

SUMMARY OF THE GREAT SALT LAKE ADVISORY COUNCIL MEETING

March 18, 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
Colleen Johnson	Tooele County Commissioner
Ben Ferry	Utah House of Representatives (by phone)

OTHERS PRESENT

Mike Mower	Governor's Office of Planning and Budget
Walt Baker	DEQ/ Division of Water Quality
Mike Styler	Utah Department of Natural Resources
Jodi Gardberg	DEQ/ Division of Water Quality
John Whitehead	DEQ/ Division of Water Quality
Bill Sinclair	Utah Department of Environmental Quality
Chris Montague	The Nature Conservancy
Theron Miller	South Davis Sewer District
Bill Ross	Ross & Associates Environmental Consulting
Anna Williams	Ross & Associates Environmental Consulting
Jim Kramer	URS Corporation

1. Call to Order:

Acting Chairman, Leland Myers called the meeting to order and welcomed all in attendance.

Mike Styler, Walt Baker and Mike Mower were invited to join the table and participate in the meeting discussions. Mike Mower, Governor's Office of Planning and Budget informed the council that Senator Eastman can no longer participate as the Council Chair or as part of the Council due to medical reasons. Since the proceedings of the Council are so far progressed, the Governor's Office has asked Leland Myers to be the acting chairman in his place. Bonnie Baxter, Westminster College asked if there would be any other legislative representation because Representative Ben Ferry has not been able to participate. Mike Mower, Governor's Office of Planning and Budget suggested that once the Council proceeds with their recommendations to the Governor and the legislature then they will find an interested legislator to sponsor the Council's recommendations.

A motion was passed to approve the February 19, 2009 Meeting Summary. All were in favor with no opposition. Leland Myers welcomed Bill Ross to facilitate the meeting. Work towards a consensus position on a proposal that the Council will take forward.

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

Bill Ross, Ross and Associates reviewed the meeting agenda which is posted at <http://www.gslcouncil.utah.gov/docs/GSLACAgenda03182009.pdf> Merge perspectives to develop a consensus that staff will prepare for the April 22, 2009 meeting. Building a consensus

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

Don Leonard, Utah Artemia Association presented the updated draft report of the Subcommittee on Governance, Structure and Funding posted at http://www.gslcouncil.utah.gov/docs/Gov_and_Fund_Subcommittee_Report.pdf. He reviewed the changes that were made to the original draft prepared at the March meeting.

Comments/Questions Regarding Structure:

Corey Milne, Great Salt Lake Minerals asked if there should be a local government committee.

Don Leonard, Utah Artemia Association replied that a local government committee should be separate from the commission.

Neka Roundy, Mayor of Kaysville suggested that a local government committee should be set up to meet and report regularly to the commission

Mike Mower, Governor's Office of Planning and Budget commented that a commission that is advisory needs some government representation to make it stronger. In addition, an advisory committee to an advisory committee could dilute it down. He suggested that state legislators and the governor's office be removed from the commission participation list and local and state government representatives be added in its place.

David Livermore, the Nature Conservancy agreed that additional committees may dilute the authority of the commission. He suggested that the word "may" be inserted rather than "shall" establish stakeholder and committees of key involved interests to assure a broad based of input and information is available.

Bonnie Baxter, Westminster College asked if there could be language in the ROLE that would include collecting interested stakeholder and interest groups input.

Don Leonard, Utah Artemia Association called a vote to see who was in favor of only having a science panel recommended to the commission and leave other committee suggestions to the commission. All were in favor of leaving the decision of additional committees other than the science panel to the commission and inserting the word "may" instead of "shall" establish stakeholder and committees of key involved interests... and adding language to the role that would include gathering stakeholder input.

Bonnie Baxter, Westminster College suggested taking out the wording that the Commission "may develop and acquire data necessary to make accurate decisions" and inserting this wording under Role of the Science Panel. She said that the Commission would be directing and the Science Panel

would be developing and acquiring the data. She doesn't want a commission that is political in nature to overstep scientific data. She said if its scientific data it should go through the Science Panel and not the commission. She warned that if the Commission can both contract with agencies and direct agency management then there is a possibility of under the table dealings.

Leland Myers, Central Davis Sewer District added that not all the data would be scientific. There could be economic data etc and that the language should remain to allow the commission to make decisions. There are plenty of situations where the commission would want to contract with agencies such as Bird Counts. This has already been done by the Division of Wildlife Resources. The Commission may want to give them equipment etc to continue their work. In addition the agencies work with other agencies such as USGS to partner and leverage funding. The Commission would contract with the agency not the Science Panel. The Science panel would be suggesting the researchers and the work to be done. He suggested that these are details that the Commission would decide rather than the Council in its recommendations.

Bill Ross, Ross and Associates suggested the first bullet under structure be separated into 3 sentences. "It shall establish a balanced Science advisory Panel. It may appoint ad hoc committees... It may establish stakeholder and other committees of key involve interests...."

Mike Mower, Governor's Office of Planning and Budget commented that the legislature will be reviewing and amending this structure and the legislative person sponsoring the bill would be presenting it.

David Livermore, the Nature Conservancy said that there are 2 suggestions Bonnie Baxter has made. One was to review the language in the structure. Bill Ross addressed this by separating the language into 3 sentences. The second one was the conflict of interest. He suggested addressing that in the discussion of the Science Panel

Walt Baker, Division of Water Quality commented on the second bullet under structure. He said that usually the Chairperson and Vice Chairperson are elected by the body and not the Governor.

Mike Mower, Governor's Office of Planning and Budget agreed that other Boards do it that way and it empowers the board members who know the best representatives.

Don Leonard, Utah Artemia Association called a vote all those in favor that the members of the Commission select the Chairman and Vice Chairman. All were in favor.

Comments/Questions Regarding Accountability:

Mike Mower, Governor's Office of Planning and Budget commented that there should be additional wording that the Commission shall be accountable to the Governor of Utah and to the Utah Senate Legislature, subject to senate confirmation and indirectly to the Public.

Comments/Questions Regarding Specific Tasks:

Corey Milne, Great Salt Lake Minerals commented is health in "lake health" a scientific term or does include economic health etc.

Bonnie Baxter, Westminster College remarked that it is not just scientific.

David Livermore, the Nature Conservancy commented to Responsible Agencies under Specific Tasks. Since the Council's recommendations are advisory and reviewing responsible agency work is spotlighted under this task, instead of the "extent possible" is it better to say "The commission will request"

Bill Fenimore, Wild Bird Center of Layton suggested that the words "To the extant possible" be struck so that it reads "The Commission will request each state and federal agency responsible for any material aspect of GSL Management to submit....." All were in favor of this change.

Bill Ross, Ross and Associates added that the respective agencies should be added to "The Commission will review these plans and budgets and provide comments to the respective agencies, the Governor, the Legislature and the public" He said for this to work efficiently the agencies who are accountable to Commission see the effort as a collaborative effort between the agencies and the Commission.

Don Leonard, Utah Artemia Association suggested that the in the sentence "The Commission will identify federal, state and local agencies are responsible for implementing measures to achieve the desired lake health" instead of "ecological health" because lake health was defined rather than ecological.

Bill Ross, Ross and Associates added that local should be included with state and federal agencies consistent with the other references.

Don Leonard, Utah Artemia Association under State of the Lake Report, bi-annually was changed to every 2 years to better define the frequency of reporting. Instead of "State of the Lake" it will be changed to "State of Great Salt Lake" to address comments by Council Members.

Bill Fenimore, Wild Bird Center of Layton asked if impediments encountered would be reported. Don Leonard, Utah Artemia Association said the intention is to leave a broad definition for the report but yes impediments should be included

Regarding Specific Tasks/Strategic and Management Plans:

Mike Styler, Department of Natural Resources said that the Division of Forestry, Fire, and State Lands will be redoing the Master Plan by 2010. He was hoping that the Division would work in concert with the Commission when doing the Master Plan. He would like to see more involvement with this in the language of the recommendations.

The Council changed the wording to "the Commission will at its discretion review existing plans and participate in the development of new plans including but not limited to the GSL Comprehensive Management Plan..."

Regarding Specific Tasks/Permit Review

Corey Milne, Great Salt Lake Minerals asked if permits that have a material adverse impact or a material impact be reviewed.

The council took out "adverse" from "material adverse impact"

David Livermore, the Nature Conservancy asked what material means and if it is a legal term.

Don Leonard, Utah Artemia Association answered that it is a legal term and is counting out insignificant actions otherwise the Commission would have to review every permit.

Bonnie Baxter, Westminster College commented on the word “timeframes” and asked if this could be taken out because the Science Panel work may not fall within the timeframe of agency rules.

Don Leonard, Utah Artemia Association replied that each agencies rules have established timeframes that the law and public must abide by. Requests could be made but it would be too cumbersome and may not be legal to do so.

Walt Baker, Division of Water Quality said The Division of Water Quality has significant dialogue before a Discharge Permit is put to rule. The commission would be engaged in the development of the permits prior to public input.

Leland Myers, Central Davis Sewer District said those processes will be developed and defined by the commission. The Council’s recommendations are designed not to amend administrative rules.

Corey Milne, Great Salt Lake Minerals clarified that the commission and the public will review the permits. If the commission makes a recommendation then the process may change but the work will be done within the agencies timeframes.

Mike Styler, Department of Natural Resources said the commission will review any permits in accordance with the GSL Comprehensive Management Plan. FFSL still has it’s statutory responsibilities however if the commission participates in the Master planning process then when a permit is developed it would be simpler to say is it in concert with the master plan or not.

Walt Baker, Division of Water Quality said the Master plan is the bigger picture than the permit level especially for discharge permits. He suggested that the processes and agreements will evolve over time instead of here in the recommendations.

Don Leonard, Utah Artemia Association added that there may be other things that the commission may want to comment on besides the Master Plan.

Bill Ross, Ross and Associates said that the Commission, as written, will be focusing on lake health. There will be a lot of plans and processes developed within that mission. An accountability commission oversees instead of administrative Commission that performs functions. An accountability commission is not linked to any on process or plan.

Don Leonard, Utah Artemia Association commented that as written the Commission does not preclude FFSL, the option exists but is not stated in the recommendations.

Mike Mower, Governor’s Office of Planning and Budget suggested that the commission’s involvement with the development of the master plan would give it more authority.

Bill Fenimore, Wild Bird Center of Layton suggested that the commission could review permits in continuity with the master plan as a touchstone

Corey Milne, Great Salt Lake Minerals clarified that the language written as it is meets the goals of the recommendations.

Don Leonard, Utah Artemia Association included language that under the Strategic and Management plans it will say "will review existing and participate in the development of new plans including but not limited to Great Salt Lake Comprehensive Management Plan"

Comments/Questions Regarding Funding:

Walt Baker, Division of Water Quality said that he was wondering how to distinguish between those counties that discharge directly to the lake as opposed to indirect dischargers

Bill Fenimore, Wild Bird Center of Layton suggested that the fee include all counties that are involved and surround the lake.

Leland Myers, Central Davis Sewer District clarified that the fee would be per connection charging those who directly discharge to the lake. If it made a difference to the legislature whether this got passed he suggested taking out Box Elder and Tooele Counties because they are indirect dischargers to the lake.

Lynn de Freitas, FRIENDS of Great Salt Lake said the benefits of the resource go to everyone, so everyone should be charged the fee.

Corey Milne, Great Salt Lake Minerals clarified that the reason this was recommended was because it was a simple way of collecting funds and was not designed to proportionally charge per user. To find funds for a future commission the sub-committee recommended this new mechanism using a system that is already in place. It is a secure reliable long term way that is easily applied.

Mike Styler, Department of Natural Resources said that Representative Ferry would not be in favor of Box Elder contributing to the Commission.

Neka Roundy, Mayor of Kaysville suggested that the Utah League of Cities and Towns should be involved.

The Council voted in favor as written taking out the "Note: to be considered but not yet recommended" from the recommendation

Representative Ben Ferry joined the meeting by phone.

Representative Ben Ferry had three issues. He asked who would report to whom. His opinion was that there is no legislative authority that would have other agencies submit to an advisory commission. The second issue was funding. He pointed out that funding for the commission under this scenario would be more revenue than FFLS gets. The third issue is who pays the fees.

Leland Myers, Central Davis Sewer District replied that the intent is for the funding to support the science to allow the commission to make decisions for the lake. To create the first water quality standard for selenium for GSL, cost \$2.5 million dollars. From a sewer district perspective, it is better to pay 50 cents a month to get the science right rather than 20 dollars to upgrade facilities based on faulty science. Every waterbody has a threshold where nutrients could be a problem. Every major facility treats nutrients as auxiliary functions of their treatment. Upgrades would be extremely expensive.

Comments/Questions Regarding Participation:

Don Leonard, Utah Artemia Association discussed the participation list that included comments from the February meeting and an additional members list.

Comments/Questions from the Council:

Corey Milne, Great Salt Lake Minerals asked if legislators can be a member of the commission. Mike Mower, Governor's Office of Planning and Budget replied that this commission would probably be created by the executive branch, which is appointed by the Governor and confirmed by the Senate. Legislators usually play the policy role. They will put forth what the commission will be acting upon.

Representative Ben Ferry said that it depends what this commission will do. The Wildlife Board doesn't have legislative representation. Oversight comes through the appropriation process. If the commission is subject to appropriations and has purview of the legislature than it can't have legislators as members.

Mike Styler, Department of Natural Resources said if this commission were like the Utah Lake Commission which has legislators on it and operates under the Interlocal Cooperation Act than it is possible but only state agencies can operate on that model.

Don Leonard, Utah Artemia Association asked that based on what is now being proposed, an independent commission with a secure funding source that is not appropriated by the legislature, is this model, where legislators are part of the commission be recommended. The reason being that as recommended the Commission would have an advisory role and would derive authority by the commission members' positions.

Mike Mower, Governor's Office of Planning and Budget replied that it was possible and the participation list could have 13 members and if not, then they will be removed from the participation list with 11 members left.

Don Leonard, Utah Artemia Association handed out an alternative participation list that is posted at <http://www.gslcouncil.utah.gov/docs/GSLACParticipationList.pdf> It presented 3 scenarios of participation.

Mike Mower, Governor's Office of Planning and Budget suggested that a member from the Governor's Office should not be on the commission because it would be a governor appointed commission and suggested replacing that member with a member from the public at large who is a neutral arbitrator. For the Executive Directors of DNR and DEQ he suggested adding his or her designee. He also suggested excluding the Director's of FFSL and DWQ. The reason the Governor

appointed a stakeholder Council is because he would like to see this future commission be comprised of stakeholders instead of weighted towards state employees.

Don Leonard, Utah Artemia Association said that FFSL, DWR and DWQ members were suggested because these agencies directly deal with GSL.

Mayor Neka Roundy, Kaysville City asked if marketing/tourism and education should be added or would that be something the commission would contract out.

Lynn de Freitas, FRIENDS of Great Salt Lake asked what natural resource meant under Representative of Industry.

Corey Milne, Great Salt Lake Minerals replied that oil drilling is an example.

Colleen Johnson, Tooele County Commissioner remarked that if the counties are represented by the legislators then perhaps the legislators should come from the 5 counties that surround the lake

Bill Fenimore, Wild Bird Center of Layton suggested that the member from the senate be someone who is also on the Natural Resources Sub Appropriation Committee. Agreed with Mike Mower, that the Governor can get counsel from state employees and that more members from diverse interests be on the commission rather than Directors of the State Agencies.

Mike Mower, Governor's Office of Planning and Budget suggested that the Directors of FFSL, DWQ and DWR could be added as ex-officio members to get their input without them as voting members so the commission doesn't get too large.

Don Leonard, Utah Artemia Association replied that this was the balance needed to form a commission that is advisory but has the clout and authority to take action because of its member's positions. He said he preferred not to put his or her designee after the Executive Director's positions so that they will be at the table instead of a designee.

Mike Styler, Department of Natural Resources said that if it was him or his/her designee that it should be the Director of FFSL because they own the lake bed and should be on the Commission because he doesn't understand all the statutory responsibilities that they have. He said he would like to be there to represent the other Divisions from Wildlife Resources, Parks and Recreation, Oil Gas and Mining, Water Resources and Water Rights. He sees it differently than Mike Mower because in addition to representing the Governor, he wants to represent the statutory responsibilities of the Divisions.

Dave Livermore, The Nature Conservancy suggested that the industry representative could be a representative from tourism, and that the body be a 11 member commission with the Directors of FFSL, DWR and DWQ as ex-officio members.

Mayor Neka Roundy, Kaysville City suggested that tourism be placed under Representative of Sportsman, Waterfowl Wildlife or Recreation or public at large.

Representative Ben Ferry suggested that the legislative members be removed, add his or her designee after Executive Directors of DNR and DEQ, and the Division Director's of DWR, FFSL and DWQ be non-voting ex-officio members because they have the expertise. The Governor and legislature will have oversight when they propose the budget.

Don Leonard, Utah Artemia Association asked if there was consensus that the following changes be incorporated and then reviewed at the next meeting; Division Directors be non-voting ex-officio members, change the representative of the Governor's Office to the public at large and place tourism under the public at large and if the his or her designee to the Executive Director's positions, keep the legislators upon their election.

4. Sub-Committee Recommendations and Discussion: Science – Dr. Bonnie Baxter, Westminster College

Dr. Bonnie Baxter, Westminster College gave a presentation titled "GSL Science Advisory Team to support a GSL Commission" and is posted at <http://www.gslcouncil.utah.gov/meetings.htm> She presented the results of feedback from 23 multi-disciplinary people on a science panel in support of a GSL commission.

Comments/Questions from the Council:

Corey Milne, Great Salt Lake Minerals asked if the research and recommendations from the Science sub-committee would be submitted with the recommendations. He suggested that the research be part of a separate document that would go to the commission because it is valuable information but not included as part of the recommendations document.

There was a group discussion about the communication and structure of the science panel and how they will report to the Commission, who would participate, possible conflicts of interest and the breadth of work.

David Livermore, The Nature Conservancy added that it needs to be defined what the science panel will do, who will be on it and how it is organized.

Leland Myers, Central Davis Sewer District said he was in favor of what was proposed. He said that we are all bias and that he is in favor of balanced bias on who will be serving on a science panel and compensation for the panels' time. He thought that the structure and participation list for the science panel should be decided by the commission.

Bill Fenimore, Wild Bird Center of Layton suggested that the Commission drives and prioritizes the work then the science panel carries out the requests.

Bill Ross, Ross and Associates summarized the Council's suggestions.

Corey Milne, Great Salt Lake Minerals asked if those on the commission get compensated.

Mike Mower, Governor's Office of Planning and Budget added that the model recommended by the Council is similar to the Quality Growth Commission which is a multi agency commission from the

governor's office with 1 paid staff member. It all depends on funding and what is passed by the legislature.

Corey Milne, Great Salt Lake Minerals asked how the panel and the commission communicate

Bonnie Baxter, Westminster College replied that the chair of the science panel should communicate between the panel and commission. Transparency needs to be in place including open meetings.

Representative Ben Ferry said that all meetings should comply with meeting law. If not, then the group will have to apply for an exemption which is a statutory requirement.

David Livermore, The Nature Conservancy suggested that under the Role of the Science Advisory Panel that language be added that includes principles of who would be on the science panel.

The Council agreed to the changes and suggestions made to the Role of the Science Panel. Ross & Associates would produce a draft of the changed language 2 weeks before the April 22, 2009 meeting for the Council's review.

5 Sub-Committee Recommendations and Discussion: Marketing – Mayor Neka Roundy, Kaysville City

Mayor Neka Roundy, Kaysville City presented the report of the communications and marketing subcommittee that incorporated the suggestions from the February meeting. The report is posted at http://www.gslcouncil.utah.gov/docs/GSLAC_Marketing.pdf

Comments/Questions from the Council:

Corey Milne, Great Salt Lake Minerals asked where this communication/marketing plan be placed, in the recommendations or an addendum

Don Leonard, Utah Artemia Association said that the plan is how to get it adopted by the legislature

Mayor Neka Roundy, Kaysville City said it's both a plan for getting a commission adopted and a tool for future marketing by the commission.

Bill Ross, Ross and Associates will work with Neka to fill out the plan.

Bill Fenimore, Wild Bird Center of Layton asked if there is funding available to market the commission.

6. Sub-Committee Recommendations and Discussion: 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 which is posted here http://www.gslcouncil.utah.gov/docs/Great_salt_lake_mission_draft3_1.pdf

Don Leonard, Utah Artemia Association handed out an alternative Mission Statement which is posted here http://www.gslcouncil.utah.gov/docs/GSLACMission_DL.pdf

The Council decided that to combine the Mission Statements to include Lynn de Freitas' and Leland Myers' Mission Statement and Don Leonard's' Objectives.

7. Future Work and Schedule– Facilitator Bill Ross

The next meeting is on April 22, 2009 from 12:00 to 5:00 PM at DEQ Room 101.

Work to accomplish before and at the next meeting:

- Bill Ross and staff will converse with the sub-committee chairmen and draft the recommendations for their review and then Council review prior to the next meeting
- Bill Ross and staff will draft appendices that will ultimately be incorporated into a final report but not in the recommendations.
- Outline of final report to the Governor
- Mike Mower will make an appointment between the Governor and Council in May or June.
- Need to package this for the governor and the legislature