**ULA Governing Board**

Wednesday, March 29, 2023, 9:00 A.M.

Hybrid Public Meeting held via Zoom and anchor location at

Utah County Historic Courthouse

51 S. University Ave., 3rd Floor Ballroom, Provo, UT 84601

**ATTENDEES:**

Julie Fullmer, Vineyard, Chair

Eric Ellis, Utah Lake Authority

John Mackey, DWQ

Carolyn Lundberg, Lindon

**INTERESTED PARTIES / VISITORS:**

Sam Braegger, Utah Lake Authority

**ABSENT:**

**BOARD REGULAR SESSION-**

1. **Welcome and Call to Order**
   1. Chair Fullmer called the meeting to order at 9:03 A.M. and welcomed everyone.
   2. Invocation/Inspirational Thought: Eric Ellis expressed that they were taking steps to restore resources to the Valley.
2. **Chair and Board Members' Reports/Disclosure/Recusals**
   1. Unknown speaker [Superintendent]: She stated that she is working with students over the summer to experiment with communication strategies around a lake and determine what the public would support for its future. The focus is on changing the public's perspective and doing better.
   2. Unknown speaker: He commented about getting a $5 million appropriation for lake improvements and how they tripled their funding for the Lake Commission. They mention the idea of creating a tax finance zone around the lake, which would allow cities to opt-in and depend on adhering to some standards set by the Board for zoning criteria. He believes this process will help spur the right kind of economic development that is environmentally friendly and accentuates the environmental advantages of having a lake nearby.
   3. John Mackey: He expressed gratitude for the facility and the people who helped make it happen, highlighting the importance of stormwater management in rural and urban areas. They mention ongoing efforts to study and implement solutions and discuss budget and calibration challenges. He also acknowledges the possibility of new questions arising as they move forward.
3. **Staff and Committee Reports**
   1. Executive Director Eric Ellis
      1. Executive Appropriations Subcommittee Meeting Report:
      2. Hiring of an Assistant Attorney General:
      3. Branding Request for proposal (RFP) is posted: purchasing.utah.gov/currentbids search for event number: CP23-86:
      4. Next meeting: Present, review, and potentially approve ULA office procedures:

Eric Ellis began by pointing out that the Utah Lake Authority had started operations on April 1, 2023. He apologized for the quiet start, explaining that the Board's main focus during the first year was developing and approving a management plan. He announced hiring a conservation biologist named Addison Valdez and mentioned that she would gather monitoring data and develop a monitoring plan for the lake. The Lake Commission was dissolved, and the Utah Lake Authority received office equipment and furniture. The authority also took over the current year's fiduciary reporting and budget wrapping. Ellis discussed the need for wetland mitigation in projects along Utah Lake and proposed developing a wetland mitigation bank. A branding consultant would be hired to create a logo and branding materials for the Utah Lake Authority. He mentioned the legislative support and additional funding of $5 million for LA improvements. Ellis presented the tentative budget for FY 2024, including funds for shoreline restoration and various capital projects.

The Board moved on to discuss meeting minutes, hold a public hearing on the budget amendment, and clarify the transition from a planning entity to an operational entity. The new Governor's Office of Economic Opportunity appointee Cameron Dahl joined the meeting as the finance guru. Finally, the last page of the amended budget was presented, outlining the capital projects fund, which was not expected to be utilized in the remaining three months of the fiscal year.

1. **Consent Items**
   1. Approval of November 16, 2022, ULA Board Meeting Minutes:
   2. Approval of the November 30, 2022, ULA Board Work Session Minutes:
      1. Discussion: None
      2. Approval: Chair Fullmer asked for a motion to approve the meeting minutes from November.
2. **Public Hearing: Budget Amendment:**

5.1 Discussion of Budget Amendment to the FY23 budget:

5.2 Approval of the Amended FY24 annual budget documents.

[Unidentified speaker] motioned to approve the FY 24 annual budget; Commissioner Sakievich seconded that motion. The motion passed unanimously.

1. **Presentation / Recognition / Awards**

6.1 Consor Engineering: Wetland Project in Provo Bay:

Lars Anderson, representing Consor Engineering, expressed gratitude for attending the meeting and mentioned their involvement in the project with the Lake Authority. They addressed the impact of the extensive trail system design, which would affect approximately 20 to 25 acres of wetland. They explored restoring the wetland and obtaining credits from the Corps of Engineers for future projects to mitigate this issue. Anderson outlined four main discussion points: the restoration area, credits acquisition, the importance of wetland restoration for project advancement, and the process timeline.

He explained that the restoration area typically consisted of degraded or former wetlands around the lake that might have been altered for agricultural purposes or invaded by species. Anderson shared an example of a failed restoration site due to hunting restrictions and mentioned a potential alternative site south of the lake. The restoration process involved removing built wetlands to gain credits and addressing degraded areas by replacing invasive species, although with fewer credits. In addition, trails and interpreted signage were allowed within the restoration site.

Regarding credit acquisition, Anderson explained that purchasing and restoring a wetland site in advance could establish a mitigation bank. However, the terminology was crucial, as different federal agencies had differing perspectives on calling it a mitigation bank and receiving funds for wetland restoration. The Lake Authority would hold the credits, as they had done in a previous project, enabling them to allocate credits for their initiatives. He noted the absence of a mitigation bank or restoration site in Utah County and highlighted the proposed restoration site as the first of its kind.

Anderson discussed the ratios of upland-to-wetland restoration, where removing agricultural areas achieved a 1-to-1 ratio in advance while restoring degraded wetlands typically resulted in a 3-to-1 or 5-to-1 ratio. He acknowledged the challenges of temporal loss when building the mitigation site simultaneously with the associated project. The Lake Authority would play a crucial role in approving and managing credits, and once established, the credits could be utilized for projects around Utah Lake. Restoring wetlands in advance offered advantages such as reduced permitting time, cost savings in monitoring and reporting due to centralized credits, and improved ratios.

Finally, Anderson mentioned that the Corps of Engineers had recently assigned a project manager for restoration sites, although located in Sacramento, resulting in a projected timeline of 1-2 years. He emphasized the upfront investment of approximately $250,000 required to develop an improved restoration site but assured the audience that it would yield long-term benefits. Anderson concluded his presentation by acknowledging the limited time available and inviting questions from the audience.

The Commission discussed how many credits they would need.

Lars Anderson stated that If we wait until the project is underway and build the credits simultaneously, the ratio would be 3 to 1. That means we would need 60 acres to mitigate the impact of the project. However, if we build the mitigation site in advance, we would only need 20 acres. If we purchased a property large enough, we could ideally obtain between 50 and 70 credits. But since there are more projects in the pipeline and no specific deadline for using the credits, they can be used until they are exhausted.

The decision of when to build is crucial because it determines the number of credits required. Typically, each acre of wetland restoration is credited one-to-one when done in advance. So, if we build in advance, we would need three acres of wetland restoration credits and one acre of improvement credits. This scenario is the best case because sometimes the ratios can be as high as 5 to 1 or 6 to 1, depending on the time gap between construction and impact. The longer the gap, the more credits it will cost later on.

He responded to a question about the type of project it was and that it would offset any problems it would have caused.

Chair Fullmer suggested capturing the idea of incorporating future uses of credits in the management plan and overall vision. She acknowledged that specific plans might change as they plan for the future, but capturing the sentiment in the mission and vision would be valuable. She agreed with the context and emphasized aligning with their goals. The conversation was then interrupted by someone addressing the chair.

The group discussed how to allot and distribute credits.

Chair Fullmer summarized that they sought clarification on whether a one-to-one ratio should be established between the credits and the projects. They believed that the purpose of the credits was to act as a reserve for future projects rather than aligning them directly. While having an estimated number of required credits could be beneficial, they argued against a one-to-one ratio. They emphasized the significance of preserving credits before projects and acknowledged the challenge of identifying all future projects at the current stage. They sought confirmation if their understanding of the matter was accurate.

Chair Fullmer asked for a motion.

[Unknown speaker] moved to support the acquisition of land to be developed wetland credits and, in addition, the development of awarding of credits. This was a motion for guidance. [Unknown speaker] seconded the motion. The motion was passed unanimously.

Kameron Dalton expressed agreement with the guiding principles discussed. They addressed a comment about a particular family not participating or selling, clarifying that the program is voluntary and not mandatory. They emphasized the importance of banking the credits and waiting until the leverage ratio is higher before applying and using them in the future. Dalton expressed full support for this direction and stated that detailed discussions to address specific comments and questions could take place later in the process. They clarified that these principles are not locking them into a specific plan but rather guiding them to follow a master plan. Dalton affirmed that following the master plan is the right direction to take.

6.2 Jacobs Engineering: Draft Conceptual Management Plan

[Name inaudible] A representative from Jacobs Engineering presented the Plan. He expressed gratitude for the opportunity to present. He mentioned his previous involvement with the Board and his work on the project, leading up to seeking approval of the Plan. He provided background information and discussed the timeline of the project, including the development of goals, objectives, and the essential Plan. He highlighted the participation of the planning team, which consisted of board members and invited perspectives to ensure representation. The speaker mentioned workshops conducted in December and January to establish the vision and mission of the project. He discussed the development of goals, objectives, and strategies based on input from the planning team. The speaker acknowledged receiving comments during the 30-day period and explained that an updated version of the conceptual Plan, including redline changes, was provided for review. He expressed the need for continued development and potential revisions based on additional suggestions. The speaker provided an overview of the conceptual Plan, including sections on inventory, management strategies, monitoring metrics, project prioritization, implementation, and future updates. He mentioned receiving individual comments and responding to each one. The redline version of the conceptual Plan was made available for review. The speaker discussed upcoming steps, including a public input survey and developing a draft plan in collaboration with the planning team. He expressed the aim to complete the draft plan by early August.

The Commissioners expressed curiosity about the implications of not initially ranking in compliance. They also raised questions about the timeline and the inclusion of photos. Their main concern was the large volume of public comments, approximately 80 pages, received the previous day. They acknowledged the limited time available for review and expressed hope for more time. While they had not gone through all the comments, they noted the significant input from their constituents. They emphasized the opportunity to make edits and changes while completing the final comprehensive Plan based on critical elements from the constituency or themselves.

The Commissioners believed it was important to include the comments as an appendix and stated that some changes had already been made in response. They mentioned the need to allocate time to address the remaining comments appropriately. Considering the extensive amount of content, the tight timeline, and the requirement to vote by Monday posed challenges. They suggested planning a week in the future. Despite the time constraints, they felt comfortable moving forward with the document, considering it was still in the conceptual phase and open to further adjustments. However, they wanted to hear other comments before deciding or giving approval.

The Commissioners expressed their opinion that they do not believe the document can be used as a formalized guiding document. They emphasized the importance of individual opinions and decision-making by the Board. They highlighted the need for various comments, including those from individuals within their agency who may not have been addressed in the document. They viewed it as an opportunity to delve into the Plan, resolve comments, and discuss logistical aspects related to the environment and their authority. They valued the contributions of the planning team, emphasizing the productive group dynamic and the need for in-person discussions to address public comments thoroughly. They proposed reconvening the team for a deeper dive into the comments and another step in the process. They wanted to ensure the involvement of the planning team before finalizing the Plan, as they believed group discussions with sufficient time are best for making decisions. They acknowledged the importance of the statutory deadline to keep things moving. However, they expressed their belief that the main elements were already present in the Plan, suggesting it could be adopted as it is with the understanding that further review and discussion would follow.

[Unknown speaker] moved to adopt the conceptual Plan with deadlines and time for the Commission to review changes and public comment. [Unknown speaker] seconded the motion. The motion passed unanimously.

6.3 Oreo Helix Consulting: Food Web-based Restoration.

Dr. Richards gave a brief description of his background and also listed others they work with. He discusses the functioning of Utah Lake and its potential for restoration. He emphasizes the importance of ecological health for economic well-being. He mentions the concept of alternative stable states and tipping points, explaining how the lake shifted to a degraded state in the past and the challenges of restoring it. Dr. Richards also describes the development of food web models and metrics to assess the lake's health. He highlights the need to reduce nutrient inputs and stabilize sediments. Introducing native plants and mussels is suggested to achieve these goals. Dr. Richards concludes by mentioning ongoing studies and restoration efforts, including using corrals to protect vegetation.

Chair Fullmer thanked Dr. Richards and encouraged Commissioners to speak to him directly with any questions.

1. **Action Items**
   1. Discussion and Action – Approve the Conceptual Utah Lake Management Plan.

[Unknown speaker] moved to adopt the conceptual Plan with deadlines and time for the Commission to review changes and public comment. [Unknown speaker] seconded the motion. The motion passed unanimously.

* 1. Discussion and Action – Approve the FY2024 Tentative Budget

[Unknown speaker] motioned to approve the FY2024 Tentative Budget. Mayor Lundberg seconded the motion. The motion passed unanimously.

1. **Public Comment**

Daniela Larson asked if there were any upcoming events for Earth Day.

Sam Braegger and their team are collaborating with multiple groups organizing events at the lake. They were primarily focused on coordinating and identifying suitable areas for these activities. Additionally, they are working with Vineyard City to organize a clean-up event for the Vineyard Shoreline. While this clean-up is their main priority, they will also support other groups interested in conducting clean-up activities in different parts of the lake. The extent of their assistance varies based on the groups' requirements, including location designation, equipment provision, and sign-up promotion to attract more volunteers. Although Vineyard City has not yet published a sign-up for their clean-up event, Sam will be working with event coordinators to arrange it. They encourage participation in the Vineyard shoreline clean-up and are open to coordinating with individuals interested in organizing their clean-up events.

Ben Abbott expressed that the current approach, which involves a mitigation wetland bank, differs significantly from the original Welfare Wave project that aimed to have voluntary landowners donate their wetlands for conservation purposes. It appears to be more of a mitigation plan designed to justify the use of wetlands for other projects. Ben clarified that their previous conversation about a mitigation plan was not tied to any specific project but was a general discussion about the concept of a mitigation wetland bank. They emphasized that no private property owners were involved in the conversation.

Adam Johnson expressed curiosity about how the ULA plans to acquire private land from landowners if the project proceeds. They mentioned that the previous discussion revolved around voluntary partnerships rather than any intention of seizing private land.

Jacob Holdaway expressed concern regarding the process and decision-making surrounding the project. They were troubled by the lack of awareness among Lake Authority Board members about a $5 million letter with LRS and the proposal of a road. Jacob also highlighted concerns about the Board's understanding of the ownership of the property and the shift towards litigation instead of cooperation. They emphasized the importance of involving and informing all board members to ensure a successful Lake Authority Board. They stated their intention to withhold cooperation and prevent the project from moving forward until that transparency is achieved.

Eric Ellis responded to the concerns by stating that the Board intends to ensure that all members are fully informed about their activities. While the focus has been on management planning in recent months, project-specific activities and updates will be regularly presented to the Board in the future. Eric clarified that the properties being considered for wetland litigation are unrelated to the Way project, and there may be some confusion regarding which land is involved. The project does not require any landowners to participate involuntarily. The family mentioned will have the option to participate if they are interested, just like other landowners in the area. Additionally, willing landowners can collaborate on trail placement and inclusion in the grazing program.

Levi Smith, a concerned citizen and committee member for Delta Waterfowl, raised a point regarding wetland mitigation. They mentioned establishing a Wildlife Management Area (WMA) at Global Bank, where the wetlands could be restored and transformed into bird grass areas. This approach would help address concerns about birds near the airport and generate credits for wetland mitigation. Levi suggested that recreational access to the site should also be maintained while restoring the wetlands.

John Bennion expressed his viewpoint regarding the establishment of wetland mitigation acreage. He suggested that while there may be a need for such mitigation elsewhere, the priority should be to design the trails so that they do not harm existing wetlands. John believed that it would be beneficial for the Utah Lake Authority, which is responsible for communities, recreation, and conservation, to initially plan the trails to preserve the ecosystem and avoid damaging the wetlands.

Soren Simonsen, the executive director of the Jordan River Commission, congratulated the Utah Lake Authority on their official transition. He mentioned that the dissolution of the Utah Lake Commission resulted in the loss of one of their governing board members. Soren expressed the interest of the Jordan River Commission in establishing a partnership with the Utah Lake Authority and proposed the idea of integrating the authority into the Commission. While they anticipate remaining as an inter-local cooperation entity, Soren emphasized the importance of collaboration among all partners to ensure the health of interconnected systems such as the lake, the river, and the Great Salt Lake. Finally, he conveyed the Commission's support for the management plan and expressed well wishes for the Utah Lake Authority's endeavors.

Kay Nelson, a citizen, expressed her concerns about the timeframe between the closure of public comments and the voting on the management plan. However, she appreciated the remarks made by Mr. Karen and Isaac about taking a more careful approach and thoroughly examining the public comments. Kay conveyed gratitude for the commitment to delve deeper into the comments and hoped their meaning would be understood and incorporated into the Plan. They wished the Utah Lake Authority the best and were willing to work together. Additionally, Kay shared their frustration with providing comments using a spreadsheet, finding it cumbersome and discouraging for potential participants. She highlighted the need for more user-friendly methods, mentioning that some individuals may have been deterred from providing comments due to the difficulty of inserting different aspects into the spreadsheet.

1. **Adjournment**
   1. Chair Fullmer asked for a motion to adjourn. Carolyn Lundber motioned; [inaudible] seconded that motion. The motion passed unanimously.