

UTAH WATERSHEDS COUNCIL MEETING
(Approved) Meeting Minutes
Department of Natural Resources
Salt Lake City, Utah
October 5, 2022
9:00 AM

COUNCIL MEMBERS PRESENT:

Chair Corey Cram, Utah Assoc. of Special Districts Joel Ferry, DNR Executive Director Vice-Chair Scott Paxman, Reclamation Project Rep. (Virtual) Ken White, USU Extension VP (Virtual) Kris Hamlet, DEM Director Warren Peterson, Water Attorney Marcelle Shoop, Environ. / Cons. Groups Rep. Craig Buttars, UDAF Commissioner (Virtual) Dustin Jansen, Division of Indian Affairs Director (Virtual) Kim Shelley, DEQ Executive Director Mark Stratford, Utah League of Cities & Towns Rikki Hrenko-Browning, Industry Rep.

OTHERS PRESENT:

Rachel Shilton, Division of Water Resources (Virtual) Todd Stonely, DWR Assistant Director Shannon Clough, Division of Water Resources Dan Adams, Langdon Group Lanli Pham, Division of Water Resources Laura Vernon, FFSL Chris Keleher, Division of Wildlife Resources Candice Hasenyager, DWR Director Joel Williams, Division of Water Resources Todd Adams, DNR Deputy Director Soren Simonsen, Jordan River Commission Marty Bushman, Legal Counsel Andy Rasmussen, Langdon Group

CHAIR COREY CRAM called the meeting to order at 9:00 a.m. and everyone was welcomed. Chair Corey Cram asks Chris Keleher to present first before proceeding with any official Utah Watersheds Council business.

Chris Keleher, the Recovery Programs Director for the Division of Wildlife Resources, gives a presentation and broad overview of Sensitive Species Conservation in Utah.

Presentation Overview

- Why Conserve Biological Diversity?
- Endangered Species Mitigation Fund
- ESA Listing Prevention Efforts (UWAP)
- Importance of Partnerships
- Recovery Efforts (Applied and Regulatory)
- Paradigm Shift (ESA) – Conservation Reliance
- Recovering Americas Wildlife Act

CHRIS KELEHER: Why Conserve Biological Diversity? One of the frequently asked questions from the public for a sensitive species is, “What good is a [species name]?” Holly Duremas provided a series of arguments as to why conserve biodiversity.

1. Esthetics – We should save animals for their intrinsic beauty. There’s beauty in the evolutionary history and the ecology of these species and how they adapt to the environments they live in.
2. Utilitarian – We do well at conserving the species we hunt and fish for, but are there reasons to conserve species other than that?
3. Ethical – We have a moral obligation to help preserve species in Utah, Nationally, and Globally.

In Utah, we have a more practical argument in addition to those arguments. Once a species is federally listed under the Endangered Species Act, we lose a lot of local control for resource use and development and also for managing the species. So, we want to maintain that local (state) control and minimize ESA compliance issues. Additionally, when we’re looking at a federal listing of a state managed species, it really is a failure in the state’s ability to manage that species.

The Endangered Species Mitigation Fund (ESMF)

- Purpose: to serve as a species protection account “to protect any plant or animal species identified as sensitive by the state or threatened or endangered under the ESA”.
- Primary Objective: listing prevention and recovery.
- Vision: to eliminate the need for federal regulatory intervention and oversight associated with the Endangered Species Act.

The funding sources for the Endangered Species Mitigation Fund come from the following: • \$2.45 Million from a portion of the sales tax on water on an annual basis.

- We receive a royalty from the brine shrimp industry out of the Great Salt Lake. The amount fluctuates based on the harvest but in total, we average about \$3.2 Million a year to work on recovery efforts and listing prevention.

The distribution of these funds on an annual basis goes to the following:



How effective has the fund been?

- Before the ESMF, an average of 1 species was listed each year.
- After the ESMF, the average of 1 species listed is now every 2.3 years.

The number of species listed has certainly gone down since the creation of the ESMF. Since its creation, 3 listings were animals. Utah had very little influence on being able to prevent these listings because of the broad distribution of these animals throughout other states in the West. Additionally, there have been 7 plants that were listed. Up until recently, we haven't focused much on plants as a state because we have no state agency that has the mandate to manage sensitive plants.

Section 4 of the Endangered Species Act, states that determinations for listings will be based on the best scientific and commercial data available after taking into account, the efforts that the state is making to protect that species.

After 24 years of having the ESMF, we have learned that information/data is needed to make informed conservation management decisions and actions. A track record of conservation actions that address threats comprehensively and demonstrate a positive species response is the best defense against potential listings.

2015-2025 Utah Wildlife Action Plan (UWAP)

- Goal: No new federal listings
- Required to receive State Wildlife Grant (SWG) funding

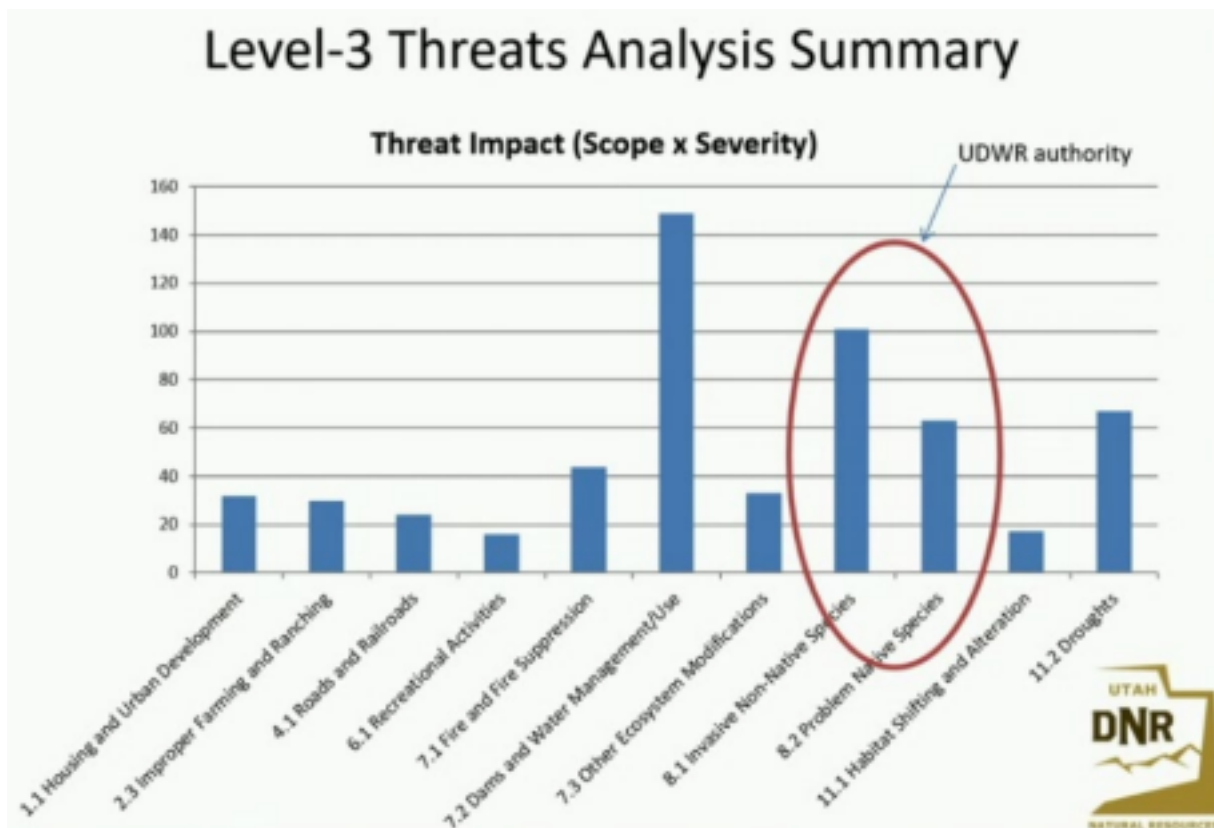
- Conservation Targets = 142 Species of Greatest Conservation Need (SGCNs) & 10 key habitats
- Employs the recommended standardized threats and actions approach

3

Note: UWAP revised recently to add rare plants and insects. Initiating revision for 2025.

When we looked at our species and analyzed the threats, two of the standardized threats fell under UDWR authority which were *Invasive Non-Native Species* and *Problem Native Species*.

One thing to notice on this graph is that *Dams and Water Management/Use* are the most severe threat to our sensitive species in Utah.



Partnerships

Partnerships are the key to conservation effectiveness and trust is the glue that holds those partnerships together. Recently, there has been a big emphasis on pollinators by environmental groups and since there is no state agency with management authority over insects, we recently partnered with Utah State University. We got a pollination expert on board working primarily through citizen science efforts to start gathering information on these species that could potentially see listing petitions in the near future.

Recovery Efforts (Applied and Regulatory)

We have 3 big fish recovery programs. The first one, the Upper Colorado River Endangered Fishes Recovery Program, includes a plethora of partners and includes fish characters such as the Humpback Chub, Bony Tail, Colorado Pike Minnow, and Razorback Sucker. This program has seen some success

4

recently with the downlisting of the Humpback Chub from endangered to threatened, and the proposed downlisting of the Razorback Sucker which we hope to see that proposed down listing finalized this year. Threatened species are still protected under the Endangered Species Act, but we get a little more flexibility in our management options.

The importance of these recovery programs is that as long as we are making sufficient progress toward recovery, ESA compliance is met and there's no interference with water management and development use.

Next, the June Sucker Recovery Program includes numerous partners which make the program effective and we've seen some success here as well. At the start of the program, there were less than 300 individuals left in the world and we had no knowledge of how to raise these species and it was facing imminent extinction. Today, there are between 30,000 – 50,000 of those fish out in the Utah Lake. Last year, this fish was also downlisted from endangered to threatened.

The Virgin River Resource Management and Recovery Program is another fish recovery program that is more ecosystem focused and include a number of partners. The targeted species for this program are the Southwestern Willow Flycatcher (Bird), Woundfin, and Virgin River Chub, all of which are endangered species. We've also got Virgin Spinedace which is managed under this program as a Conservation Species that's been petitioned for listing a couple of times and a number of other native species that we keep an eye on for this program.

Applied Recovery Efforts

- Ecosystem-Based Approach
- Directed by Sound Science
- Address Threats in Cooperation with Partners
- Work on Recovery in the Context of Resource Use and Development
 - Employ an Adaptive Management Approach where we monitor the response to any actions implemented, learn from that monitoring, and then adapt those actions if necessary.

Regulatory Recovery Efforts

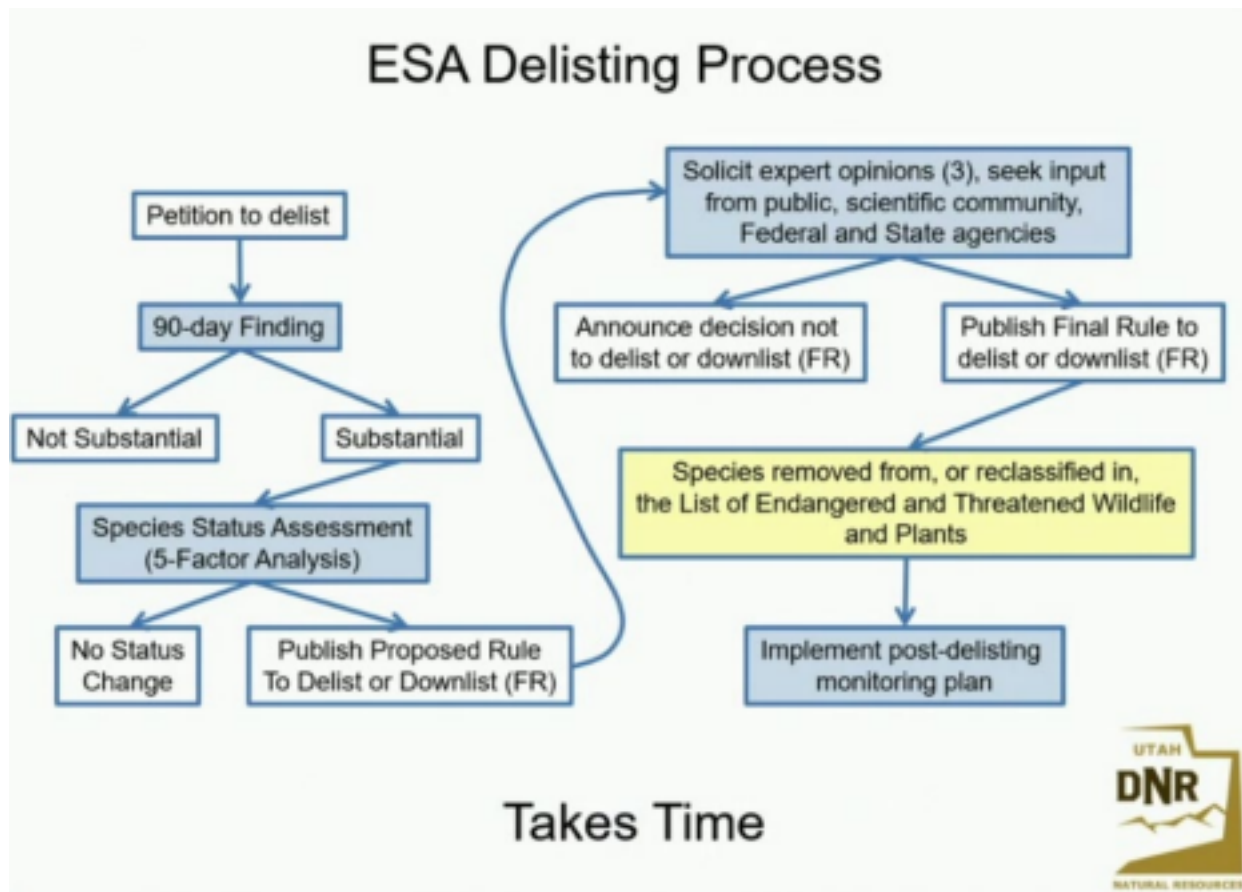
This is the process and way of working through ESA regulations. If we look at the species that have been removed from the ESA listing as of 2017:

- 1652 species were listed

- 72 had been removed
- 47 of those were determined to be recovered
- 10 went extinct
- 15 were listed in error

The regulatory process to get a species off ESA is no small task. Below is a chart outlining the ESA Delisting Process.

5



As you can see, this all takes time – typically about 4 years but it can take

longer. Utah ESA Regulatory Status Review Group

Goal: To review the status of listed species in Utah and downgrade the regulatory status of those listed species that no longer meet the definition of Threatened or Endangered.

Objectives:

1. Develop criteria (considerations) for evaluating Utah’s listed species for down/delisting.
2. Develop a short list of species that warrant consideration for down/delisting.
3. Determine the best approach to get through the regulatory

process and costs. 4. Determine funding mechanisms, sources, and amounts to meet needs.

5. With funding in place, implement the regulatory process to consider selected species for down/delisting.

Since the creation of the Utah ESA Regulatory Status Review Group in 2016, the following species have been down/delisted:

Deseret Milkvetch: Delisted 2018

6

June Sucker: Downlisted 2021

Kanab Ambersnail: Delisted 2021

Ute Ladies'-tresses: Species Status Assessment (SSA) with recommendation under review
Heliotrope Milkvetch: Conservation Agreement (CA) proposed for delisting consideration

The Significance of this Effort:

- Demonstrates that investments made in listed species recovery are not in vain
- Establishes a model for use in other states
- Demonstrates that ESA is not “a highway devoid of off ramps” and that species can be recovered working within the regulatory framework of the Act.

Paradigm Shift (ESA) – Recovery/Delisting

- Endangered – “...any species which is in danger of extinction throughout all or a significant portion of its range...” *ESA 1973*
- Threatened – “...any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range...” *ESA 1973* • A species may be delisted when “...it no longer meets the definition of Threatened or Endangered, not necessarily whether it meets recovery criteria.” *USFWS (supported by case law – Virginia flying squirrel)*
- Delisting must comply with ESA – supported by the best scientific and commercial data available that substantiates that the species doesn't meet the definition of Threatened or Endangered

Paradigm Shift (ESA) – Conservation Reliance

“Thirty-seven years after passage of the U.S. Endangered Species Act in 1973, we conclude that the Act's underlying assumption – that once the recovery goals for a species are met it will no longer require continuing management – is false. Even when management actions succeed in achieving biological recovery goals, maintenance of viable populations of many species will require continuing, species-specific intervention. Such species are “conservation reliant” ... Our analysis indicates that 84% of the species listed under the Act are conservation reliant. These

species will require continuing, long-term management investments.”

- J. Michael Scott, Goble D.D., Haines, A.M., Wiens, J.A., and M.C. Neel. 2010. *Conservation-reliant species and the future of conservation.*

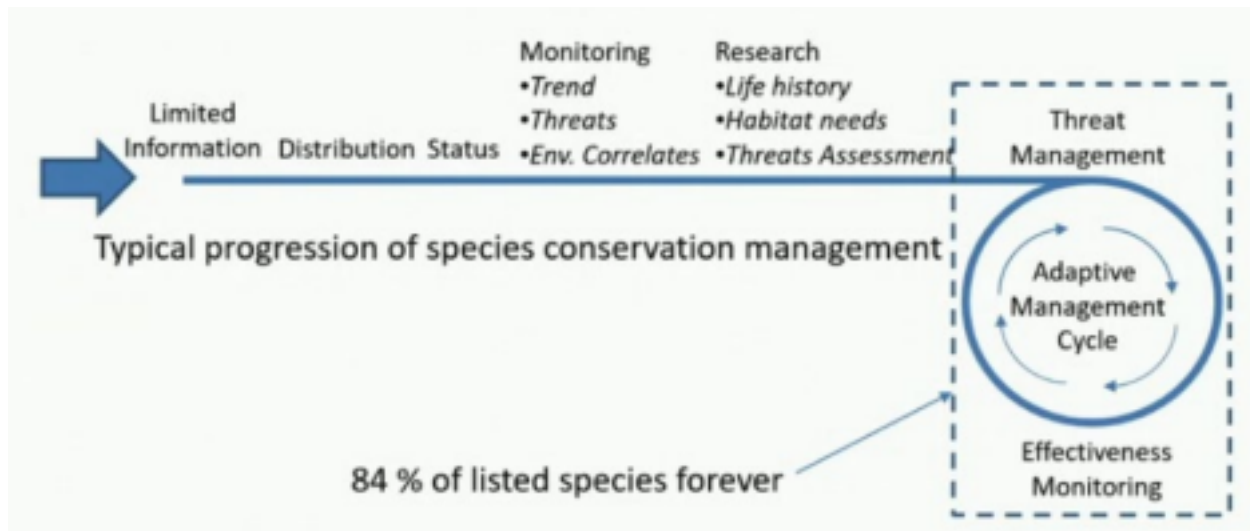
Delisting with Management Actions (Management Reliant)

“The FWS makes delisting decisions that rely on continued management actions when there is certainty that those actions will be implemented and effective in keeping the species from meeting the definitions of Threatened or Endangered.”

- USFWS, UCRIP Management Committee, April 2018

7

Conservation Reliance Vortex



Recovering Americas Wildlife Act (H.R.4647 / S.3223)

There's some federal legislation now, Recovering America's Wildlife Act, that would provide considerable funding to the states to help implement wildlife action plans, and help prevent new species from being listed. You can view more information about that Act by going to OurNatureUSA.com.

This brings my presentation to an end.

CHAIR COREY CRAM: Thank you. It's through partnerships and through the great efforts we have with Wildlife Resources and Natural Resources that we are able to address threatened and endangered species. I personally appreciate the efforts that keep our resources available for recreation and economic benefits. Good things are happening and I'm glad to be a part of it and it's happening all over the state. As Chris mentioned, Utah has a unique perspective and unique approach and it's really paid off and it's good to see. Does anybody have any questions or comments?

RIKKI HRENKO-BROWNING: I would just like to echo those comments. Working in the oil and gas industry, we have direct nexus and interface with a number of these species on a regular basis. And, I think there's been perhaps a cultural shift that isn't widely recognized yet, not just in the oil and gas space but mining and industrial, natural resource, development, and in general about really having strong partnerships in terms of supporting the excellent work that you and your team has done. It's a drop in the bucket in the sense of the overall effort and significant costs that go into these. But this year, we were happy together with the Utah Mining Association and Utah Petroleum Association to donate almost \$11,000 to the ESMF from several charity events. And just to really emphasize the importance of that partnership within our member companies and the support and excellent work that you do, so thank you so much.

CHRIS KELEHER: Thank you Rikki and thanks for those events to get that funding.

8

MARK STRATFORD: On your funding model, if you have forever listings and you have new creatures and plants coming along, even if it's only infrequently, how is it that the funding model can keep up with the ones that are already in process plus the ones that are coming along?

CHRIS KELEHER: Hanging on by fingernails right now. We got our fingers crossed for the federal legislation under Recovering America's Wildlife Act that would bring roughly an additional \$20 Million to Utah to work on listing prevention which would be a game changer. It would put native species conservation at the level that our recreational hunting and fishing management has been at for years. It's been identified as a crucial need and we're hopeful on that front. I think what Rikki mentioned in terms of a shift in the resource development agencies, recognizing how important it is to develop our resources in an environmentally responsible way that minimizes impacts to species and helps to recover listed species and prevent listings, is happening. It happened in our water development community early on and I see that trend growing. I think society is moving in that direction too.

CHAIR COREY CRAM: Let me just note, in our local case in the Virgin River with our recovery program, it was set up to have funds that we got from U.S. Fish and Wildlife and then the state of Utah in Natural Resources would match that and then we would match that locally. So, it was a three part; federal, state, and local partnership. What we've seen over time is the funds from the Fish and Wildlife have gotten scarcer and scarcer. Budgets get tighter and funds go to the charismatic megafauna and when you have to relocate a problem, such as a bear, the money goes to that instead of a small fish like the woundfin. So, we've seen those funds progressively decrease and now it looks like the funds from the Fish and Wildlife may be gone altogether. We're reaching out to other grants and opportunities and there's hope for other things to come through, but I think we're going to see more and more that the reliance is going to have to be on the state and local level and you can't count on the federal partners or those situations which

have been there in the past.

As Chris demonstrated, under the best circumstances there still has to be an effort to maintain conditions into the future. Even with downlistings and delistings, it's still a challenge. In our situation, we've cut our monitoring to kind of bare-bones to keep track of habitat and conditions and species. But we're still having to put out hundreds of thousands of dollars in our budgets to manage the species, so it's an ongoing issue and challenge.

WARREN PETERSON: I wanted to ask Chris, you mentioned that dams and water management are a big sector of what affects endangered or threatened species and you expect the column for drought to become larger. So, with this council and the extension of the local councils, as we gear up and try to look at water issues, how do we keep in touch on the endangered and threatened species issues within a local watershed or even on the statewide?

CHRIS KELEHER: I think by working with our regional wildlife offices and also becoming familiar with our Utah Wildlife Action Plan. The Division of Wildlife orchestrates the development of that plan but it's really a state plan for conserving species. So, getting familiar with that and getting involved with the Utah Wildlife Action Plan is a good way and working through our local regional wildlife offices.

9

CHAIR COREY CRAM: I would say, my observation is that there's usually a reason why a watershed group or watershed council comes together on a local basis, and it's usually to address an issue. It can be a devastating flood, fire, water quality issue, water supply issue, or an endangered species issue. But if there are endangered species issues, it's not going to go away, and there's going to have to be a partnership there that's going to persist into the future. In our case, we have a local coordinator and there are local wildlife resource offices that are critical resources of those watershed efforts and should be part of that local council.

MARCELLE SHOOP: If the Recovering America's Wildlife Act is successful in being passed and there is that federal funding, what is the agency's process/how will you think about allocating those funds relative to those species that are already listed and particularly with the drought continuing?

CHRIS KELEHER: The Division of Wildlife has a subcommittee that's working on a readiness plan that is looking at where we need to beef up our efforts and where those funds could be directed. Our three fish recovery programs have been pretty much flat-funded since their origins 20 years ago, or more. So, we're looking at the need to improve funding for those but that wouldn't be a substantial part of that fund. A lot of that money would go towards filling those crucial data gaps that we have for our species of greatest conservation needs. Until we understand some of the basic information on those species, we really can't implement conservation actions that are based on sound science. So, a lot of information gathering to get

us up to speed on those species that we're not too familiar with. It's still in the process of figuring out where we're going to go with that funding should it pass. But it'll be a welcomed problem to have for sure.

CHAIR COREY CRAM: Any questions for Chris? We started out kind of informally jumping into Chris's presentation because we were short on numbers here. So, let's jump back into our agenda here. It's the approval of our minutes. We have two batches of minutes - April 14th and July 14th. Has everyone had a chance to review those minutes? If so, I'd like to accept a motion to approve those minutes.

Approval of Minutes

CHAIR COREY CRAM makes a motion to approve both the April and July meeting minutes at 9:51 a.m. MARCELLE SHOOP moved to approve both the April and July meeting minutes, KRIS HAMLET seconded, and all approved.

WARREN PETERSON: Mr. Chair, if I may, looking at these minutes they're very thorough and detailed minutes. I think for an organization like this council that's just getting underway, that's a very good historical record. It's very helpful. So, I wanted to commend those who are involved in putting the minutes together. It's a lot of effort. Thank you.

TODD STONELY: Chairman Cram, may I make a comment?

CHAIR COREY CRAM: Please.

10

TODD STONELY: I know we have Scott Paxman at another event in the Uintah Basin. I maybe suggest that we move to his presentation before Warren's.

CHAIR COREY CRAM: Yes, good point. Scott, are you available? Could we go ahead and move you up and have you talk about some information we asked a subgroup to put together on certification?

VICE-CHAIR SCOTT PAXMAN: You bet.

Local Watershed Council Certification Subgroup Presentation

VICE-CHAIR SCOTT PAXMAN: A subcommittee was formed for the organization of the local watershed council organizing documents and templates. It was a lot heavier lift than I thought it was going to be and had a lot of great input and coordination from the committee members. So, I appreciate all of that. I assume everyone got a copy. Is that right Corey?

CHAIR COREY CRAM; Yes, it was emailed out and they're available here.

VICE-CHAIR SCOTT PAXMAN: Okay, awesome. The template is a guidance document, but there are some requirements as identified in the code that even the local watershed councils have to abide by. Then, some suggestions are also indicated there and those suggestions can be taken or not, can be implemented or not into the organizing documents of the local council. I'm going to step through the document fairly quickly. The *Local Watershed Council Organizing Document And Policies Template* can be found in the Utah Watersheds Council Shared Google Drive under the "Policies" folder.

In Section II – Membership, we had quite a discussion on this part. It's composed and governed by no fewer than nine and no more than 21. Those numbers were fairly arbitrary but there's some discussion behind them as well. That can be massaged by the local councils and they can decide how they want to be organized as far as the number of members. Another one that we had some discussion on was regarding member qualifications. There are state and federal agencies that might want to be involved but they are not voting members. That's the way I understand it. Is that correct Warren?

WARREN PETERSON: You've recalled that correctly, the participations invited but the voting members would be those that are specified in the statute.

VICE-CHAIR SCOTT PAXMAN: In Section 3 we get into Member Selection. So how are they actually selected? They're voted by the majority of the members by at least two individuals nominated by Members. So, they're nominated first, and then they're voted by the members in order to be on the Council. The Member Rights in Section 4 is an important one. So even though you might represent one or more of the activities mentioned on the previous page, you're entitled to one vote only. In regards to the Member Terms, we looked at a four-year term, and there's no end of terms. We're not requiring people to resign after so many terms because in some watersheds the membership might be very limited so we wanted to be as flexible as possible. The initial terms will be staggered with all subsequent terms being a period of four years and then 1, 2, and 3 years staggered for subsequent term cycles so that not everybody's reappointed every four years.

In regards to compensation and reimbursement, members will receive no compensation or benefits for their service but may receive per diem and travel expenses which will be processed by the Division of Water Resources. Section III which talks about Officers is very straightforward and the officer terms are two years. The Utah Watersheds Council Representative represents the Local Council and Watershed on the Utah Watersheds Council, and they need to relay the council's communications to the Utah Watersheds Council, as directed. So, very important. I think that's a very important position especially for our council because we want to hear from those local councils and understand what their issues or problems might be moving forward and what kind of help we could facilitate to those local

councils. An important part of those local councils where they do contribute to the Great Salt Lake drainage, I think it's important to have that representation and insight from that Great Salt Lake Watershed Council Representative listed in Section D.

So, as you can tell, there was a lot of detail that was discussed and of course, every local watershed is going to do it a little differently and they're going to put their own flavor on things. But, again, there are some things that are required by code and then a lot of good suggestions. Are there any questions from the group?

CHAIR COREY CRAM: Let me first say thank you. This is a great effort and I appreciate you and the committee.

MARCELLE SHOOP: I have three questions about wording. I appreciate the committee putting this together because it's really helpful and so that the local watershed isn't starting from scratch. The first question I had was on Member Rights which is Section 4 on Page 5. I was trying to look quickly at the Act but I don't remember where in the Act it precludes members from not being able to designate a proxy to act or vote in their absence. There's another provision in here that says that the Council can choose alternates, which maybe is the way that's done. I wondered if that is in the Act or why we wouldn't give that opportunity for someone to carry their proxy. Even if it's on another council member.

VICE-CHAIR SCOTT PAXMAN: Great question. Warren, Peter, or Marty?

WARREN PETERSON: It was a desire to maintain some order, which is the best way to describe it. In the State Council, we have that opportunity. But in the local, you've got to set up a set of rules to go with that and we think the local councils could use that approach if they wanted to. We just didn't build it into here because there are a fair number of additional rules that would have to go with that. One thing that we were trying to be careful of though is to make sure that in these local councils, it's one person one vote. That way they aren't voting for their local council and for agriculture for example and voting more than once. It was something that we didn't build in at this point, but if we need to build it in, we can. We will have to put in the other rules that go with it.

CHAIR COREY CRAM: So, the reality is, it's not a requirement but this would be a suggestion that they would not designate proxies.

WARREN PETERSON: That's correct.

12

MARCELLE SHOOP: So maybe at the least it should be in green (as a suggestion)? CHAIR COREY CRAM: Yes.

MARCELLE SHOOP: I think that if it's not in green (suggestion), it removes flexibility from the council. Whom they want to manage their votes.

MARTY BUSHMAN: I am an attorney general and helped work on this document. There are two ways we can have language mandatory in this agreement. One, statute requires it. Two is, this council requires it since there isn't a lot of detail on how we set up these certifying documents. And the thought was is, we got these groups, there were things to make them productive as forums for gathering information would be continuity, and if different people are showing up every meeting to discuss different issues at that level, and given that they can have up to 21 members, it just seemed like it could create a lot of disorder and possible dysfunction. So, it's in black although it's not required in the statute. It was something that we felt strongly enough that may interfere to some degree with their ability to function in the way that the statute would like them to if different people were showing up at meetings every single time. So, it's something that's within the discretion of this body to determine whether you want to keep it as a mandatory language or whether you'd want to make it discretionary.

MARCELLE SHOOP: Thanks. I know that both those explanations are helpful and I can see that. I just wonder if that should be up to the local councils to make that decision. I don't feel strongly about it, that just surprised me. I've never known a board that didn't have the ability to do a proxy. My only suggestion there is you could just make it green (a suggestion) if you want to do that. And then, I assume the facilitators are going to be working with the councils as they set up their own governing rules and they can help guide that discussion. Just a thought.

The next question was regarding Electronic Meetings. It's Subsection a(v) under Section 9 on Page 9. I don't know if we'll ever end up in this place again but I just thought maybe since this isn't mandatory maybe there's an option that the entire meeting could be held virtually and so you wouldn't have an anchor location. I thought maybe there could a tweak there. Will the Act allow for that?

MARTY BUSHMAN: No. There was the Open Public Meetings Act that will govern how the meetings are held in terms of public notice. And that Act does allow for a virtual meeting, but it does require an anchor location. So, we're following the statute.

MARCELLE SHOOP: Was there always an anchor for virtual meetings during the pandemic?

MARTY BUSHMAN: It was waived during the pandemic for a period of time because we couldn't have people physically attending.

MARCELLE SHOOP: Okay then, this is good. You've informed me and I don't need to worry about this anymore. Thank you.

MARK STRATFORD: I don't know that it requires any change to the form, but it's a good discussion I think about how council members are added. What about the initial group of council members? I

“All right, we feel good about what you’ve done?” It seems like maybe this may have been discussed but what was your conclusion?

WARREN PETERSON: In fact, initially this document had it in there, and then we thought, “Wait a minute, you’ve got a chicken and an egg problem. You can’t have this document until you got a group together.” Our facilitator Dan Adams said, “I’ll propose something.” So, he did it via an email. We’ve not furnished that out to this group, but we can. It’s basically a process that would ensure a pretty good sweep of the local groups. I’ve got it here. I could read it but it has about 10 points and I think that’s maybe too much detail for here.

MARK STRATFORD: I guess the question is, is that something that we’re going to look at to try and ensure when they come for certification or recognition?

WARREN PETERSON: I think that was the intention, isn’t that correct Vice-Chair Scott Paxman? VICE-CHAIR SCOTT PAXMAN: Yes, absolutely.

WARREN PETERSON: Because it would assure the broad stakeholder engagement that the Act anticipates.

VICE-CHAIR SCOTT PAXMAN: Yeah, we need to make sure that the representatives are as outlined and are actually chosen and make sense.

WARREN PETERSON: Good Question. Dan Adams, could you send that out to Todd Stonely, and then we could distribute it out to the council members for review?

DAN ADAMS: It would be great to get back on that because it needs more work before sending it out to the whole council.

CHAIR COREY CRAM: Anything else Mark?

MARK STRATFORD: This is a great template. I suppose once The Great Salt Lake Council figures out what it is they’ll have to figure out how their document is going to look because it’s going to be different, but no reason to try and prepare it for them before they come along.

WARREN PETERSON: Yes. And really, that is the process for every local council. I’d add to what Scott Paxman said, there’s also a business case that’s been drafted and put together explaining why this is being done and what the intent of it is. So, that would be a helpful document I think also to a group organizing a local council. The intent was to give local councils the safe harbor document. If it looks like this, this Council would look favorably on their request to be certified as a local council. So, it gives them that foundation to work from.

CHAIR COREY CRAM: Any other questions or comments?

MARK STRATFORD: Are you looking for any kind of motion about this item? Do we need to formally acknowledge that we think this is a good document? Is there an action item associated with this?

VICE-CHAIR SCOTT PAXMAN: I think there should be an action item to let us proceed with some of the discussions with the local councils that want to proceed ahead. We want to give something with some guidance to them as soon as we can.

CHAIR COREY CRAM: I guess I still feel a little bit weak on this point about how members are established and we have these other 10 points. Do we need to see this as a council to understand that a little bit better? Or where are we at with that?

MARK STRATFORD: Well, unless we want to change the document, I think we'd want to have more discussion. But, unless we want to change the document in some way or dock maybe a separate procedure about the initial formation of membership, I think we could recognize this as an adequate template for local councils but maybe talk about whether we want to have an additional policy or formal method of recognizing them.

VICE-CHAIR SCOTT PAXMAN: That's true. I think the 10 points are more of a guidance on that particular item. So, we're not saying you have to do this but it's something that we need to consider as a state watershed council on whether we require them to come to our council with certain information.

MARK STRATFORD makes a motion to acknowledge and recognize this document as an adequate template for local councils to use in coming to us for recognition at 10:24 a.m.
RIKKI HRENKO BROWNING seconded, and all approved.

CHAIR COREY CRAM: Thank you. And, thank you to the committee and all of your efforts. That was a great effort in a short period of time from one meeting to the next, we appreciate that. We've been bouncing around our agenda and appreciate the flexibility to be dynamic as necessary here. Next, we will go to Warren Peterson for suggestions for potential modification to the Watershed Councils Act.

Potential Modification to the Watershed Councils Act

WARREN PETERSON: Thank you. We had an amendment in the last session to Section 304 of the Act, which is the Watersheds Council membership. The suggestion I'm making is that we have the state engineer be designated as a non-voting council member. My recommendation would be that we encode that and make it a mandate in the code so there's no question about the state engineer's duties. Make it a non-voting member and the local councils would have it be their choice to add them in but that way you get the infrastructure of the state engineer's field offices to help support the local councils. But also, if we're dealing with water policy and needs of the state, so many of those flow through the Division of Water Rights, just as they do through the Division of Water Resources. So, it would have that additional representation. So that's the background for the suggestion that we amend Section 304 to add the state engineer as a

non-voting member of the state's watershed council.

15

The second recommendation was there should be someone on the local councils representing the local land-use regulatory authorities. Those would be cities or counties.

The third suggestion that came up was, whether there ought to be periodic recertification of the local councils to make sure that the broad stakeholder representation has been maintained or whether the State Council needs to facilitate a reorganization that would broaden the stakeholder participation. So, this third one is probably more of a question rather than a recommendation for this council to consider.

MARK STRATFORD: In regards to the second recommendation, for a local planning organization, I don't know that it would hurt, but I also don't think they're prohibited by the statute, right? How important is it to specifically call that out in the statute?

WARREN PETERSON: That's correct and your points are good. It might be a good time to encourage participation from a land-planning organization. Do we want to formalize it as a part of the code since it's only suggested and not mandatory? I'm throwing it out to the pleasure of the council.

CHAIR COREY CRAM: Any thoughts on recertification?

MARCELLE SHOOP: Was there a specific time frame that you were thinking of?

WARREN PETERSON: My opinion is to roll it every four years because that's how often turnover is for mayors, council members, and county commission members.

CHAIR COREY CRAM: I guess on the other hand it seems like if the group is following the guidelines, there shouldn't be problems especially if there's a mechanism for the removal of members. If they perceive that there's an issue or a problem in the organization, to me, it almost feels a little premature to be looking at recertification but I don't know.

MARK STRATFORD: This is going to sound even probably more aggressive than recertification, but should there be the authority to revoke? Because then you wouldn't have to come in on a specific timeframe. But if there was an extremely dysfunctional situation, you could say, this group is not working so great and maybe it needs to be reformulated. Would we want the authority as the State Council to be able to do so?

WARREN PETERSON: It's gentler to say you're going through a recertification process rather than say you need correction.

RIKKI HRENKO-BROWNING: I think we want to be careful about doing anything to dissuade folks or making it look like it is too much of an administrative burden to be worth their time.

WARREN PETERSON: Maybe it's a question if we cross that bridge if we get to it. Amend the

Act if it needs to be.

CHAIR COREY CRAM: I think that may be appropriate, and I share the same perspective as Rikki. So, the first suggestion was that the state engineer would be a non-voting member of the state council.

16

MARCELLE SHOOP: Do we know if the state engineer is/was interested in that? Was it their idea? WARREN PETERSON: The state engineer is willing to have that role, yes.

CHAIR COREY CRAM: It seems to me that wouldn't be a bad thing if the state engineer is willing to participate. The next suggestion was the local planning and it seemed like we felt there was already an opportunity and it's listed there as a suggestion.

MARK STRATFORD: My only comment would be from a messaging perspective. It might be helpful to amend to include it in the statute even though it's not necessarily required.

CHAIR COREY CRAM: And then the last suggestion was recertification. It looks like we should probably leave that one alone for now and follow up if necessary.

WARREN PETERSON makes a motion to place those items on the future meeting agenda at 10:40 a.m. JOEL FERRY moved to approve the motion, KRIS HAMLET seconded, and all approved.

Public Comments

CHAIR COREY CRAM: Is there anybody in our audience who would like to take a moment and provide us with some feedback or comments? We would welcome it.

SOREN SIMONSEN: I am the director of the Jordan River Commission and I just wanted to thank the Utah Watersheds Council for the excellent work and guidance on local watersheds. Our organization has been discussing this since before the bill was even passed. This has been really helpful information and will provide great guidance to our organization and how we might move forward. So, we anticipate probably coming before you, maybe at your next meeting, to discuss the Jordan River Watershed Council in the future. But I appreciate your excellent work and the informative discussion and presentations today. Thank you so much.

CHAIR COREY CRAM: Thank you Soren, and appreciate you being here consistently and for your comments. Anyone else from the audience?

Wrap-up & Confirm Upcoming Council Meeting Dates

After discussion with members of the Council, the upcoming council meeting dates and times

were confirmed as the following:

- Tuesday, January 10th from 9:00 a.m. – 11:00 a.m.
- Wednesday, April 12th from 9:00 a.m. – 11:00 a.m.
- Thursday, July 13th from 1:00 p.m. – 3:00 p.m.
- Thursday, October 12th from 1:00 p.m. – 3:00 p.m.

CHAIR COREY CRAM makes a motion to approve the upcoming council meeting dates and times at

17

10:49 a.m. WARREN PETERSON moved to approve the upcoming dates and times, JOEL FERRY seconded, and all approved.

CHAIR COREY CRAM motioned to conclude, KRIS HAMLET seconded, and all approved. The meeting ended at 10:50 a.m.

