



TECHNICAL COMMITTEE MEETING
Monday, January 13, 2014, 8:30 A.M.
Historic County Courthouse, Suite 211
51 South University Avenue, Provo, Utah 84601

ATTENDEES:

Chris Keleher, Department of Natural Resources (DNR)
Richard Nielson, Utah County
Kim Struthers, Lehi City
Greg Beckstrom, Provo City
Neal Winterton, Orem City
Hugh Van Wagnenen, Lindon City
Lee Hansen, City of Saratoga Springs
Mike Mills, June Sucker Recovery Implementation Program (JSRIP)
Jason Allen, State Parks/Recreation
Reed Price, Utah Lake Commission

ATTENDEES:

Mike Pectol, U.S. Army Corp of Engineers
Sara Johnson, Central Utah Water Conservancy District
Matt Howard, Division of Wildlife Resources
Trent Bristol, Forestry, Fire, and State Lands (FFSL)
Tyler Murdock, Forestry, Fire and State Lands (FFSL)

VISITORS:

Bill Pope, HDR Engineering, Inc.
Dee Chamberlain, Saratoga Springs Owners Association
Kimber Gabryszac, City of Saratoga Springs
Jordan Cullimore, Lindon City

ABSENT:

Santaquin City, American Fork City, Springville City, Mapleton City, Town, Woodland Hills Town Department of Environmental Quality, Utah Lake Water Users.

1 **1. Welcome and Introductions.**

2 Chairman Chris Keleher called the meeting to order at 8:35 a.m. He welcomed members and visitors to the
3 meeting. Mr. Reed Price introduced Mrs. Michaela Boothe as the newly hired executive assistant. Each attendee was
4 asked to introduce him/herself to the group.

5 **2. Conduct bi-annual election of the Technical Committee chair and vice chair**

6 Chairman Keleher announced Mr. Richard Nielson as the new chairman of the Technical Committee. Nominations
7 were then accepted for vice chair. The position requires a two year commitment as vice chair and then a two year
8 commitment as chairman. Mr. Greg Beckstrom nominated Mr. Mike Mills for the position, which he accepted. There
9 were no other nominations. Mr. Hugh Van Wagenen seconded the motion. Voting was unanimous in favor of the
10 motion. The meeting and agenda were then turned over to Chairman Nielson. Mr. Keleher expressed gratitude for the
11 opportunity to serve on the Technical Committee. Mr. Price, Mr. Lee Hansen and others on the committee thanked
12 him for his recommendations and contributions.

13 **3. Review and approve the Utah Lake Commission Technical Committee minutes; November 18, 2013**

14 Mr. Hansen moved to approve the minutes for November 18, 2013. Mr. Greg Beckstrom seconded the motion,
15 and voting was unanimous in favor.

16 **4. Update on Utah Lake issues, projects and priorities**

17 Mr. Reed Price reported on the recent projects, issues, and priorities facing the Utah Lake Commission.

1 **a. Legislative Support**– The most important area of focus for this legislative session is carp removal. The past
2 few years of carp removal have been very successful. We cannot lose the funding or progress we have made. Federal
3 and state grants have helped us in the past but they are becoming increasingly difficult to obtain. The ULC will
4 approach the legislature for the needed funding. Approximately 6 million pounds of carp per year need to be
5 removed in the next three years. After that point, only maintenance will be required to keep the carp population
6 under control. The benefits of this effort will greatly enhance the lake ecology, water quality and recreational
7 opportunities. Rep. Mike McKell of Spanish Fork will be sponsoring this appropriation request.

8 **b. Media**– The ULC will hold an ice fishing media event on January 21, 2014 to bring attention to the great need
9 for legislative funding. This event will allow legislators and the media to observe the carp removal process at Utah
10 Lake. January 22nd has been scheduled as an alternate date if inclement weather conditions exist. The committee was
11 asked to attend or assist with this event. Mr. Price asked Mr. Jason Allen and the DWR to assist with transportation
12 needs.

13 **c. Phragmites Removal**– Grant requests have been submitted for phragmites removal. Mr. Price is confident
14 they will be granted. In an effort to make sure the removal is successful in key areas, previously treated areas as well
15 as 500 new acres of phragmites will be the focus for the coming year. The new area will begin at Eagle Park in Saratoga
16 Springs and will continue to the Saratoga Springs City Marina. Removal will also take place south of Pelican Point.

17 Mr. Allen asked if larger machines could be brought in to help with this effort. Mr. Price said that FFSL was
18 approached by an individual who believed it is possible to remove the phragmites with his machine for a minimal cost.
19 The option is being considered.

20 Mr. Hansen indicated the need to make the public more aware of phragmites removal. Mr. Price said there is an
21 annual media push to inform the public of the progress. Frequent updates can be posted on the website to show
22 treated areas.

23 Mr. Kim Struthers wanted to learn about the long term plan for phragmites removal and its projected completion
24 date. Mr. Price said a 10 year plan for phragmites removal was in place. It includes treatment and maintenance along
25 the shoreline and tributaries. Only 5 years remain to fulfill the goal, after which only maintenance will be required to
26 control the problem. The phragmites issue began to appear after the floods of 1983. At first no one was aware it was
27 an invasive species. Nothing was done about the problem until the Utah Lake Commission was established.

28 **d. Nutrient Permit Limits** – Utah is considering permit limits on phosphorous and nitrogen. Mr. Price is working
29 with the State of Utah and local POTW's to ensure that appropriate and rational decisions will be put in place by the
30 state. A core group of POTW managers will meet on a monthly basis to discuss the matter. POTW's are adjusting their
31 budgets to conduct the necessary research. Mr. Price is seeking partners to match those funds.

32 Mr. Neal Winterton asked about the estimated cost to conduct the research. Mr. Price said Leland Myers
33 suggested a budget of \$250,000. Mr. Price said the cost required by each city would not be overbearing. He
34 calculated the requirement for each city and gave a discount to those who belonged to the ULC. He will meet next
35 month with the Central Utah City Managers Association to discuss the importance of being engaged in this process.

36 Mr. Mills asked what type of research the state was requesting. Mr. Price said the state is trying to determine if
37 these nutrients will actually make a difference. Mr. Sam Rushforth, Mr. LaVere Merritt, and Mr. Lee Hansen are
38 assisting the group. A RFP will be sent to consulting firms to determine what questions need to be asked and how
39 they will handle them. Their suggestions will be reviewed, and a decision will be made after taking into consideration
40 the needs of the municipalities.

41 **e. Adopt-A-Shoreline Program** – Mr. Price said the Utah Lake shoreline will experience more use as the
42 phragmites removal continues. The "Adopt the Shoreline Program" will provide a way for the public to assist in
43 keeping the shoreline areas clean and usable. Mr. Trent Bristol of FFSL and a BYU student have written the initial
44 agreement for the program and sent it to Laura Ault for review. She responded with some concerns, so revisions are
45 being made. Mr. Bristol will meet with other individuals to map out actual cleanup locations.

46 **f. Trails** – Since the completion of the Murdock Canal Trail, Mr. Price has made trail development a priority. He
47 has been working with Mr. Jim Price to get local officials to complete the trail between the Lindon Marina and the
48 Jordan River. They also want to connect to the Provo River Parkway Trail.

49 Mr. Richard Nielson said some trail projects have been funded through MAG. (1) Saratoga Springs; from Loch
50 Lomond to Dry Creek. (2) Orem; west of the golf course to Vineyard. The south end would be near 12th South. Mr.

1 Price said there are a few options that loop around the treatment plant. Mr. Winterton said they are working with the
2 golf course in hopes of having the trail run through their property.

3 Mr. Hansen asked if the trail would go through the conservation land. Mr. Nielson said the trail goes straight east
4 from where it is right now. A permit was obtained approximately three years ago from FFSL.

5 Mr. Hansen then asked about the trails in the American Fork area. American Fork City is working from 6400 North
6 (the road that goes west from the Pleasant Grove interchange) at the TSSD. The trail will go on the south side of the
7 road or somewhere farther from the lakeshore. They are also considering the option of following the TSSD sewer
8 trunk line.

9 **g. Dock Amendment** – The Dock Amendment proposal is for citizens who want a private dock on Utah Lake. Mr.
10 Price has been in contact with FFSL and they are planning an upcoming public meeting to begin the process. The
11 amendment will be reviewed by the Technical Committee and recommendations will be made.

12 **h. Outreach Efforts** – Mr. Price will continue outreach efforts such as; Utah Lake Festival, Utah Lake Symposium,
13 4th grade field trips, and posting regular updates on the web site. The Utah Lake Festival will be held on June 7, 2014.

14 **i. Lake Level** – Utah Lake is currently 3ft below compromise. Last year the lake was as much as 3.5 ft below
15 compromise. The ice is currently 3” to 12” thick.

16 Mr. Beckstrom asked for a fish removal update. Mr. Mills said the carp removal has been successful, removing
17 approximately 500,000 lbs last month. Ice fishing began about a month ago, and the results have been typical for the
18 conditions. In February 2013, they experienced phenomenal results removing approximately 600,000 lbs of carp. Mr.
19 Price asked how many areas are currently being fished. Mr. Mills said there are 4 or 5, mostly in Goshen Bay.

20 **5. Presentation and Discussion on the U.S. Army Corps of Engineers.**

21 Mr. Reed Price introduced Mr. Mike Pectol as a member of the Technical Committee representing the U.S. Army
22 Corp of Engineers. He will explain the Army Corp’s role in regulating proposed developments, etc.

23 Mr. Mike Pectol expressed gratitude for the opportunity to present information to the Technical Committee. He
24 explained that their authority comes from Section 10 Rivers and Harbors Act (1899) and Section 404 Clean Water Act
25 (1972). The RHA maintains the navigable capacity and safety of our nation’s waters.

26 RHA: Permits are required for work in, on, or around these waters. The navigable waters in Utah include the
27 Colorado River, Green River, Flaming Gorge Reservoir, Bear Lake and Lake Powell. The Great Salt Lake and Utah Lake
28 are considered “navigable in fact waters.” All navigable waters and their tributaries, all adjacent wetlands to those
29 waters, and all interstate waters and their tributaries are defined as jurisdictional waters.

30 CWA 404: Requires that a permit be obtained from the Corps prior to discharging dredged or fill material into
31 “waters of the United States, including wetlands.”

32 Wetlands are determined by 3 parameters (1) vegetation (2) soils (3) hydrology. Waters of the U.S. are determined
33 by Ordinary High Water Mark (1) staining or rack lines on bank (2) change in channel slope (3) destruction/absence of
34 vegetation (4) drift debris. It is important to distinguish where the ordinary high water mark is in wetland delineations.

35 Typical activities requiring section 404 permits (1) deposition of dredged or fill material in waters of the U.S. or
36 adjacent wetlands (2) site development fills for residential, commercial, or recreational developments (3) mining,
37 channelization, ditching or similar activities.

38 Mr. Greg asked about the difference in using characteristics as opposed to elevations. Mr. Pectol said the physical
39 characteristics should correspond with the lake elevation.

40 The Corps’ permitting process; General Permits (GP) take 45-60 days. Nationwide Permits (NWP) take 45-60 days
41 and Standard/Individual Permits (IP) take up to 120 days. IP are for activities with more than minimal impacts.

42 They must (1) Undergo Public Interest Evaluation (2) Comply with Section 404 (b)(1) guidelines (3) Section 401
43 Certification {404 permits only} (4) Comply with other Federal Acts a) Section 106 National Historic Preservation Act b)
44 Section 7 Endangered Species Act.

45 Evaluation factors include: conservation, economics, fish and wildlife, food production, safety, water quality and
46 water supply, recreation, navigation, flood damage and endangered species to name a few.

47 Mr. Pectol advised applicants to (1) involve the Corps early in the request process (2) look for ways to minimize
48 the impact on resources (3) ensure a complete application is submitted. These important steps will make sure the
49 process is pleasant for everyone.

1 Letter of Permission (LOP) is another form of permitting and is available for projects that do not fit any of the
2 nationwide permits. They are specifically for minimal impacts between ½ and 1 acre. It requires 60 days processing
3 time, a pre-application meeting, and a mandatory 2:1 Mitigation Ratio.

4 Mr. Pectol wanted everyone to be aware that programs and regulations are constantly changing. He encouraged
5 signing up for public notice lists, attending available seminars and participating in regulatory information forums. He
6 also invited them to call when questions arise.

7 Mr. Winterton asked why permits are required for turning over soil, but isn't required for burning or using
8 chemicals like Round-up. Mr. Pectol said burning and spraying are not considered a discharge of material.

9 Mr. Chamberlain asked if a permit would be required to plant vegetation along the edges in the Saratoga Springs
10 Owners Association. Mr. Pectol said a permit would not be required unless large amounts of vegetation or large trees
11 were going to be planted. The U.S. Corps of Engineers said they would be happy to provide written documentation in
12 cases where permits are not required.

13 Mr. Price asked if chipped Russian Olive trees would be considered "fill." Currently the wood chips are removed
14 from the area. Mr. Pectol said chipped wood is considered "fill," and they should continue to remove it.

15 Mr. Beckstrom asked about the difference between jurisdictional and non-jurisdictional waters. Mr. Pectol
16 indicated that any water connected to a body of jurisdictional water is also considered jurisdictional. Mr. Beckstrom
17 then asked about channels that may only have water during spring runoff. Mr. Pectol responded saying that it would
18 be considered jurisdictional water if an ordinary high water mark could be determined in the channel.

19 Mr. Price asked why the U.S. Army Corps of Engineers did not have jurisdiction for the proposed Utah Lake bridge.
20 Mr. Pectol said the hollow pilings that were proposed are not considered "fill" unless placed closely together.

21 Mr. Beckstrom asked if urban storm drains are considered jurisdictional. Mr. Pectol said they are jurisdictional and
22 that a 404 permit would be required to protect water quality if one ever had to be dug up.

23 Mr. Hansen asked if the U.S. Army Corps of Engineers have any nutrient permit responsibilities. Mr. Pectol said it is
24 outside of their purview.

25 Ms. Johnson asked Mr. Pectol to explain the LEDPA process. (Least Environmentally Damaging Practicable
26 Alternative) He said the U.S. Army of Corps tries to be fair and flexible, but when less damaging practicable
27 alternatives are determined, the applicant is required by law to use them.

28 **6. Discussion on the strategy to reach out to legislators, the media etc. as we try to promote the need for ongoing**
29 **carp removal.**

30 Mr. Price said the Utah Lake Commission will be approaching the Utah State Legislature for ongoing carp removal
31 funding. He distributed three handouts summarizing the message and specifics the ULC is trying to accomplish.

32 Mr. Price expressed the need to approach the legislature with the same message. (1) Improving Utah Lake is
33 widely supported by Utahns. Many organizations and individuals are committed to efforts to make it better. (2) Utah
34 Lake is one of our state's greatest assets, but it needs help to become an even more valuable gem. (3) We are seeking
35 legislative funds to implement the state's plan to cleanup Utah Lake and enhance the lake's recreational amenities.

36 Our focus for this legislative session is to receive funding for ongoing carp removal, but it also encompasses the
37 removal of invasive plants, improved fishing and access points. It also includes the development of sandy beaches,
38 trails, picnic and playground areas. The Commission is asking for \$2.04 million this year, \$1.94 million next year, and
39 \$1.82 million in 2016 for a total of \$5.8 million. Mr. Mike McKell serves on the Legislative Natural Resources
40 Appropriation Committee, and has agreed to help sponsor the appropriation request.

41 According to a cost-benefit study done by Environ International, investing \$7.5 million to remove carp will create a
42 staggering return on investment of more than \$94.3 million in the first 20 years. It is a way to show a financial benefit
43 for making these efforts. The benefits are staggering, but they help to justify the cost of the carp removal investment.

44 Mr. Price asked for questions or comments. Mr. Beckstrom said the handouts look good.

45 Mr. Price gave Ms. Gabryszac some time to discuss the new 41 acre development, which is being considered on
46 the south end of Saratoga Springs. She said the parcels would be divided into 1 acre lots with septic tanks. Some of
47 the parcels include lake shore property that extend into the Utah Lake. She believes homeowners could potentially
48 request boat docks. Utah County Health Department will conduct percolation tests to make sure parcels can handle
49 the waste and will determine if a regular or an alternative septic system is best.

APPROVED

1 Mr. Beckstrom expressed concern with the high water table and impacts this development would have on the
2 lake. Ms. Gabryszac said the Health Department would be testing to make sure the soil is not collapsible. The
3 developer will be required to monitor the water table for 1 year before they are allowed to build. The water table will
4 determine the type of septic system that is put in place.

5 Mr. Price asked if DWQ has any say in this development. Ms. Gabryszac said if a property is a certain distance
6 from a public sewer system, the state code allows them to have a septic tank. Mr. Price asked if the state code
7 includes any information about septic tanks and their proximity to a body of water. She was uncertain of any.

8 Mr. Beckstrom expressed concern with allowing septic tanks along the Utah Lake shoreline. He understands these
9 regulations, but their city has required sanitary sewer for all new developments, particularly for areas with shallow
10 water tables. The water table can fluctuate greatly over time and septic systems can be challenged in their
11 effectiveness. He feels the state code warrants evaluation.

12 Ms. Gabryszac informed the committee that sewer requirements are reviewed differently when parcels are larger,
13 such as in this case. They are working on a code amendment that would require homeowners to have a dry sewer and
14 connect to a public sewer line when they are within 300 feet of their parcel. The septic tanks will only be a short term
15 issue. Paul Watson is the developer.

16 **7. General comments and ideas for future discussion.**

17 Mr. Nielson asked if there were any items to discuss. Mr. Hansen asked about the "No Trespassing" signs by the
18 Saratoga boat harbor on state lands. Mr. Tyler Murdock said several calls have come in about the issue, and they are
19 addressing them.

20 **8. Confirm that the next Technical Committee meeting is scheduled for Monday, February 24, 2014.**

21 Mr. Nielson said the next scheduled meeting is on Monday, February 24, 2013, at 8:30 in Room 211 in the Utah
22 County Historic Courthouse.

23 **9. Adjourn.**

24 The meeting was adjourned at 9:30 a.m.