

UTAH WATERSHEDS COUNCIL MEETING
(Approved) Meeting Minutes
Department of Natural Resources Auditorium
1594 W. North Temple
Salt Lake City, Utah
April 12, 2023
9:00 am

COUNCIL MEMBERS PRESENT:

Chair Corey Cram, Utah Assoc. of Special Districts
Vice-chair Scott Paxman, Reclamation Project Rep.
Megan Nielsen, The Nature Conservancy, representing Marcelle Shoop (National Audubon Society) Mark Stratford, Utah League of Cities & Towns
Rikki Hrenko-Browning, Industry Rep.
Kim Shelley, DEQ Executive Director
Craig Buttars, UDAF Commissioner (Virtual)
Warren Peterson, Water Attorney
Joel Ferry, Department of Natural Resources Executive Director

OTHERS PRESENT:

Todd Stonely, Division of Water Resources Assistant Director
Marty Bushman, Assistant Attorney General for State of Utah Assigned to Division of Water Resources Dan Adams, Langdon Group
Andy Rasmussen, Langdon Group
Soren Simonson, Executive Director of the Jordan River Commission

Meeting started at 9:06 a.m.

9:06-9:08 - Welcome and introductions (Corey Cram)

9:0-9:10 - Approval of agenda and previous meeting minutes (Corey Cram)

- **Approval of agenda:** Ricki Hrenko-Browning moved to approve the agenda, Scott Paxman seconded the motion. Motion passed unanimously.
- **Approval of October 15th, 2022 and January 10th, 2023 Meeting Minutes:** Mark Stratford moved to approve the October 15th and January 10th meeting minutes, Kim Shelly seconded the motion. Motion passed unanimously.

9:10-9:18 - Application and certification - Introduction and process walk-through (Marty Bushman)

Mr. Bushman reviewed the statutory requirements that the State Council must ensure that local councils meet certification requirements. He explained that Section 306 of the Watershed Councils Act gave the state council responsibility to review local councils' organizing documents to assure that they encourage participation by water users/groups. He said the act also requires that the organizing document require that:

- A majority of the members of a council constitute a quorum
- Actions of a local council must be approved by no less than the majority of members
- Members must represent a variety of interests and entities
- Members must reside, work, or own water rights within watershed boundaries.
- Councils in a watershed that drains into the Great Salt Lake (GSL) must each appoint a member to the GSL council
- The council make their organizing documents available to the public

Jordan River Commission as a potential local watershed council

- There is a proposal to use the Commission's existing by-laws and documents as the council's organizing documents, and therefore act as the watershed council. This raises two questions:

- **1. Can an existing organization become a watershed council?**

- Can it really provide the broad interests that the councils should represent?
 - What precedent will this set for the future?

- **2. If these existing organizations can become local watershed councils, what do they have to provide for organizing documents and policies?**

- Rikki Hrenko-Browning asks if the organization's existing documents currently meet the statutes in the watershed councils act. We would need to look closely at them to decide

9:18 - 10:36 - Certification of local watershed councils (Dan Adams/Andy Rasmussen)

There are two watershed councils currently in progress: Bear River and Jordan River.

- Process: They started with a large list of unofficial nominations from county councils and commissions, went to stakeholders to ask who they'd like to see, then went back to those people to gauge interest and availability

- Convened the first official Bear River Watershed Council meeting last week, where they elected officers and voted to prepare bylaws and a letter of application for this meeting

Bear River Watershed Council (Christy Hansen)

Chair Christy Hansen represents irrigation companies. She gave Corey Cram a copy of the Bear River Watershed Council's application letter and organizing document. These documents were also emailed to all members of the state council before the meeting convened.

- Next meeting on April 27th will approve the policies and letter organized documents (Box Elder)

- Mark Stratford: Where are council members from?
 - Mark Hurd, Cache County council
 - Genie Simmons, Logan City council
 - Stan Summer, Box Elder Council Commissioner
- Rikki Hrenko-Browning asked that an explanation of each member's represented interests be included on the document
- Where will meetings be held?
 - Christy anticipates that location will change to be able to accommodate the most people, as well as have a virtual option
- Their organizing document was patterned after the state council's template, but Christy did have some questions
 - Section 3:
 - Uncomfortable with the idea of designated seats on council
 - Andy Rasmussen: They tried to keep geographic balance between the three counties, but a couple of people are irreplaceable (ex. Jim Derrito). Didn't want to make it so that they must be replaced with same interest specifically, when that interest may not be replaceable
 - Rich & Summit Counties - Currently no one from Summit, but a couple of people from Rich
 - Rikki Hrenko-Browning: The documents online don't exactly match the physical copies that Christy circulated because Christy deleted the section about seats from the online version
 - How do we ensure that what we're certifying meets the statute if the council doesn't have designated seats for various interests?
 - The statute did not refer to seats, so Christy kept the document within the statute
 - Hoping there will be more interest as we go forward, so they can get the representation and keep the balance on the council
 - Want to make sure we are not setting precedent for watershed councils that eventually swing away from statute
 - Rikki Hrenko-Browning: Why do some areas of interest have more representatives than others (ex. agriculture has 4)?
 - Christy explained they were trying to balance geographically, and those people have other interests beside just agriculture
 - Warren Petersen - We could adopt conditional approval based on three things:
 - Adopt the formation of draft document
 - Set terms of respective council members
 - Turn to assistant attorney general (Marty Bushman) to see if this matches the statutes
- Mark Stratford: Change wording on page three from "one or more" to "at least" regarding council interests represented
 - That wording was taken straight from the template
 - Todd Stonely: This depends on feasibility according to statute
- Kim Shelley: How do you add another water quality position?
 - Christy: We currently have 21 (maximum)
 - Meeting on the 27th, agenda items include setting staggered terms (1, 2, 3, and 4 yrs). Officers are elected at the end of the year

- Must have at least 2 nominations for membership, terms can be extended until a replacement is found
 - They could add more positions (set 21)
 - **Warren Peterson moved to give conditional approval to Bear River Watershed Council with three conditions:**
 1. The Council members vote to adopt organizing document and certify back to the state council that vote has taken place
 2. Establish staggered terms as described, and include official list of designated members with affiliations with their terms identified
 3. Documentation from then assistant attorney general that statutory conditions have been met.,
- He further moved that the status be reviewed at the next meeting. Scott Paxman seconded the motion. The motion passed unanimously.

Jordan River Watershed Council (Soren Simonsen)

Soren Simonsen reported on work by the Jordan River Commission to establish the Jordan River Watershed Council. He said the present Jordan River Commission board is made up of many individuals representing different organizations, both public and private, working together under an interlocal cooperative agreement. He said to the Commission:

- Currently has 3 open seats on its ex-officio member list and the Board would like to fill those seats with representatives from interest areas outlined in watershed councils statute.
- Met with house and senate sponsors for watershed council legislation back in 2019 and they were supportive at the time
- Jordan River is a unique council - smallest one geographically, lots of water interests in addition to those in the statute
- Dan Adams did interviews and everyone who he interviewed was supportive of the idea of the Commission becoming a watershed council

Corey Cram asked Mr. Simonsen to please explain more about original purposes of the Commission and how those purposes align with the Commission board serving as the local watershed council. Mr. Simonsen explained:

- In 1978, SL County created Jordan River Watershed Council (until 2019)
- In 2010, the Commission was created to address ideas coming from watershed council
- In 2008, Blueprint Jordan River was created and adopted as vision for future Jordan River. It included using the Commission as coordinating entity (not regulating)
- In 2019, the Commission Board became aware that the Watershed Councils Act was being prepared and compared it to what the Commission was already doing. The Commission governing board voted unanimously to support the proposed watershed councils act, along with the intention to become the watershed council.

Scott Paxman commented that the Commission is one of the best examples of a watershed council and what we are looking to create.

Mr. Simonsen noted there are also areas where the commission is actively working that are not watershed related, such as a series of trails along the Jordan River. He said the Commission board members envisioned the Commission “will wear several different hats,”. envisioning that they still function as a commission, but convene specifically as a watershed council, sometimes with the same individuals.

- Rikki Hrenko-Browning asked if the Commission would need to give the ex-officio members decision making authority as they wear their watershed council hat and act as members of the watershed council?
 - Mr. Simonsen said ex-officio members are all full voting members of the commission board. He said one idea would be to modify the Commission rules of operation to specifically say that the interests in the statute must be represented when the Commission is sitting in session as the watershed council.
- Todd Adams: We are working to fill seats for tribal and agricultural interests. Mr. Simonsen said Wheeler Farm and State Fair Park are agricultural interests being suggested to fill that position on the council. He has reached out to the Utah Farm Bureau for suggestions for a representative of agriculture.
- Kim Shelley said, “There is a TMDL. I’m very supportive of this.”
- Mark Stratford asked these questions:
 - Do the Commission already require a majority for a quorum?
 - If the Watersheds Council approved certification of the Jordan River watershed council, would this approval today give the Jordan River watershed council authority to appoint a representative to the Great Salt Lake watershed council once it is formed?
 - Will Central Utah Water Conservancy District have a seat?

Warren Peterson commented on changes that would need to be made so that the Commission board could match up with the statutory requirements of the Watershed Councils Act.

Warren Peterson suggested a conditional certification:

- 1. Marty Bushman make sure all Watershed Council Act “boxes have been checked.”
 - 2. Set up bylaws about how Commission board members would vote when acting as watershed council -
 - 3. Clarify that Bear River and Jordan River council representatives would be given immediate voting privileges in the state council
- Corey Cram said agriculture may not be a huge component of the Jordan River watershed, but is still worthy of consideration, that the intent with fish and wildlife should be honored, and that the discussion regarding “reclamation” stakeholders was good.
 - Assistant Attorney General Marty Bushman: Commission as already structurally defined has more authority than a local watershed council. He asked whether there could be a conflict between commission and watershed council roles.

Dan Adams noted that the Jordan River Commission would be unique in that there are paid staff members to take meeting minutes and provide support; this is the same as is done in other states.

Mr. Simonsen noted that none of the commission board members are paid.

- Mr. Bushman raised a couple of issues:
 - Does the present bylaw verbiage align with council voting parameters?

Mr. Simonsen said the current bylaws require half + one board members present in order to conduct business, so it does follow the statute.

- Do all members who would be on council reside or work within watershed boundaries? -

Mr. Simonsen said, "Yes for all members except tribal representation." He said they have looked at ancestral lands (Northwest Band of Shoshone tribe) to see if those tribal interests would provide representation as required by the act.

Mr. Bushman asked if the Commission and the watershed council functioning as a single organization has powers that the statute says the watershed council cannot have. Can we create a document that distinguishes the local watershed component of the commission to avoid such a conflict?

- Mark Stratford said he believes we need an additional document to clarify how the watershed council will operate relative to the commission.

- **Warren Peterson moved to give conditional certification to the proposed Jordan River Watershed Council in the format suggested with the following conditions:**

- 1. They provide clarification of how the Jordan River Commission would separate watershed council activities from the rest of the commission's work

- 2. Certification from Assistant Attorney General

- As part of the conditional certification, the watershed council has immediate authority to designate representatives to the state council and the Great Salt Lake council./Megan Nelson seconded the motion. The motion passed unanimously.

Warren Peterson moved to amend the earlier motion to give conditional certification to the Bear River Council) so that the Bear River Council will be immediately authorized to designate a representative to the state council and the Great Salt Lake Council. Scott Paxman seconded the motion and it passed unanimously.

Rikki Hrenko-Browning asked that, moving forward, we should have these documents in front of the council members no later than one week before the meeting

10:37-10:44 - General Summary of Water-related Legislation (Joel Ferry and Kim

Shelley) Joel Ferry was excused to meet with the Governor, Todd Stonely provided the highlights.

Kim Shelley offered these "takeaways" from this legislative session for water quality:

- Significant investments in the state revolving fund program which will allow investments in our drinking water, storm water, and wastewater infrastructure
- Rep. Brammer: Lakeshore Reinvestment Zone Act
- SB 34 & SB 158 both touch on drinking water

Todd Stonely gave these highlights of legislative budget allocations:

- S.B. 277 - \$200 million for agricultural water optimization projects

- \$50 million each year for 4 years in Washington County for Water use, reservoir, and desalination - \$50 million for Wasatch Front aqueduct resilience
- \$50 million for water infrastructure projects going to governor's Office of Economic Opportunity to give out grants and loans
- \$18 million for secondary water meters
- \$12 one time and \$5 million ongoing to expand programs. Hiring a new person to oversee it. Will be starting aerial seeding for first time in Utah
- \$7 million for IT and data management for Colorado River Authority
- \$5 million one time and \$3 mil ongoing funding for turf replacement incentive payments
- \$2 mil one time and \$1 mil ongoing to establish a new Utah Waterways nonprofit organization.

10:44-11:02 - Summary of GSL Bills (Mark Stratford)

Mark Stratford showing slides. The legislature went above and beyond this year addressing GSL.

- SCR 6: Did not pass. Only a resolution, not binding. There was concern that this bill was making the 4198 ft elevation of GSL the highest priority.
- HB 513: GSL Amendments. Defined an emergency trigger as salinity level of GSL becomes unfit for brine shrimp life cycle. Close the causeway breach. This bill provides direction for the Forestry, Fire, and State Lands management plan and also affects industry.
- HB 491: Amendments related to the Great Salt Lake. This bill creates the office of the Great Salt Lake Commissioner, who may require a state agency to take action or refrain from acting to benefit the health of GSL. The Commissioner will communicate with eight different entities.
- HB 349: Water Reuse Projects Amendments. Blanket ban on reuse projects where water would otherwise discharge into a GSL tributary.
- SB 76: Water Amendments. Each city and county will consult with DWR for conservation goals, including how they will affect GSL.
- HCR 7: Concurrent Resolution Supporting the Creation of the Great Salt Lake Sentinel Landscape (lands surrounding military entities).

11:02 - 11:04 Public Comments

Claudia Cottle from Bear Lake Watch said,

"Don't make us hurry so fast." She said she is excited about the Bear River local watershed council going forward but wants to make sure it is properly set up and said, "Thank you all."

11:04 - 11:05 - Administrative Updates: Todd Stonely deferred to next meeting due to lack of time

Next meetings:

- July 13th at 1:00 pm, same location
- October 12th

11:05 – Scott Paxman moved to adjourn. The motion was seconded and passed.