined

6. Sub-Committee Reports: Marketing – Mayor Neka Roundy, Kaysville City

Mayor Neka Roundy, Kaysville City presented the draft report of the marketing subcommittee which is posted here http://www.gslcouncil.utah.gov/docs/Marketing_Subcommittee_021909.pdf She said that she would like to see a public education role in the commission to improve perception of Great Salt Lake.

Comments/Questions from the Council:

Bonnie Baxter, Westminster College remarked that she agreed that education is important. She has personally been a part of the WEST program that takes out 4th graders and the Great Salt Lake Institute is creating a high school curriculum.

Bill Fenimore, Wild Bird Center of Layton said that educating the youth and others about the value of Great Salt Lake will encourage the longevity of the lake and a new commission.

Leland Myers, Central Davis Sewer District added that we need to develop the education component of the commission

David Livermore, The Nature Conservancy said it is important to add education to the commission and would help with the commission long term. He stressed that the Council needs to think of strategies for each legislator, a vote by vote analysis and how the governor aids this effort and how the council works together to get a Great Salt Lake Commission passed.

Jodi Gardberg, DWQ added that the handout lists ways of marketing the Council's recommendations to the legislature but more strategy is needed.

Bill Fenimore, Wild Bird Center of Layton remarked that it may be helpful to illustrate the value of the resource to the legislature by mentioning tourist dollars, the brine shrimp and mineral industries, jobs derived from the GSL etc.

Bonnie Baxter, Westminster College remarked that there is a formula for value added by a natural resource, what an ecosystem provides.

Corey Milne, Great Salt Lake Minerals asked how the Council's recommendation to the Governor, gets told to the public. The media will be interested in what the council is proposing.

Jodi Gardberg, DWQ replied that all the Council's materials and meetings have been posted on the gslcouncil.utah.gov website and that the reporters (AP and the Salt Lake Tribune) have attended and inquired about the Council's deliberations.

Leland Myers, Central Davis Sewer District replied that once the Governor has been consulted, then it will be time to get the public involved.

7. Future Sub-Committee Work and Schedule– Facilitator Bill Ross

The next meeting is March 18, 2009 from 9:00 AM to 5:00 PM, in DEQ room 101.

Work to accomplish before and at the next meeting:

- 1-3 page statement from each subcommittee to be circulated before the next meeting
- Build a graphic of the structure at the next meeting and discuss a fact sheet for the public
- Try to get all the council to attend the March meeting. Make sure Representative Ferry will be there.
- Need to package this for the governor and the legislature.
- Try to have consensus by topic
- Plot timeline
- Outline of Final Report to the Governor