

## Response to Public Comments

Pursuant to Utah Statutes 65A-2-2 and 65A-2-4 and the implementing regulations of R652-90, FFSL is empowered to prepare and adopt management plans for sovereign lands and resources. R652-90-200 provides, in part; “These procedures establish comprehensive land-management policies using multiple-use, sustained-yield principles in order to make the interest of the beneficiary paramount. Management plans shall guide the implementation of stated management objectives, and provide direction for land-use decisions and activities on sovereign lands.”

Pursuant to R652-90-600, management plans may be approved as follows:

1. Comprehensive management plans shall be published in draft form and sent to persons on the mailing list established under R652-90-400, the Governor’s Office of Planning and Budget, and other persons upon request.
  - (a). A public comment period of at least 45 days shall commence upon receipt of the draft in the Governor’s Office of Planning and Budget.
  - (b). All public comment shall be acknowledged pursuant to 65A-2-4(2).
  - (c). [FFSL]’s response to the public comment shall be summarized in the final comprehensive management plan.
  - (d). Comments received after the public comment period shall be acknowledged but need not be summarized in the final plan.

The following twelve comments were received during a 45-day comment period that began on Monday, March 16, 2009 when the Governor’s Office of Planning and Budget was informed that the draft plan had been posted on the website of the Utah Lake Commission. The comment period ended on Thursday, April 30, 2009.

Responses to the comments were completed by representatives of the Utah Division of Forestry, Fire & State Lands with input from members of the Utah Lake Commission.

An identifier consisting of the letter “L” and a number has been assigned to each comment (e.g., L.1). Comments have also been identified by the name of the individual and/or organization making the comments and if provided, contact information.

Responses to the comments include the identifier as well as a response number (e.g., L.1.R.1) and are placed adjacent to the pertinent language of the comment.

**Responses to Comments made on the Draft Utah Lake Master Plan dated February, 26, 2009**

<p><b>Great Salt Lakekeeper P.O. Box 522220 Salt Lake City, Utah 84152 801-485-2550</b></p>	<p><b>L.1</b></p>
<p>In general, Great Salt Lakekeeper believes the Draft Master Plan is woefully inadequate and seriously flawed as a comprehensive management plan, especially given the fact that the Plan is meant to guide responsible use and protection of the public trust resources of Utah Lake, which is the largest freshwater lake in the western United States. Overall, the Plan fails to provide sufficient management criteria for establishing measurable outcomes and accountability for resource managers and trustees. More specifically, the Plan is seriously deficient in specific measurable actions, outcomes, products, or timeframes, and lacks any methodology for evaluation and assessment. This is largely due to the fact that the Plan is poorly organized and written – the vision, goal and objective statements are improperly drafted and fail to incorporate scientific data or rationale, historical information, current regulations and ordinances, or targets. The net effect is that the Plan represents a collection of community intent and desire, but is utterly useless as a comprehensive resource management plan.</p> <p>Another significant problem with the Plan is the fundamental organizational framework and lack of public involvement. The Plan establishes a lethargic and cumbersome organizational framework that is based on a top-down approach. Consequently, the Plan discourages public and community involvement in the management of Utah Lake. The fact that relatively few people from the community that participated in various public meetings, open houses and comment opportunities substantiates this claim. In addition, the Plan fails to identify meaningful opportunities for public involvement in the implementation, modification or oversight of the management processes. Without active and meaningful public participation in the management of Utah</p>	<p><b>L.1.R.1:</b> The measurable tasks are identified in Appendix C for the Commission with outcomes, staffing assignments, and timeframes associated with each prioritized task. Other agencies will develop their strategies following adoption of the plan.</p> <p><b>L.1.R.2:</b> The visions, goals and objectives were written with intense public participation. The background data, current conditions and regulations are in the Statement of Current Conditions 2008 located in Appendix C.</p> <p><b>L.1.R.3:</b> There was public involvement from the start of this project and ample opportunity</p>

Lake, the objectives identified in the Plan will not get accomplished.

Finally, the Plan is contradictory and lacks clarity in purpose. Great Salt Lakekeeper believes the Plan fails to clearly ensure the protection of public trust resources and the primacy of public uses of Utah Lake with respect to community and economic development. Throughout the Plan, various goals and objectives contradict each other creating confusion in terms of what the ultimate priorities are going to be. In addition, the Plan fails to provide checks and balances to ensure responsible use and protection of the public trust resources of Utah Lake. Given the fact that non-resource managers will be mostly responsible for implementing the Plan, the need for objective and measurable criteria and checks and balances is crucial for maintaining the integrity of the Lake and the natural resources.

for the public to make comments throughout the process, including the six public meetings, monthly board meetings, visioning workshop, mapping workshop, on-line surveys, Resource Development Coordinating Committee, and continual email comment opportunity. Public involvement was available to all who wanted to participate. The entire process was open and public participation was encouraged.

**L.1.R.4:** There are ample opportunities for the public to get involved in the implementation of the plan including: attending and participating in the monthly board meetings, Resource Development Coordinating Committee (on specific projects), and the Public Advisory Group (a subcommittee of the Utah Lake Commission). Modifications are handled through the Plan Amendment process. See 6.1.2.

**L.1.R.5:** The plan strikes a balance of conflicting uses on Utah Lake as required in statute (UCA 65A-2-1). The priorities (Tier One Tasks – Appendix C) are also identified.

**L.1.R.6:** Responsible use is up to the user. However, no agency, or local government has abdicated their responsibilities in their own jurisdiction; resource managers are still responsible for the management of their respective resource(s). Enforcement is an

Great Salt Lakekeeper does not support the Draft Management Plan for Utah Lake, and recommends that the Utah Lake Commission extend the timeframe to rework the planning document. Great Salt Lakekeeper will follow up with more detailed comments regarding the specific goals and objectives contained in the draft Plan.

**[Detailed Comments]**

**Section 2.0 Introduction.**

Section 2.1 and 2.2. The Utah Lake Commission claims to have solicited public comments from interested stakeholders. The public outreach and solicitation was not effective or far-reaching, which is evidenced by the lack of public responses documented in the planning document.

Also, the Utah Lake Commission fails to allow for public interest representatives on the Commission, therefore eliminating public participation in all of the Commission processes.

In section 2.2, table of regulatory authority, the plan fails to identify the Utah Division of air Quality as having any role to play, which is an important agency to include. Air quality and water quality are directly related. Also, the

interweaving theme throughout the plan, whether it is water quality enforcement, wildlife poaching, criminal misconduct, zone violations, or any other activity that violates the law.

**L.1.R.7:** The Utah Lake Commission and the Division of Forestry, Fire and State Lands have dedicated substantial time and effort over the past year toward the completion of this plan.

**L.1.R.8:** Our mailing list contained over 300 names and included stakeholders, adjacent landowners and other interest groups. The website that was available to all, included a place to sign up for either emails, or snail mail notifications. Notifications were made in newspapers, news releases, and utility bills,

**L.1.R.9:** Special interests are invited to participate through the public advisory group, a subcommittee of the governing board. The bylaws of the governing board allow local government officials (representing public interests) and state officials on the governing board. (See bylaws of the Commission)

**L.1.R.10:** We have changed the table to incorporate your suggestion.

Utah Division of State Parks has regulatory authority over populated waterways throughout the state, but is not mentioned in the table.

Section 2.4. The Utah Lake Commission outlined objectives for the Master Plan. The Plan fails to provide a decision-making framework to meet objective #1 and #3. The Plan also fails to define or explain what is meant by a “solid policy framework” that will guide future decision-making for Utah Lake.

The Plan fails to provide explanation of how the Master Plan boundaries were decided. The study area seems to small in many areas around the lake.

Section 2.6.1. Public involvement in the planning process and document preparation was not effective. Our organization received no notifications of any public meetings or invited to participate in any part of the preparation of this plan.

Also, in outline of scope of planning document process, no mention of environmental enforcement is mentioned. Throughout the document, enforcement of public safety laws is mentioned, but scant is written to describe the enforcement of environmental laws and regulations such as the Clean Water Act.

Section 2.6.2. Public involvement in the planning process was woefully inadequate. This is evidenced by the low numbers of people that attended public open houses or submitted responses and comments. Obviously, the public outreach was not adequate or robust.

**L.1.R.11:** The Statement of Current Conditions compiles relevant information for decision makers who may or may not be members of the Commission. The plan provides the policy framework that guides future decision-making for Utah Lake. The plan is as much a guide for resource managers, administrators and others as it is for the Commission.

**L.1.R.12:** The study area (planning unit) comprises the lake with adjacent uplands. The planning unit was decided by the Commission.

**L.1.R.13:** See Response L.1.R.3. There were also multiple articles in both the Salt Lake and Utah Valley newspapers and on television.

**L.1.R.14:** Environmental laws will still be enforced by those agencies charged with enforcing those laws. The plan does not change statutory authorities nor is statutory authority abrogated by this plan.

**L.1.R.15:** See Response L.1.R.3.

Section 2.6.3. Role of consultant is weak and unprofessional. Outreach efforts were not adequate. Draft Plan is not written in a legitimate plan format. Goal and objective statements are not properly constructed, and provide no measurable outcomes and timeframes. Most of the goal and objective statements are simply rewording of policy statements and vision statements

Sections 2.7 and 2.8. The Plan fails to provide several other important frameworks. Plan identifies the Public Trust Doctrine, but fails to provide documentation of State Administrative Rules, Utah Code, the TMDL, or requirements found in federal regulations for planning and managing water quality found in section 208 of the federal Clean Water Act..

Section on the Public Trust Doctrine needs to be rewritten to include historical significance of the Doctrine, including Doctrine of Equal Footing, relationship to Magna Carta and Code of Justinian. Also, this section states that the Public Trust Doctrine has primacy, but the rest of the Plan fails to mention the Public Trust Doctrine in any goals or objectives. Also, the Public Trust Doctrine allows for uses and consumptive uses of public trust resources, but does not allow for diminishment of the capital of those resources. This needs to be mentioned. Also, Utah Lake is a state owned resource, and should be managed and planned for the benefit of all Utahans, not just residents of Utah County. Plan assumes that the Utah Lake Commission is going to somehow override state agencies that have regulatory authority to manage the lake and take responsibility for many action items away from those resource agencies. Further, the Public Resource Doctrine does not allow for flexibility in terms of allowing private interests and local governments to expropriate or diminish the public trust resources. The first element of the Plan should be to establish the primacy of the public trust resources, and that all other policies, goals and objectives should take a subordinate position. The health and functionality of

**L.1.R.16:** There are many legitimate formats for writing plans, and the plan format was approved by the governing board. Goals and objectives flowed from the vision statements. Tasks, outcomes and timeframes for the Commission are located in the implementation section, Appendix C. Other agency implementation strategies will be developed following plan approval

**L.1.R.17:** Local, state and federal regulations are still in place and still enforced by their respective agencies. The plan nor the Commission usurps authority given to various agencies to carry out their respective mission.

**L.1.R.18:** The plan is not intended to be comprehensive monograph on Utah Lake. The steering committee saw no need to include historical significance of the Public Trust Doctrine.

**L.1.R.19:** The Public Trust Doctrine describes the relationship between the state, sovereign lands and the public but not necessarily a goal. There are also substantial portions of the plan that do not pertain to lands subject to public trust.

**L.1.R.20:** Use of the resources at Utah Lake is not restricted in any way to Utah County residents. No municipality, state or federal agency has given up any authority or responsibility and given it to the Commission. The Commission makes recommendations

Utah Lake for future generations should always come first, human desires and consumptive uses and development should be subordinate. This is not clearly understood from the Plan.

**Section 3.0 Vision Statements**

Section 3.2. Vision Statement does not describe future desired condition of Utah Lake as a healthy, functioning ecosystem or a productive fishery, or as a sustainable resource. Vision Statement needs to be reworked to provide more desired future condition statements. Disagree with approach to craft vision statements as if the conditions were accomplished some time on the future. Need to draft statements of what we want Utah Lake to become.

Sections 3.3 and 3.4. Some of the more specific vision statements contradict each other. For example, land use and shoreline protection conflicts with vision of having elaborate transportation system that circumvents the lake. Trail system contradicts shoreline preservation. Land Use and Shoreline Protection should state something like: Utah Lake has a healthy and robust shoreline that supports wildlife, lake function and provides for other land uses according to a well defined plan and set of ordinances. Land Use Vision statement needs to be rewritten. Transportation vision statement needs to be rewritten. Recreation vision statement needs to be rewritten. Natural Resource vision statement needs to be rewritten. Public Facilities vision statement needs to be rewritten. All of these vision statements and the more specific vision statements need to be rewritten to better describe the future desired condition of the lake due to planning and management efforts. Also, vision statements should be checked to see if the list of desired future outcomes is even realistic and for conflicts. Again, as an example, an intricate web of trails and roads conflicts with vision of healthy, protected shoreline with functional wildlife corridors. Also, some agencies have developed policies and guidelines that conflict with these vision statements. For example, the Utah DWR does not support wildlife in urban and populated areas, especially big game. So having resort and recreational-oriented development, trails and roads and wildlife corridors is inconsistent with agency policies. Also, as another example, mosquito abatement

only. They pass resolutions, which are non-binding to any authority on the lake.

**L.1.R.21:** The vision statement for natural resources was derived from public input, and the visioning workshop. It supports healthy population of desirable species of plant and animals (including a healthy fishery), and protection and preservation and enhancement of other natural features.

**L.1.R.22:** The transportation system (i.e.trails) does not violate the space for buffers and shoreline protection. There are setbacks for the trail and other transportation goals.

**L.1.R.23:** Vision statements were derived from substantial input from the public, the technical committee, steering committee and the Commission.

**L.1.R.24:** The plan attempts to avoid conflicts between goals but where there is overlap, the classification map guides the uses on the sovereign land and the local planning and zoning will guide the uses on the uplands. The plan also recognizes there are conflicts between uses and attempts to balance these in accordance to the policies within the plan and within the authorities of the responsible agencies, municipalities and local governments.

is in conflict with supporting wildlife habitat because the mosquitoes are an important food source to fish and avian wildlife. Also, this section needs to be checked to determine if wish list is too extensive. Utah Lake cannot support everything that the whole community wants. Some limitations need to be set, and carrying capacity needs to be considered. Nothing in vision statements suggests that human activities need to be adapted to the lake and what it can support over time.

#### **Section 4.0 Policies, Goals, and Objectives**

Overall, this is the weakest and worst part of the Plan. The terminology here is certainly mixed up and not consistent with professional resource or community planning. As stated in section 4.1, the Plan allows specific vision statements to become the goals of the Plan. This is not proper for planning purposes. Vision statements are very different than goal statements, and should not be used interchangeably. As the planning document progresses through vision, goal and objective statements, the language changes and the purpose of the statement also changes to help provide clarity and direction. Also, as the planning document progresses, the level of specificity increases. The Vision statements should provide global descriptions of what the community wants to see happen as an end result. The Goal statements should reflect what types of values the community wants to promote, incorporate or work towards accomplishing. The Objective statements should provide specific measurable outcomes over a well-defined timeframe. This section of the Plan fails to provide distinction between vision statements and goals. The Plan also fails to provide useful Objective statements crafted with measurable outcomes and timeframes. The Plan conspicuously omits any framework for evaluation of accomplishments, either due to neglect by the consultants and the Commission, or because the Objective statements were not crafted properly, which would invoke an evaluation and assessment section. Without proper Objective

**L.1.R.25:** Agreed. However, development is driven by market forces, not by the plan. For example, if there is a new marina allowed by the plan on the west side of Utah Lake, no marina will be built unless there is someone willing to take the risk to build it, including obtaining the necessary capital, permits, possible mitigation, etc. It is not expected that all the development proposed on Utah Lake will actually occur.

**L.1.R.26:** See L.1.R.16. Also, to the comment the “plan will likely end up like most plans and sit on a shelf.” It is the intention of the Commission to immediately and seamlessly transition into the development of an implementation strategy for the plan.

statements and evaluation framework, the plan would likely end up like most plans and sit on the shelf. Without these crucial elements, there is no way to measure the activities or successes of the Commission, agencies, or municipalities. In most of the Objective statements, the Plan suggests that the Commission will encourage or support some action, but doesn't identify an outcome, action or end product that will be accomplished within a certain timeframe. This problem with Vision, Goal and Objective statements renders the Plan completely useless for decision-making and management purposes.

Section 4.2. General Policy #2 unclear about what is meant by acquiring private and public lands for implementation of portions of the Plan. Does this mean that public lands will be acquired for private development? Is this consistent with Public Trust Doctrine? General Policies do not include anything about public involvement and participation in decision-making process. Also, General Policies do not outline who is ultimately responsible for making decisions. Some entity must have final decision-making authority depending on the issue

Section 4.3.1. The Land Use and Shoreline Protection Policies are inadequate to guide the goals and objectives. Plan needs to define what "Coordination", "Cooperation", and "Consistent" really mean. These Policies do not provide explanation of what happens when local government actions conflict with plan or the Commission. All too often, local governments take actions according to their self interests, and will most often abandon the collective plan for their own objectives. Policies do not establish means for evaluating when something is consistent or inconsistent with the Plan.

**L.1.R.27:** Land acquisition is covered under Land Use Goal 4. Acquired lands are generally for public use, preservation of natural resources and potential mitigation purposes. Lands acquired under this goal will generally not be subject to Public Trust Doctrine because they are not sovereign lands.

**L.1.R.28:** Ultimate decision making authority resides with the statutorily responsible entity.

**L.1.R.29:** The model ordinance that unifies the shoreline protection is outlined in Objective L-1.2. Also, the role of the Commission is delineated in the bylaws of the interlocal agreement and helps define what cooperation is expected by the members of the governing board.

**L.1.R.30:** Proposed actions will be evaluated for plan compliance before it moves forward to the Resource Development Coordinating Committee. There will be further review by the Commission as well as by Mountainland Association of Governments. See Appendix D page 2 for complete procedures for proposed

Section 4.3.2. Objectives are not written to provide clear measurable outcome over specified period of time. Goal statement is not written in proper goal format. For example, goal might be: “To improve coordination and cooperation between governmental entities in the area of land-use planning.” A possible Objective statement might be: “Develop and adopt a common land-use ordinance for all municipalities surrounding Utah Lake by 2011.” Another example might be: “Create a land-use council or committee that meets monthly to evaluate development proposals by 2011.” In 4.3.2.2, the idea of a model ordinance implies that local governments have the same ordinance and the same approval process and the same evaluation criteria. Since local governments approve projects by a political decision process, this needs to be included in objectives, that a consistent review and approval process be adopted. 4.3.2.3 is a Goal statement, not Objective statement. It might be better restated to say that local governments adopt FFSL’s management objectives and classifications into their land-use ordinances by 2011.

Section 4.3.3. Goal statement needs to be rewritten and clarified from vision statement. 4.3.3.1 does not provide action or outcome. Allows development to simply be oriented to face the lake, says nothing about whether development is appropriate. This section’s goals and objectives do not put the lake first or provide protection of the lake and its resources for future generations.

Section 4.3.4. Goal statement is not that bad, but needs to be rewritten to demonstrate desire “To plan land uses in a way that protects the lake, and provides for flood control, recreation, public access, open space, etc... 4.3.4.1 does identify a product, which is a limited-use buffer area, but does not stipulate the timeframe or the size or characteristics of the buffer. Much of the statement is background information, not needed in Objective statement. Would be better to label this information as intent or something similar. 4.3.4.2 is not an objective. 4.3.4.3 is a goal, not an objective. Also, no end product or outcome and no timeframe.

actions.

**L.1.R.31:** There are many legitimate formats for writing a master plan, and the plan format was approved by the governing board and therefore appropriate. Goals and objectives flowed from the vision statements. Outcomes and timeframes are located in the implementation section, Appendix C. It is the intention of the Commission to immediately and seamlessly transition into the development of an implementation strategy for the plan by each agency having jurisdiction on the lake, and will include responsibilities and timelines.

**L.1.R.32:** Lake-oriented development doesn’t refer to facing the lake, it refers to development that features the lake or is sited because of the lake. All proposals will be evaluated for consistency with the plan.

**L.1.R.33:** The size and characteristics of buffers will be developed in the model ordinance as part of the implementation strategy.

Section 4.3.5. Goal statement does not include wildlife habitat as a purpose. 4.3.5.1 is not an objective. Also, lake is already managed for elevation and flood control. 4.3.5.2 does not anticipate or project the amount of acres to be acquired over a specified period of time. No way to evaluate. Sensitive lands are not defined in Plan and distinguished from non-sensitive lands. 4.3.5.3 no mention of the role of non-sensitive lands is identified in Plan so anyone knows why these lands need to be acquired. Again, no specific amount of acreage or timeframe.

Section 4.3.6. Goal statement is basically sound, but needs rewriting. 4.3.6.1 does not specify actions to be taken and no timeframe. Will Commission get involved after the boundaries are settled, or right now while negotiations are needed? What will Commission do? Also, this objective states that members of the Commission will assist in negotiations, not the Commission itself. Why not the Commission? Which members will assist? Again, remove and separate background and intent language.

Section 4.3.7. Why no Objective statements?

Transportation Policies, Goals and Objectives do not provide a framework for evaluating need, and/or impacts to public trust resources. This section allows for unlimited network of trails and roads around the lake, but no criteria for limiting, moving or avoiding these amenities based on impacts to the lake and public trust resources. Also, some of these goals and objectives conflict with each other and other sections of the plan. For example, a scenic byway should not be developed into a commuter road. Also, a bridge or causeway across the lake would conflict with goals and objectives for recreation and wildlife. Also, the Commission should not be taking on the responsibilities of other agencies that are tasked with that action. The MAG and the Utah County

**L.1.R.34:** Wildlife goals are listed under Section 4.5. Sensitive lands are described in section 4.3.5.1. Sensitive Land Management. Timeframes, responsibilities and outcomes are located in Appendix C.

**L.1.R.35:** Timeframes, responsibilities and outcomes are located in Appendix C.

**L.1.R.36:** Land Use Goal 6 and Land Use Goal 7 are addressed in Objective 4.3.8.1 which combines illegal activities, misuse of resources and public safety into a comprehensive law enforcement objective.

**L.1.R.37:** Any transportation project will be based on whether or not it is consistent with the goals of the plan. Because each project is scrutinized at a number of levels there will be ample opportunity to provide restraint. See Transportation Policy 1. MAG will still plan the transportation routes, but the Commission will be involved in the planning efforts and will

COG already plan transportation.

Section 4.5. This section needs to be flushed out in more detail. Again, Policy, Goal, and Objective statements need to be rewritten to provide clarity, list of action items and outcomes, and means for evaluation. This is the crux of the Plan if it is to be adopted as the FFSL Comprehensive Management Plan. This section does not provide for the enhancement of wildlife habitat, increased abundance or diversity of wildlife, or adequate protection from over development. Also, this section does not include statements about the Public Trust Doctrine, or long-term protection and enhancement of the natural resources for future generations. Also, section doesn't say anything about enhancing sport fishing. Section does not refer to enforcement of environmental laws, or for the Commission to be proactive in protecting water quality. Water Quality should have its own section with several goals and objectives. Also, water quality section should reference the Clean Water Act and focus in on the requirements for Areawide Water Quality Management Planning. Water quality should also include managing pollution away from lake, especially storm water. Object to any reference to dredging and deepening the lake for evaporation control. Also, object to the fact that this section does not have goals and objectives for restoring resources that have been degraded, especially surrounding the lake. The Plan does not reference the Utah Lake TMDL. Objective statements here are useless because they do not provide outcomes or timeframes for resource managers. Also, no way to evaluate responses or feedback from actions taken. Public access should be enhanced and expanded, but not when it creates negative impact to lake and wildlife. Recreational access should be limited and tempered. Most of the objectives here are related to development of recreational resources like boat ramps, harbors and recreation-oriented development. Object to this. See 4.5.7.

Overall, the Plan should develop many smaller plans to guide the various areas, such as Transportation, Recreation, Development, Natural Resources, Water Quality.

make known the plan elements.

**L.1.R.38:** Timeframes, responsibilities and outcomes are located in Appendix C. Goal 4.5.1 deals with the improvement, enhancement and protection of wildlife habitat. Goal 4.5.2 deals with the fishery, including improving the recreational fishery. The Public Trust Doctrine is already covered in Section 2.8. Enforcement is covered in the Land Use Goal 7 in Section 4.3.7. Water Quality has its own Goal and Objective (See Goal 4.5.8, and Objective 4.5.8.1. and the Commission supports the efforts for the TMDL studies. Areawide Water Quality Management Planning is beyond the scope of this planning effort.

**L.1.R.39:** The purpose of the plan is to provide a guiding document for the Utah lake

<p>The Plan places too much responsibility on the Commission to do the work. We doubt the Commission is equipped to do all that it outlines for itself in the Plan, Also, the Plan should more clearly outline which agencies are responsible for which actions and outcomes. If this Plan is to serve as the Comprehensive Management Plan for FFSL, then it needs to have objectives and goals specific to FFSL. Also, none of the policies, goals or objectives have any scientific or historic information imbedded in them, and need to be rewritten to include available information to provide a logical basis for the particular policy, goal, or objective.</p> <p>The public education and outreach for this plan and for anticipated future projects is inadequate and needs to be bolstered. Also, education needs to incorporate the state education standards and objectives for science and environmental education.</p> <p>Great Salt Lakekeeper objects to the Commission ranking the goals. The public should be involved in this process, especially if the Plan guides the use, development, allocation and management of public trust resources. The prioritization needs to be done in a public setting with input from the public and interested stakeholder groups.</p>	<p>Commission and to serve as a Comprehensive Management Plan for the Division of Forestry, Fire and State Lands.</p> <p><b>L.1.R.40:</b> The agencies that have regulatory authority, management authority or administrative authority still have the same responsibilities for accomplishing objectives. The role of the Commission is outlined in Appendix C.</p> <p><b>L.1.R.39:</b> One of the tasks related to the Public Outreach and Education is the creation of a Public Outreach Plan.</p> <p><b>L.1.R.40:</b> The Goals were not ranked per se, but they were prioritized into two tiers with public input, technical committee input and input from the governing board during open meetings.</p>
<p><b>FARMLAND RESERVE, INC.</b>  <b>Warren H. Peterson</b>  <b>Vice President</b></p>	<p><b>L.2</b></p>
<p>Several updates are needed to the “Statement of Current Conditions.” On March 3, 2009 the Utah County Commission approved as a general plan amendment the Goshen Valley Specific Area Plan, which is a long-range plan for the Goshen Valley area to provide for mixed-use communities and other uses. On the same date, the Utah County Commission also rezoned approximately 25,750 acres in the Goshen Valley area to a “Planned Community</p>	<p><b>L.2.R.1:</b> No updates to the Statement of Current Conditions are planned unless specific language is provided. Several updates have been made, but in the fall of 2008 it was decided to focus on the plan development than updating the conditions as they changed.</p>

<p>Zone.” The Utah County approvals call for new freeway and commuter rail corridors that will connect to the Mountain View Corridor to the north and to I-15 to the east. The approvals also anticipate a large industrial park west of Elberta, on which construction could begin in the very near future. (Please see the attached copy of the Goshen Valley Specific Area Plan.)</p> <p>As model ordinances relating to land uses, buffers, trails, and other matters are created, it is critical that landowners be involved in the process. Since implementation of these ordinances will require landowner action and cooperation, we propose that it is important to involve landowners on the front end. Doing so avoids conflicts at a later date and helps ensure that the model ordinances protects critical resources while at the same time protecting property rights and allowing landowners to receive a return from their land.</p>	<p><b>L.2.R.2:</b> Agreed. The public processes that are already in place should continue in the drafting and passing of new ordinances at the local government level.</p>
<p>Transportation planning for the Utah Lake area is critical. Involvement in transportation planning processes should seek to promote investment in the types of infra-structure, such as transit and high-capacity roadways, that can catalyze more intense land uses that provide a wide variety of housing types and price points, offer transportation choices and decreased transportation costs, and reduce development footprint and air pollution. The Goshen Valley Specific Area Plan is an excellent example of far-sighted planning for transportation infrastructure in conjunction with supporting land uses. Mountainland Association of Governments and landowners in the Goshen Valley area have performed significant planning of transportation along the west side of Utah Lake in order to reduce congestion, provide access, improve air quality, and assure quality of life for area residents. We would welcome opportunity to share the information developed to date.</p> <p>The draft Plan addresses phosphorus loading in Utah Lake and other water quality issues. The Utah Division of Water Quality and Utah landowners have a national reputation for cooperative programs that effectively and efficiently improve water quality. We offer our willingness to participate in discussions that would lead to cooperative programs to address water quality</p>	<p><b>L.2.R.3:</b> The plan seeks to participate in the long-range planning in transportation by becoming involved in the Mountainland Association of Governments planning efforts. Regional planning not only makes sense but avoids duplication.</p> <p><b>L.2.R.4:</b> The Commission welcomes participation on all levels. Thank you for your comment.</p>

issues in Utah Lake.	
<b>Dr. Dan Wheeler Ed.D</b> <b>521 E 550 S</b> <b>Orem UT</b>	<b>L.3</b>
<p>The Utah Lake Commission has done an enormous amount of work and collaboration in the preparation of the Utah Lake Master Plan. I commend them for their efforts. Without their interest and concern, none of these comments or recommendations would be feasible.</p> <p>My own background is in recreation and leisure, with experience in water activities and sports, and an interest in developing travel, tourism and improved quality of the environment for preservation, restoration, and conservation purposes. Recreation professionals are interested in improving the quality of life for those they serve, whether it be in a public, private or commercial venue. As a recreation professional, I am interested in all of these facets of developing Utah Lake. I have personal experience teaching using the lake resources, and in using the lake for my own recreational purposes.</p> <p>As was stated in my public comments, it is an untapped gem, and suffers from much misinformation and misunderstanding. Stephen Mather, the first director of the National Park Service, stated that unless people could see and experience the national parks, notably Yellowstone, Yosemite, Zions' and others, they would not know or care about proper use or conservation of those resources. Utah Lake is a case in point. Unless people begin thinking of the lake as a resource by being involved in activities there, they will not support restoration or development. It therefore seems to be critical to get people to go to Utah Lake for more recreational opportunities, and to develop more opportunities at the lake for those purposes.</p> <p>My understanding of the benefits accruing to the people of Utah from the lake are:</p> <ul style="list-style-type: none"> <li>• Water use for irrigation purposes</li> <li>• Wetlands and wildlife refuges</li> <li>• Economic development through fisheries and extraction</li> </ul>	

• Recreational developments

A major issue around perceived water quality would be the control of carp, mosquitoes, and re-vegetation of the lake bottom.

It is my training and experience in recreation which leads me to believe that recreation developments can contribute to the recovery of the lake to a much more attractive and viable condition, and lead to many of the goals established by the commission.

Stakeholders in the lake include private landowners, municipalities, state and county governments and the general public. Municipalities and governmental bodies provide recreation as a mandated activity, and budget large amounts of their resources to provide those amenities. While the lake may be a resource, such a resource requires investment, and governmental budgets are being cut in the present economic climate.

There are some solutions which present themselves as a way to gain the benefits without the major costs by municipalities might incur. This is not a new plan, but one which has been used in recreation for many years. An example of a state which has implemented such a plan is Oregon. Oregon is well known for the quality of parks and camping areas. It is blessed with many scenic and pleasant areas, but like many states, this is a mixed blessing. People want to camp and enjoy the outdoors, but in times of economic downturn there are not the state resources to meet the staffing needs at the popular areas.

Oregon leases the parks and camping areas to concessionaires where such leases would

make sense, and with a standard of performance administered by the state, turns the net loss to the budget into a gain for the state. Leases are either a flat fee or a percentage of the gross income for the park. Leases also run for more than ten years in order for the lessee to invest time and resources into developing the area, after which the state either receives the property, or the same or another concessionaire renews the lease. These processes could benefit all of the stakeholders in such an arrangement.

Since the stakeholders in the Utah Lake Commission have established the

**L.3.R.1:** The control of invasives and nuisance pests are addressed in Goal 4 (Section 4.5.5)

precedent of cooperation among themselves, further cooperation would permit better and more rapid restoration and realization of the lakes' potential. These recommendations could include:

- Permitting long term leases of state, municipal, or private land for recreation development, with appropriate safeguards.
- Permitting initial tax breaks for such development and improvement of the lake.
- Actively promoting through the Utah Lake Commission a clearing house for recreational, educational, and economic development.
- Consider establishing a Utah Lake Recreation District to administer such development. Recreation and the profession have been involved in preservation, conservation, and improvement of opportunities across the United States.

Application of many of those principles learned has the opportunity to:

- Improve public perception and support of Utah Lake
- Improve physical environments on the lakeshore
- Improve water quality
- Help remove invasive species
- Increase travel and tourism to Utah lake and surrounding communities.
- Improve business opportunities by actively promoting recreation businesses which use the lake and resources surrounding the lake.

I have a personal interest in improving the lake as a citizen and as a recreation professional. I would welcome the opportunity to help develop Utah Lake into

**L.3.R.2:** Agreed. This arrangement is already being realized in many parts of the state on sovereign lands where lease arrangements yield some revenue sharing in conjunction with providing a public benefit. The mechanisms are already in place at Utah Lake for the same.

**L.3.R.3:** Tax breaks belong in the realm of the legislature and is beyond the authority of the Commission.

**L.3.R.4:** The Commission is tasked at plan completion to initiate a Public Outreach Plan where encouragement of plan-approved development is intended.

**L.3.R.5:** Creation of a Special District is outside the authority of the Commission.

**L.3.R.6:** Agreed. These are addressed in the plan.

the gem it could be.	
<b>Western Resources Advocates</b> <b>150 South 600 East Suite 2AB</b> <b>Salt Lake City, UT 84102</b> <b>Joro Walker</b>	<b>L.4</b>
<p>National Audubon Society, Utah Chapter of the Sierra Club, FRIENDS of Great Salt Lake, Utah County Birders and Utah Waterfowl Association welcome the opportunity to submit the following comments on the draft Utah Lake Master Plan (“Master Plan”). We appreciate the cooperation, time and effort that have gone into drafting this document. However, we have significant concerns with the Master Plan. First, we find the statement of the State’s Public Trust obligations relative to the sovereign lands of Utah Lake to be insufficient and misleading. In addition, given the management, planning and Public Trust obligations of the Division of Forestry, Fire and State Lands (“Division”), we also find the Procedures for Sovereign Land Management, as outlined in Appendix D of the Master Plan, to be inadequate and contrary to law. Moreover, these procedures and the Division’s interpretation of its management obligations, along with newly implemented planning regulations, will function to prevent the public from being able to challenge administratively any specific proposal to use Utah Lake sovereign lands regardless of the adverse impact to Public Trust Resources. Finally, we comment on the Cross-Lake Transportation Corridor as well as Management Classifications of Three, Five and Six. We address these issues in turn.</p> <p>The State of Utah’s Public Trust Obligations Under the Utah Constitution, all lands granted to the State by Congress, including sovereign lands, “shall be held in trust for the people . . . for the respective purposes for which they have been or may be granted.” Utah Const. art. XX, § 1. When Utah was admitted to the Union, it received from the United States title to the beds of all navigable waters within state boundaries. Utah v. United States, 403 U.S. 9, 9-10 (1971). Utah Lake is a navigable water. The beds of all navigable waters are sovereign lands. Utah Code Ann. §65A-1-1(5) (1996).</p>	<p><b>L.4.R.1:</b> The Division’s management, planning and Public Trust Responsibilities, as described in the Master Plan are grounded in statute and regulations and includes opportunities for public input and participation.</p>

Sovereign lands are afforded special status and protection under the Public Trust Doctrine, which “protects the ecological integrity of public lands and their public recreational uses for the benefit of the public at large.” National Parks and Cons. Ass’n v. Bd. of State Lands, 869 P.2d 909, 919 (Utah 1993); see also Illinois Cent. R.R. v. Illinois, 146 U.S. 387, 455-56 (1892) (holding Public Trust Doctrine prevented Illinois legislature from divesting bed of Lake Michigan to private railroad). “The essence of this [D]octrine is that navigable waters should not be given without restriction to private parties and should be preserved for the general public.” Colman v. State Land Board, 795 P.2d 622, 635 (Utah 1990).

In accordance with the Public Trust Doctrine, the Utah legislature has directed the Division to manage all uses of sovereign lands in a way that “serve[s] the public interest and do[es] not interfere with the public trust.” Utah Code Ann. §65A-10-1 (2008). Based on these principles, Division rules recognize “a public trust over and upon the beds” of the State’s navigable waters, including Great Salt Lake and mandate that the Division must manage these “basic resources of the state” for the “protection of navigation, fish and wildlife habitat, aquatic beauty, public recreation, and water quality.” Utah Admin. Code r. 652-2-200 (1991).

In describing sovereign land management, the Master Plan attempts to explain the relevant elements of the Public Trust Doctrine as that applies to Utah Lake. Draft Plan at 14-15; Appendix D at 1. This effort falls short of adequately describing the Division’s Public Trust, planning and management obligations. For example, the Master Plan fails to cite the core Public Trust obligations set forth in Utah Code Ann. § 65A-10-1 (2008). The Master Plan also neglects to mention the paramount principle of the Public Trust Doctrine to “protect[] the ecological integrity of public lands and their public recreational uses for the benefit of the public at large.” National Parks and Cons. Ass’n, 869 P.2d at 919.

The Master Plan is also misleading when it suggests that the Utah Legislature “has further codified [the] public trust doctrine to include multiple

uses on sovereign land.” Draft Plan at 14. This provision must be interpreted consistently with Utah Code Ann. § 65A-10-1, National Parks and Cons. Ass’n, and other case law interpreting the Public Trust Doctrine. This means, at a minimum, that any use of sovereign lands must serve the public interest and may not interfere with the Public Trust. In addition, this means that, ultimately, any proposed use of sovereign lands is acceptable only if that use is compatible with the protection of the ecological integrity of sovereign lands and the public recreational use of those lands for the benefit of the public at large.

The Master Plan is confusing when it states that “when there are competing public benefits, the public trust requires that those benefits that best preserve the purpose of the public trust under the circumstances should be given a higher priority.” Draft Plan at 14. First, the Public Trust does not protect public “benefits” – but rather the the Public Trust.

Second, the Division has a duty to protect the Public Trust and may not permit proposed uses of sovereign lands to interfere with Public Trust values regardless of the circumstances. Finally, the Master Plan is wrong to speak of the “allocation” of public trust resource.” Id. Public Trust resources are not allocated, they are protected for the benefit of the public. Finally, public access to sovereign lands cannot be restricted unless doing so furthers the Public Trust for the benefit of the public. See Id. at 15.

Moreover, the following statement is misleading: “[T]he bed of Utah Lake [is] regulated so that the protection of navigation, fish and wildlife habitat, aquatic beauty, public recreation, and water quality will be given due consideration and balanced against the navigational or economic necessity or justification for, or benefit to be derived from, any proposed use of sovereign lands.” We understand that this statement reflects Division regulations. However, any regulation must be read and implemented consistently with governing statutes and case law. Therefore, the Master Plan must clarify that the exchange, leasing or selling of sovereign lands can only occur “in the quantities and for the purposes as serve the public interest and do not interfere with the public trust.” Utah Code Ann. § 65A-10-1 (2008). Stated another way, the

Division's ultimate charge is to protect the ecological integrity and public recreational uses of Utah Lake against any proposed use that would interfere with the Lake's Public Trust assets.

Finally, before allowing any use of Utah Lake, the Division must determine whether, individually or cumulatively, the proposed use will "serve" and will not interfere with Public Trust values – navigation, fish and wildlife habitat, aquatic beauty, public recreation, and water quality. In order to accomplish this, the Division must undertake an analysis of the particular characteristics of a proposed use with these values in mind. For example, the Division must consider the impact on Public Trust assets of any construction, operation and maintenance associated with a proposed project, and in doing so must base that determination on the project's location, size, and scope. The Division must also determine if there are similar projects or uses on the Lake and consider the cumulative impacts of those projects and uses on Lake resources. In short, the Division is required to determine the impact of each proposed use – individually and cumulatively – on Public Trust values. Only then can the Division live up to its duty to ensure that the proposed use will serve and will not interfere with those values. Plainly, if the Division cannot ensure this compatibility, the proposed use must be rejected.

#### Proposed Procedures for Utah Lake Sovereign Land Management

The Master Plan sets out Procedures for Sovereign Land Management ("Procedures"), Appendix D at 1-5, however these Procedures are inadequate to carry out the Division's Public Trust obligations. The reason the Procedures fall short is because they do not require the Division to sufficiently analysis whether the proposed use will serve, and thus not interfere with, the Lake's Public Trust values. As stated above, in order to be sufficient such an analysis must comply with § 65A-10-1, and must consider the specifics of a proposed use. Without considering those specifics, the Division cannot determine the impacts of the use on Public Trust values, cannot ensure compliance with the Public Trust Doctrine, and without cannot meet its legal duties. Therefore, because the Procedures do

**L.4.R.2:** See Comment L.4.R.1.

**L.4.R.3:** See Comment L.4.R.1.

not account for the Division's legal obligations and do not mandate compliance with these duties, the procedures are unacceptable.

The Master Plan opens the vast majority of Utah Lake to "consideration of any use." Figure 2.4 – Management Classifications; Draft Plan at 15-16. Under the Procedures, analysis of a specific use that is located, for example, in an area of the Lake "open to consideration of any use," will be approved without meaningful Public Trust review and without the option to deny the proposal altogether. This is true regardless of the size, scope and impact of the proposed use, and is based on the mistaken premise that the area within this zone "require[s] no protection or preservation of resident resources now or in the foreseeable future." Draft Plan at 15. Such a statement directly contradicts the Division's obligations to protect the Lake's Public Trust resources.

While we disagree with this interpretation of the Divisions statutory and responsibilities, it is evident that the Division has taken this exact stance with regard to similar procedures applied to management of Great Salt Lake. The Division maintains, in the context of its approval of proposed use to dike 33,000 acres of Great Salt Lake sovereign lands for mining facilities, that, for example

- ❑ When a comprehensive plan designates available areas for leasing and a qualified applicant nominates the area for active leasing, the Division must lease the area nominated as long as doing so is consistent with the Comprehensive Plan. Utah Code Ann. § 65A-6-5(2) provides "Lands...not encumbered by a current mineral lease for the same resource, a withdrawal order, or other division rule prohibiting the lease of the lands, shall be offered for lease as provided in this section." Memorandum of Points and Authorities in Support of Respondents' Motion for Partial Summary Judgment ("State MSJ") at 3, attached hereto as Exhibit 1.
- ❑ After receiving input from the RDCC and Petitioners during the compliance review, the Division determined that the nominated land was within an area categorized as open for leasing in the Mineral Plan and the Comprehensive Plan (Grierson, at 48), and that there were no

encumbrances, current leases for the same resource, withdrawal orders, or Division rules prohibiting the leasing of the area. (Grierson at 50).

The Division conducted no additional planning because the nominated lease comported with existing plans (Grierson, at 46). Id. at 4.

- ❑ When Petitioners commented to the RDCC and the Division, no planning or adjudication was taking place. Petitioners simply participated in a process where agencies and the public could opine whether the leasing process should proceed as authorized by the plans. Petitioners were not parties to any Division action that could be appealed because no such action had yet taken place. Id. at 6.
- ❑ The Division permitted that which was allowed by the Comprehensive and Mineral Plans, complying with Utah Code Ann. §65A-6-5. Because Petitioners were neither parties to planning nor to an informal adjudicative proceeding or Request for Agency Action, they could seek a consistency review with the Executive Director. The Decision of the Department was correct as a matter of law. Id. at 7.
- ❑ After implementation of the Comprehensive Plan, unless an amendment process is undertaken, no further planning is done for leases on the Great Salt Lake. (Kappe, at 17). Id. at viii.
- ❑ In Utah, Public Trust analysis is conducted through planning (Grierson, at 9) and is not an adjudicative process. Petitioners' claim that the Division is not interpreting or implementing the Public Trust Doctrine creates no substantive cause of action because the Comprehensive Plan incorporated extensive public trust analysis and principles. Petitioners' attempt to challenge the long-standing doctrine set forth in the Comprehensive Plan by attacking the current authorized leasing through collateral means has no basis in law. Id. at 9.

In other words, the Division maintains that once there is a comprehensive management plan, resource management plan or master plan for sovereign lands that makes the decision to open areas of those lands to any uses:

- ❑ the relevant plan "authorizes" the proposed use;

- ❑ the Division does not undertake Public Trust analysis of that specific use;
- ❑ the Division is not free to deny that use;
- ❑ the review process is limited to whether the leasing process should proceed as authorized by the plans;
- ❑ the Division will conducted no additional planning if the proposed use comports with existing plans; and,
- ❑ the public is not a party to and cannot appeal the decision that results from the Procedures.

This approach is illegal when applied to Utah Lake as well as Great Salt Lake. There is no question that the Master Plan does not undertake Public Trust analysis for any specific project. Yet, according to the Division, any proposed use in the area “open to consideration of any use” is authorized by the Master Plan. Moreover, according to the Procedures, the Division will not undertake Public Trust analysis of a specific use when it is proposed, and the Division is not free to deny that proposed use. Therefore, the Procedures imply, the Division’s review process is limited to whether the leasing process should proceed as authorized by the relevant plan, and the Division will not conduct any additional planning if, in its judgment, the use comports with existing plans. Because the Division cannot make such a broad, sweeping commitment without Public Trust analysis, and because it cannot forego Public Trust analysis of a specific proposal, the Procedures are unlawful.

**Issue of Administrative Review of a Decision to Allow a Specific Use**

As established above, under the Procedures outlined in Appendix D, it is the Division’s position that, the public is not a party to and cannot appeal – administratively or judicially – any decision that results from either the Procedures or a decision to allow the specific use. As a result, the Procedures limit the process associated with consideration of a specific proposal to one in which agencies and the public can only “opine whether the leasing process should proceed as authorized by the plans.” In addition, the Division has recently

**L.4.R.4:** There are adequate safeguards in the plan that allows changes to occur in the plan for specific proposals with public input and participation. Also, “Open to consideration of any use” doesn’t automatically permit any use.

amended its planning regulations so that site-specific planning – to which the public clearly is a party – is not necessary in response to an application to use sovereign lands. As a result, the Division has attempted to prohibit the public from either participating in the Public Trust analysis associated with a specific proposal, or appealing whether such an analysis is sufficient. However, because no meaningful Public Trust analysis of a specific use can occur until the details of a specific proposal are known, this means that the public will be excluded from, and will be unable to appeal, the type of decisions that most threaten Public Trust values – allowing a specific proposed use of sovereign lands. This approach is illegal both because it prevents the public from being involved in management of Public Trust resources and because it places this decision making outside of the law. As beneficiaries of the Public Trust, the public has an undeniable legal interest in ensuring that the Trust is properly administered. To deny the public a means to defend this interest is unacceptable.

**The Cross-Lake Transportation Corridor and Provo Bay Transportation Corridor or Dike**

We appreciate the Commission’s desire to await the completion of “appropriate and needed” studies prior to taking a position on any transportation proposal. Appendix E at 1-2. We comment only that, ultimately, any proposal that impacts sovereign lands, such as a plan to establish a cross-lake or a Provo Bay transportation corridor or dike, must be in keeping with the Public Trust Doctrine and must be subject to management planning in a way that allows the public a meaningful opportunity to participate in the decision making process, with full rights to seek administrative and judicial review of any decision that implicates sovereign lands and Public Trust resources.

**General Support for Management Classifications of Three, Five and Six**  
We appreciate and generally support the Management Classifications of Three, Five and Six that are provided on Figure 2.4 on discussed in the text. These classifications provide for Special Consideration in Provo Bay (Class 3)

**L.4.R.5:** There are adequate safeguards in the plan that allows changes to occur in the plan or specific proposals with public input and participation.

**L.4.R.6:** See Response L.4.R.1.

<p>Potential Resource Preservation Areas by Goshen Bay, Benjamin Slough Powell Slough and Bird Island (Class 5) and Resource Preservation Areas for Goshen Bay and Powell Slough (Class 6). While these Classification areas are consistent with the public trust, they should be subject to management planning in a way that allows the public a meaningful opportunity to participate in, with full rights to seek administrative and judicial review of any decision that implicates sovereign lands and public trust resources.</p>	<p><b>L.4.R.7:</b> Agreed. The Division of Forestry, Fire can initiate resource planning any time the Division identifies a need.</p>
<p><b>Genevieve Atwood</b>  <b>30 North U Street</b>  <b>Salt Lake City, UT 84103</b></p>	<p><b>L.5</b></p>
<p>The Division considers the Comprehensive Management Plan a policy document. The description of the proposed action (draft Utah Lake Master Plan – Public Review) does not let agencies know the possible and probable consequences of adopting the comprehensive management plan for Utah Lake. “When adopted, the Master Plan becomes the policy document that outlines the goals and objectives and guides the management decisions in the Utah Lake Planning Unit for the next ten years.” To say “... Because this is a planning process, there are no impacts. However, some of the proposed policies, goals, and objectives may have likely impacts, which will be evaluated if implemented” does not alert the public or other state agencies to the modus oporendi of DFFSL. For example, if the Utah Lake Comprehensive Management Plan allows for a causeway across Utah Lake, then the causeway will be allowed with some modifications.</p> <p>p. 15 of the Plan: “The use of sovereign lands is subject to regulations under FFSL. Because sovereign lands are public lands, any proposed uses must be evaluated balancing the various public trust interests.” Good.</p> <p>The plan DFFSL -Introduction p. 1.  Be explicit... “sovereign lands” are forever-public lands. They can’t be traded away. Below the high water mark, the bed of Utah Lake is public. The public has access just as the public has access to the seashore along the Atlantic and Pacific</p>	<p><b>L.5.R.1:</b> While the Division of Forestry, Fire and State Lands, as well as the Utah Lake Commission, and its member agencies considers the Master Plan public policy, the policies were derived through extensive public input, comment and participation. However, each agency, or municipality does not abdicate its authority or responsibilities. If there are reasons to change a policy, then policies can be changed through similar public processes.</p> <p><b>L.5.R.2:</b> The plan is more specific in Section 2.8. Public Trust Doctrine.</p>

<p>coasts below high tide.</p> <p>p. 1 - Utah’s public trust lands, known as “sovereign lands,” lie below the ordinary high water mark of navigable bodies of water. Utah’s sovereign land includes Utah Lake, Great Salt Lake, Bear Lake (Utah’s half), Jordan River and portions of the Green, Colorado and Bear rivers.</p> <p>p. 2-3 “manage sovereign lands for the public. The general exception to this prohibition is if the disposition itself is in the furtherance of the public interest. Prior to 1988, state law limited” ... sounds unconstitutional to me. Public access to Utah Lake p 4</p> <p>The Division is to be commended for achieving access to the lake. It would appear unconstitutional to trade sovereign lands for access.</p> <p>Master Plan</p> <p>1.2 General policies – Add health and safety. Actions on the lake should not endanger the health or safety of residents.</p> <p>p. 8 – for example, add in the section for “encourage and promote multiple uses of the Lake – “consistent with health and safety... “</p> <p>1.2 General policies – Add sustainability ... of the economic and natural resources of the lake.</p> <p>1.2 General policies – Coordinated management – good policy and it seems to be working, congratulations.</p> <p>2.5 Master Plan Elements</p> <p>Add 6. Natural hazards</p> <p>Add 7. Other hazards</p> <p>The plan is inadequate in its identification of natural and manmade hazards,</p>	<p><b>L.5.R.3:</b> The state has not disposed of sovereign lands, although it has exchanged sovereign lands for other lands. The constitution allows for sale of sovereign lands but case law provides for the continued public use of those lands if sold.</p> <p><b>L.5.R.4:</b> See Response L.5.R.3.</p> <p><b>L.5.R.5:</b> Most of the health and safety issues are implied throughout the plan, however, Land Use Goal 7 specifically addresses public safety issues.</p> <p><b>L.5.R.6:</b> Sustainability is an important concept the Commission has supported throughout the planning process. The Utah Lake Vision Statement implies and uses the term. [e.g. “environmental health,” “sustainable use,” and “enjoyed by current and future generations.”]</p> <p><b>L.5.R.7:</b> Any proposed action would undergo</p>
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<p>specifically earthquake hazards of ground failure, ground shaking, tectonic tilt, and liquefaction. To suggest that a causeway could be safely constructed across the bed of the lake without a full discussion of the broad array of hazards, not simply seismic, is a major omission. Flooding hazards are addressed in the document but not flooding associated with tectonic tilt. Changes in inflow due to climate change also should be discussed and policy options presented.</p> <p>Section 3.3 – Similar comments. The plan should express a goal to respect natural processes of the lake including natural hazards. Land Use Buffer addresses flood protection from lake fluctuations... good.</p> <p>Section 3.4 #5. False. The boundary of sovereign lands is NOT completely settled. This sentence is misleading as well as inaccurate.</p> <p>I'm skeptical that a continuous trail system for non-motorized use exists around Utah Lake but hope it will.</p> <p>Transportation... not at all clear what the Master Plan intends.</p> <p>17. Water Quality: “the lake features high quality water... that is free from deleterious contaminants...” Is this true? If so, the policy should be to sustain ... if not, it should be to attain such high standards.</p> <p>20. Water savings: not at all clear what the Master Plan intends... is this an endorsement of diking sections of the lake?</p> <p>21 Public access. I disagree. Adequate public access points are NOT provided...</p> <p>24... Beaches... existing beaches have NOT all been restored and managed.</p> <p>25. Campgrounds. Will any non-hosted camping be allowed?</p>	<p>both analysis and public participation. The Resource Development Coordinating Committee should identify problems such as hazards that might preclude specific development.</p> <p><b>L.5.R.8:</b> It is difficult to predict all of the potential causes of flooding, including global warming and to have policies ready to implement for each. In most or all flooding cases the Compromise Agreement would govern.</p> <p><b>L.5.R.9:</b> The vision statements are written in the future tense, as if they have been achieved.</p> <p><b>L.5.R.10:</b> See Response L.5.R.9</p> <p><b>L.5.R.11:</b> See Response L.5.R.9.</p> <p><b>L.5.R.12:</b> The Commission is looking for studies that might help save water.</p> <p><b>L.5.R.13:</b> See Response L.5.R.9.</p> <p><b>L.5.R.14:</b> See Response L.5.R.9.</p> <p><b>L.5.R.15:</b> See Response L.5.R.9. This will not</p>
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<p>4.3.2.2 Develop Model Ordinance Public should not be put at risk.</p> <p>4.3.2.3 Sovereign Lands Sovereign lands are public.</p> <p>4.3.4.1 Buffer. Good.... And don't minimize the natural hazards associated with the lake and the importance of natural functions of wetlands along the lake's shores.</p> <p>4.3.4.4 Seismic hazards. Seismic hazards will be delineated and disclosed including identification of active faults in and in the environs of the lake, hazards of ground shaking, ground failure, liquefaction, and tectonic tilt.</p> <p>4.3.6. I asked Dick Buehler whether the statement "The boundary of the sovereign lands is completely settled" and was told that it is NOT completely settled. Leaving such a statement in the Master Plan undermines the credibility of the entire document.</p> <p>4.4.4.2 – Cross Lake Transportation. Identify the need, the feasibility, and potential consequences. Is cross-lake transportation consistent with the Master Plan if the need for it and its feasibility are demonstrated? One lesson from Great Salt Lake modifications is: every major modification on the lake has had major unforeseen consequences.</p> <p>4.5.1 and 4.5.6. – Consider the importance of fluctuations of the lake to natural systems. Examine the possibility of planning for fluctuations (within reasonable ranges) rather than fighting to control the lake at a single level. The health of the</p>	<p>preclude non-hosted campgrounds.</p> <p><b>L.5.R.16:</b> The model ordinance is intended to bring uniform land use, common definitions to the various municipalities and county. The public will not be at risk.</p> <p><b>L.5.R.17:</b> Agreed.</p> <p><b>L.5.R.18:</b> Agreed. Any buffers on public lands will undergo public as well as agency scrutiny with the Resource Development Coordinating Committee.</p> <p><b>L.5.R.19:</b> Although seismic hazards will be considered in any land use proposals, they are not in and of themselves an objective.</p> <p><b>L.5.R.20:</b> The goal was written as if the objectives had been completed. The boundary is not completely settled.</p> <p><b>L.5.R.21:</b> Under the Public Trust Doctrine no cross lake transportation corridor will be approved unless the necessary impacts including environmental impacts are determined.</p> <p><b>L.5.R.22:</b> Monitoring will become an important tool in learning to manage the lake and impacts to the health of lake.</p>
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<p>lake may depend on a range of fluctuation. Fresh water lakes are not my area of expertise. I base this comment on experience with Great Salt Lake.</p> <p>4.5.4 Educational opportunities.. Hurrah! Yes, Utah Lake is an outstanding educational resource.</p> <p>And 4.6.10 – public outreach. Utah Lake is a wonderful asset not simply for Utah County but for all Utahans.</p> <p>4.5.7.2 Add: and that respect the natural hazards and sustainability lake resources.</p> <p>4.5.8. I’m skeptical. ... free from deleterious contaminants?</p> <p>4.5.9. Good to have a technical committee.</p> <p>4.5.11 Water savings... consistent with sustainability of the lakes resources and values</p> <p>4.6.2.4 Additional access. Good goal. High priority goals. The seismic issues may prove to be fatal flaws for some types of development, for example, diking and cross-lake transportation corridors. It would appear wise to identify natural and manmade hazards of the lake as a high priority goal.</p>	<p><b>L.5.R.23:</b> Because the phrase “consistent with the Master Plan” is already in the objective, the planning team feels that natural hazards and the sustainability of lake resources is understood.</p> <p><b>L.5.R.24:</b> The goal was written as if the objectives had been completed.</p> <p><b>L.5.R.25:</b> See L.5.R.22.</p> <p><b>L.5.R.26:</b> Agreed. The Commission and the Division of Forestry, Fire and State Lands rely on the expertise of the Resource Development Coordinating Committee and the experts that review proposals to spot resource conflicts, hazards and other issues.</p>
<p><b>LaVere B. Merritt, PE, PhD, BCEE Professor Emeritus—BYU</b></p>	<p><b>L.6</b></p>
<p>My compliments to all who have helped in the development of this Master Plan- -it is a great step forward.</p>	

I am a member of the Lake Technical Committee--we have had many long discussions on the Plan and I have helped formulate it. However, in a recent review of the Plan I noted a few things that I would like to comment on:

1. Salts (refer to NRP 11, p3; VS 17, p21; Obj N-7.1, p33 and NRG 7, p42). Occasionally TDS levels in Utah Lake naturally exceed the current 1200 mg/l standard. The effect of man's activities is to increase the magnitude and frequencies of these exceedances; however, even now it is rare to find exceedances over 1500 mg/l. 1500 mg/l was identified in the State's TMDL study on Utah Lake as the salt level in irrigation water at which crop damage might begin to be noticeable. No other detrimental effects on the Lake's flora and fauna, or on recreational uses, were identified. Since salt control/ removal is elusive, difficult and costly, I would urge FFSL and the Utah Lake Commission to strongly encourage the State DEQ to apply a site specific standard of about 1800 mg/l TDS to Utah Lake. I recommend the higher level of 1800 mg/l since during extreme drought periods TDS might spike to this level, but such spikes would be 15 to 30 years apart and probably occur in the late Fall and not be of significant concern since the irrigation season would be over, or essentially so. I feel it would be unfortunate to go into a large scale TDS reduction/ treatment-removal program in the case of Utah Lake since the costs would be very high and benefits very small, likely even nonexistent.

Nutrients. (NRP 8, p3, NRP 11, p3, Obj N.7.1, p33, etc)

The available scientific evidence indicates that algae growth in Utah Lake proper is limited largely by the natural turbidity (cloudiness) of the Lake rather than by nutrients (Phosphorus and Nitrogen). This means that although Lake nutrient loadings are extremely high--some 15 to 20 times larger than amounts normally required to cause problem algae growth--these levels are not relevant since the turbidity limits overall algae growth, not the nutrient levels. Though likely ineffective, if one still insisted on nutrient removal since "everybody" needs to

**L.6.R.1:** Thank you for your comments in support of a site-specific TDS standard for Utah Lake. The Division of Water Quality (DWQ) has indicated that they intend to pursue such an approach. The details and rationale for establishing an appropriate site-specific TDS standard for Utah Lake will be addressed by DWQ in cooperation with the Commission and other stakeholders as part of their Water Quality Standards modification process.

**L.6.R.2:** The inclusion of Natural Resources Policy #12 was specifically considered, debated and approved by both the Technical Committee and the full Utah Lake Commission. The policy echoes the wording of an earlier resolution addressing this issue that was adopted by the Utah Lake Commission in August of 2007.

The general conclusion of these discussions

do it, the removal of a "needed" 90% to 95% of the nutrient loadings to Utah Lake would be extremely expensive--hundreds of millions in capital costs and tens of millions in annual O & M costs. But even under a very tough and comprehensive nutrient control/removal program, it is very unlikely that those targets could be met—so there would still be an overabundance of nutrients available. Also, the Lake probably has the ability to recycle large quantities of nutrients from the bottom sediments and shoreline wetlands--thus largely rendering ineffective other nutrient reductions. One of the main concerns I have relative to the current "nutrient" wording in the Plan is found in NRP 12, where wastewater facilities are encouraged to consider nutrient removal in any expansion or construction. This may open the door to a "creeping acceptance" of nutrient removal for facilities, cities and activities around Utah Lake. We need to have far more evidence and proof that nutrient removal would be beneficial before we begin travelling down that extremely costly, probably ineffective, path.

Research. I applaud the encouragement of research on the Lake! A permanent research facility for the lake would be a tremendous asset! Wiser management of the Lake will result from better scientific understanding of this wonderfully complex, high value lake system. In a way it has been a tragedy to not muster the million dollars a year, or so, to support a research facility and several scientific studies each year. Nearly \$40 million have been spent over the last 10 years in efforts to restore the endangered June Sucker, with the outcome still in balance. Maybe this could have been largely avoided if we had better understood the fishes and ecosystems of the Lake. Should we also spend hundreds of millions on nutrient control, because it might be beneficial? Or would it be better to spend a few million in scientific research first, to determine whether it might be of benefit, or not?

was that there is a high level of uncertainty regarding a number of nutrient related issues, including: 1) nutrient dynamics, appropriate loading levels and their ultimate effect on beneficial uses; 2) the possibility of future nationwide or ecoregion-wide nutrient limits, and; 3) the likely ecosystem and in-lake nutrient dynamic changes associated with the removal of carp from the lake. Given this uncertainty, it was deemed prudent for wastewater treatment facilities to consider the possibility of future nutrient removal in the design process for new or expanded wastewater treatment facilities. In this way, appropriate unit processes could be more economically constructed, if and when the scientific evidence documents the beneficial impact of such removal efforts on the water quality of Utah Lake.

**L.6.R:3:** Thank you for your support of the Commission's efforts to establish a research facility for the lake and to use sound science in the decision-making process.

<b>Jason Weber</b>	<b>L.7</b>
<p>I grew up next to Utah Lake and have long felt that this valuable resource was abused and destroyed. I would like consideration to be given to the idea of dredging the lake, installing large aeration systems to pump oxygen into it to allow better types of fish to survive, help the lake's ecosystem and turn it into a tourist attracting recreation area. Lake Elsinore, California just finished a similar ambitious project, and their lake is fast becoming a desired tourist spot. Thank you and please help maintain the vision of a clean, healthy Utah Lake where people can recreate safely.</p>	<p><b>L.7.R.1:</b> Dredging of the lake presents many obstacles to overcome including economics, endangered and natural species in the lake, water rights issues, etc. Utah Lake is a shallow lake ecosystem. However, the Commission will support site specific enhancements that might include engineering solutions, provided they are consistent with the Master Plan. See Natural Resource Goal 6, Objective N-.2. pg 33.</p>
<b>James Price</b>	<b>L.8</b>
<p>I represent Mountainland Association of Governments on the Technical Advisory Committee, so have incorporated comments and changes important to MAG within the document. However, I would like to invite the Utah Lake Commission Executive Director to become more familiar with MAG and its role in transportation planning in the region. MAG welcomes ULC participation and appreciates the coordination efforts the commission provides.</p>	<p><b>L.8.R.1:</b> See Objective T-2.1 (pg 29). The plan obligates the Commission to maintain continuous communications with local governments, Utah County Public Works, Utah Dept of Transportation – Region 3, Mountainland Assoc. of Governments and other entities. The Commission appreciates the invitation.</p>
<b>Roger Sprague</b>	<b>L.9</b>
<p>Need some man made structure around the lake for the fish and fisherman, not just on the edges out in the lake.</p> <p>Dredge out some deeper holes for the fish, and install structure, That would bring in the walleye fisherman and tournaments \$\$\$\$\$\$\$\$</p> <p>Install more fish cleaning stations,</p>	<p><b>L.9.R.1:</b> The plan does not preclude any of your suggestions although there are some spots around the lake where structures would not be allowed such as Powell Slough. Also, supported by scientific literature, it is hoped that carp removal will lead to the establishment of natural structure in the form of rooted aquatic</p>

<p>Also why not let in a few old style bait shops, Not a \$100,000,000 shops but smaller size shops around the lake with bait and boating supplies and drinks ext.(Not gas stations ) Just the old style bait shops like down south or back east? that would bring in revenue. NOW THAT WOULD BE WAY COOL :)</p>	<p>plants.</p>
<p><b>Roger Sprague</b></p>	<p><b>L.10</b></p>
<p>I know I already wrote you but I have something else,</p> <p>As far as the carp, let the commercial fisherman in on the lake for a short time 1year or 2 years ? also plant more walleyes, pike, Tiger muskellunge, to help, But I think with a good walleye fishery with the channel catfich, largemouth bass smallmouth bass white bass just warm water spic.</p> <p>And have the tureaments out there to get rev. coming back in to the state would a good thing.</p> <p>Thanks Roger Sprague PS I use to guide on that lake done it for years.</p>	<p><b>L.10.R.1:</b> Carp removal by the commercial fishermen on the lake will continue until they have reached acceptable levels as specified in the June Sucker Recovery Implementation Plan. A sport fishery is also one of the goals of the Master Plan. See Recreation Goal 6, Objective R-6.2 (pg 38), and Natural Resources Goal 2, Objective N-2.2 (pg 32). However, certain species may not be compatible with recovery of June sucker, which the ULC supports, or possibly other components of the master plan.</p>
<p><b>Peter Staks</b></p>	<p><b>L.11</b></p>
<p>Good morning members of the commission, and other meeting attendees: My name is Peter Staks, I am a land planner by training and experience and have been active with land planning and land development issues for many years, with some of those lands located along Utah Lakes' shoreline. I would like to commend all of those who participated in creation of this document and express appreciation for the public information sessions and the URS consultants especially Rick Cox and people available at those meetings like Clyde Naylor, Dick</p>	

Buhler and others with considerable knowledge about Utah Lake issues.

I came here this morning to request three things of the Commission in the implementation of this planning document:

1 – One, being that we not set our sights too low regarding Utah Lakes potential

2 – Two, that those of us with such introspective knowledge about the Lake not forget to look well outside of the box in order to in fact meet the goals that have been outlined in the very first section of the Plan document and the Implementation concepts in the appendices.

3 – And Three, because the lead times to implement anything seem to take so very long, and the finances are always limited, that the Commission reach out to other nongovernmental parties and the private sector for broadening the creativity and achieving the plans goals.

The Master Plan document provides for a number of first (and second tier) tier tasks and activities but seems to center around regulatory agencies and regulatory principles to achieve those tasks.

I would encourage incentive based thinking as well. I think that if you provide the public with a vision of possibilities, that the results could be incredible.

An example: The plan addresses Russian Olive, Tamarisk and Phragmites as non-native invasive unwelcome, plants that are of little wildlife habitat value and consume tremendous volumes of water. UDOT is working with Utah Sate University in belief that the right-of-way mowings along state highways (however meager and dispersed those cuttings are) may provide all of the necessary biofuel to power the Sate’s maintenance vehicles.

How much greater might not the biomass of the harvested phragmites around Utah Lake be, and we know that it regenerates like crazy.

The northwest corner of the Lake has identified underwater geothermal

**L.11.R.1:** Goals were derived from the vision statements, which were initiated from the visioning workshop.

**L.11.R.2:** Public participation and agency involvement in the planning process are intended to bring new ideas, new perspectives, and alternate resources to the table to accomplish the goals set forth.

**L.11.R.3:** See L.11.R.2.

**L.11.R.4:** There are non-regulatory (management) agencies as well as the Commission who is tasked in accomplishing some of those objectives. Regulatory agencies are statutorily tasked with accomplishing their missions.

**L.11.R.5:** Efforts are already underway to marketing of carp that is removed from the lake to help defray the costs. Additionally, phragmites control will be a multi-entity effort that will utilize all resources available.

springs that currently diminish water quality. Yet in central Utah a company has recently opened a power generating plant using new technologies for low temperature geothermal water.

Through some collaboration, could the utilization of these resources proverbially turn the sow's ear to a royalty silk purse for the State of Utah?

An example of potential public land use effort:

The plan (exhibit 6.41) identifies streams and drainages that enter the lake. So rather than looking at the lakes resources as simply concentric rings of - Lake, Wetlands, Uplands, these rivers, streams and intermittent drainages provide the perfectly organic spokes of connectivity for other means of recreation and water quality improvement that surrounding jurisdictions might want to consider for ideal open space corridors, nodes of open space for parks at the estuaries and fish and wildlife corridors as well as exterior access connections to the proposed lake pedestrian trail system.

And last I'd like to address the incredible upside potential that Utah Lake has to our respective local economies.

I ask myself what does Wahweap, marina on Lake Powell, mean to Page, Arizona?

What does Union Lake mean to Seattle Washington, where private float planes land next to very expensive condos. What does the Chicago Marina mean to the captains of industry where as much business is probably conducted on docked yachts as on any half dozen golf courses? And where just north you have what's called the "gold coast" where there are multi-million dollar condos – where Oprah Winfrey, who could live anywhere in the world she wants, lives.

What value might there be to inviting a university to build along Utah Lake? An example could be the University of Wisconsin along the shore of Lake Mendota in Madison, where in addition to their class work, student activities include skulling and sailboating.

In Park City the phrase is heard "Money Buys Altitude" But in Fort Lauderdale, Florida what does top money buy? Are there any images of

**L.11.R.6:** Under the transportation goal for trails (Objective T-1.1, pg 28), opportunities for pocket parks and nodes (intersecting trails) for lake access will be explored.

<p>Florida's waterside(s) that come to mind that could fit some locations around Utah Lake?</p> <p>Bold thoughts yes. But, Utah Lake is not a tepid body of water and I would forward the notion that tepid implementation programs may not go far. Sometimes you can't jump over the big ditch with two small steps.</p> <p>You have allowed us to be heard today in public comment and I would like to close with a quote that comes from Henry Ford. Mr. Ford said that if he would have asked his customers what they want - they would have asked for a faster horse.</p> <p>I would ask that the Commission to use the public comments and this master plan to strive for something more than a faster horse.</p> <p>Thank you for your good work and the opportunity to address you today.</p>	<p><b>L.11.R.7:</b> Public participation has been encouraged throughout the planning but public input does not end at the plan completion. There are ample opportunities to still participation in the future of the lake through the governing board meetings, and the public advisory group.</p>
<p><b>Rick Heninger</b></p>	<p><b>L.12</b></p>
<ol style="list-style-type: none"> <li>1. Please preserve public access for future beach access on an incremental basis e.g. every 3-4 miles of shoreline.</li> <li>2. With our organization, the Utah Windriders Association, you have access to a volunteer group of many to make improvements...one short term improvement would be an area in Provo Boat Harbor where sandbags or rocks (pebbles) be poured between the breakwater rocks so we don't break our ankles getting into the water.</li> </ol> <p>I read and really like the Master Plan. Utah Lake M.P. Statement of Current Conditions pgs 20, 47, 48, 51 crucial importance to us.</p> <p>Utah Lake Master Plan pgs 3, 16, 35-44</p> <p>Thank You Rick Heninger</p>	<p><b>L.12.R.1:</b> Because beach access is largely controlled by the upland landowners, the Division of Forestry, Fire and State Lands works with private landowners to gain access. While beach access every 3-4 miles may be a worthy goal, the upland landowners are the key for this to happen.</p> <p><b>L.12.R.2:</b> The offer for volunteer groups is appreciated.</p> <p><b>L.12.R.3:</b> The Commission can support easier access from the jetty, however, those are designed to dissipate the wave energy from the lake and altering the design may have some unintended consequences. There may be other solutions.</p>