

DEPARTMENT OF NATURAL RESOURCES
COMMENTS CONCERNING THE
DRAFT GREAT SALT LAKE COMMISSION PROPOSAL
(4-21-09)

1. The Commission must be truly advisory and a resource to agencies with responsibility for the lake. The current draft confuses these roles and attempts to create policy direction that might well be inconsistent with the responsibilities of managing agencies. Without this clear and explicit restriction the Commission could, through its own independence, attempt to establish a course of direction for the agencies that manage the lake that is contrary to their mandates.
2. The proposal as currently written establishes an independent body that answers to itself and which sets its own agenda without collaborative outreach to the managers of the lake and the scientific expertise already existing within the managing agencies.
3. Any recommendation of the Commission must be limited to assisting the responsible managing agencies of the lake. The creation of policy and direction must be left with responsible agencies.
4. Any attempt of the Commission to establish time tables, require permit review, or other obligations of agencies to the Commission is unacceptable. Agencies responsible for the Lake will work with the Commission on issues of mutual concern in a cooperative and not a mandatory manner depending on budget and manpower available.
5. The mission and goal of the Commission should be to cooperate with and complement the work and responsibility of the managers of the lake. Current language creates the presumption that it is a policy making Commission that will establish goals, standards, and scientific determinations of what will happen on the lake. Those policy decisions should be left to the agencies who have responsibility for the lake.
6. The draft proposal is lacking in any acknowledgment that the Commission

and its decisions are subject to the Public Trust Doctrine, statutes created by the Legislature, and management plans that govern and control the lake.

7. The Legislature has dictated multiple use of the lake and its resources. It is not controlled by any one phase or aspect of lake use. The proposal does not recognize such use. It states that the Commission “may” consider multiple use when the statutes mandate multiple use.

8. There is no recognition in the document that this body and its decisions will be subordinate to the authority of the agencies that have authority over and around the lake, including water rights, property rights, legal authority and responsibilities, and legislative mandates.

9. There has been a long history of boards and commissions that from time to time have had limited life spans and missions to oversee what takes place on the lake. Any new Commission should be a permanent body with a vested interest in helping and supporting managing agencies to fulfill their responsibilities by providing cooperative efforts.

10. Any proposed Commission should be made up of elected or appointed public officials representing the agencies, municipalities, counties, and special districts that have responsibility and jurisdiction over and around the lake. It should not include non-governmental members. This Commission would then be supported by strong technical committees represented by public entities and organizations that have expertise in the technical aspects of the lake.