

# **RECOMMENDATIONS ON THE ESTABLISHMENT OF A GREAT SALT LAKE COMMISSION**

**FROM THE GREAT SALT LAKE ADVISORY COUNCIL**

**APRIL 28, 2009**

In response to its charge from Governor Huntsman, the members of the Great Salt Lake Advisory Council (Council) recommend the establishment of a permanent “Great Salt Lake Commission.”

The Council further offers the following specific recommendations regarding the Commission.

## **MISSION**

The mission of the Great Salt Lake Commission is to provide overall guidance on management of Great Salt Lake, its watershed, and its ecosystem.

## **OBJECTIVE**

The objective of the Great Salt Lake Commission is to design and help implement strategies for the sustainable use and protection of Great Salt Lake and its ecosystem.

## **ROLE**

- The Council recommends the establishment of a permanent Great Salt Lake Commission to serve as an advisory body, able to advise on: setting priorities; exercising clear and accountable leadership; directing and funding the collection and/or development of critical scientific research and data; addressing conflicting mandates and uses; facilitating decisions across federal, state, and local authorities and interests; advocating specific policies and decisions; educating and informing the public; gathering and receiving public input; responding to inquiries; moderating competing interests and concerns; providing overall guidance on management of the Lake, including its watershed and ecosystem; and conducting other activities and functions consistent with the mission, role, and authority of the Commission.

## **AUTHORITY**

- The Commission is an advisory body with authority to perform its mission and its role, described above. Specifically, the Commission will have the authority to make decisions within its authority; commit and expend funds within its control; and be able to advocate, moderate, facilitate, gather information, recommend, educate, inform, etc. In addition, the work of the

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Commission will be enhanced by the authorities and expertise that each individual Member may bring to the Commission as a whole.

- The creation of the Commission does not change existing authorities of local, state, or federal governments, nor does it create another regulatory government agency or layer of government. Rather, it provides a vehicle for building cooperation among public, private, and non-governmental entities and enables collaboration and innovation to benefit Great Salt Lake and its ecosystem. The Commission will be a permanent body with a vested interest in helping and supporting managing agencies to fulfill their responsibilities by providing cooperative efforts.
- The Commission and its decisions are subject to existing authority, including the Public Trust Doctrine, statutes created by the Legislature, and management plans that govern and control the Lake.
- The Commission and its decisions will be subordinate to the authority of the agencies that have authority to manage the natural resources of Great Salt Lake, including water rights, property rights, legal authority and responsibilities, and legislative mandates.

**ACCOUNTABILITY**

- The Commission shall be accountable directly to the Governor of Utah and to the Utah State Legislature, and indirectly to the public.

**STRUCTURE**

- The Commission serves as a leadership council on behalf of ~~the~~ Great Salt Lake. The Commission will have a Chairperson and Vice Chairperson, chosen by the Members of the Commission from the Commission's membership. The Commission may retain staff to provide administrative or other support for its operations and activities.
- The Commission shall establish a balanced Science Advisory Panel (see below for more specifics on the Science Advisory Panel).
- The Commission may appoint ad-hoc committees, and may contract with agencies, entities, or individuals to develop and acquire the data and information necessary to make accurate decisions. The Commission may establish a Watershed and Ecosystem Coordination Advisory Panel consisting of key involved interests and institutions to assure that a broad base of input and information is available to the Commission.

## MEMBERSHIP

The Commission will be a public-private partnership and will include the following Members:

- Representative of Industry (extractive, natural resource), appointed by the Governor
- Representative of Industry (aquaculture), appointed by the Governor
- Representative of Environmental or Conservation interests, appointed by the Governor
- Representative of Sportsmen, Waterfowl, Wildlife, or Recreation interests, appointed by the Governor
- Representative of Municipal Government, appointed by the Governor
- Representative of Publicly Owned Treatment Works (POTWs), appointed by the Governor
- Representative of County Government, appointed by the Governor
- Representative of the public at large (tourism or other), appointed by the Governor
- Director of the Utah Division of Forestry, Fire, and State Lands (DFFSL)
- Director of the Utah Division of Water Quality (DWQ)
- Director of the Utah Division of Wildlife Resources (DWR)

The Commission shall have the following non-voting, ex officio members:

- Executive Director of the Utah Department of Natural Resources (DNR)
- Executive Director of the Utah Department of Environmental Quality (DEQ)

Gubernatorial appointees are to be confirmed by the Utah State Senate.

## SPECIFIC TASKS

- **GREAT SALT LAKE HEALTH** – The Commission shall advise on the establishment of a definition of a healthy Great Salt Lake (“Great Salt Lake health”).
- **MEASURABLE GOALS** – The Commission shall advise on the establishment of indicators of ecological health for Great Salt Lake and measurable goals for each indicator. The health of the Great Salt Lake ecosystem will be monitored and tracked in terms of these indicators and goals over time.
- **GOOD SCIENCE** – Good science is critical in the Commission’s decisions. In its deliberations involving Great Salt Lake health, goals, monitoring, ecology, ecosystem, wildlife, waterfowl, and

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other scientific matters, the Commission will draw upon the expertise and counsel provided by the Science Advisory Panel.

- **MULTIPLE USE** – The Commission will consider economic impacts and benefits and multiple uses regarding matters under its review or consideration.
- **RESPONSIBLE AGENCIES** – The Commission will identify which federal, state, and local agencies are responsible for implementing measures to achieve the desired Great Salt Lake health goals. The Commission will request that each local, state, and federal agency responsible for any material aspect of Great Salt Lake management submit annual plans, timetables, and budgets to the Commission defining the actions they plan to implement over the coming year to achieve progress towards the goals of Great Salt Lake health that are established by the Commission. The Commission will review these plans, timetables, and budgets and provide comments to the respective agencies, the Governor, the Legislature, and the public.
- **STRATEGIC AND MANAGEMENT PLANS** – To the extent longer-term strategic or management plans exist or are under development for certain agencies regarding Great Salt Lake, its ecosystem, and its watershed, the Commission will participate, at its discretion, in the development and/or review of such plans (including, but not limited to, the Great Salt Lake Comprehensive Management Plan) and provide comments to the respective agency, the Governor, the Legislature, and the public. The Commission will also advise these bodies on gaps in these plans and priorities necessary to achieve the goals of Great Salt Lake health.
- **PERMIT REVIEW** – The Commission will ask that any permits requested for the development of Great Salt Lake resources which, if issued, may have a material impact on Great Salt Lake health, be submitted to the Commission for its review and/or comment within the timeframes established by administrative statutes, rules, and procedures. The Commission may provide recommendations for resolving disputes and/or addressing conflicting mandates.
- **GREAT SALT LAKE REPORT** – The Commission will periodically (not less frequently than every three years) report to the Governor, the Legislature, and the public on “The State of Great Salt Lake” by publishing a suitable report on Great Salt Lake health. Public hearings will be held on this report highlighting Great Salt Lake health, including goals, progress on the goals, etc. The report will also highlight best practices and examples of successful public/private partnerships to improve Great Salt Lake health.
- **LAKE AWARENESS** – The Commission will work to raise public awareness of the contributions of Great Salt Lake and its ecosystem to the economy of the state for the benefit of Utah's citizens.

## SCIENCE ADVISORY PANEL

- A Science Advisory Panel will support the Commission by providing scientific expertise, review, recommendations, and counsel on issues of importance to the Commission in the performance of its duties and responsibilities.
- All activities of the Science Advisory Panel will be directed at making recommendations to and supporting the needs of the Commission. The Science Advisory Panel is not intended to act independently of the Commission, but will serve in an advisory role. All policy and other final decisions will be made by the Commission.
- Tasks: Some of the important tasks of the Science Advisory Panel may include:
  - Identifying the appropriate indicators needed to assist the Commission in defining, tracking, and achieving Great Salt Lake health.
  - Identifying the research priorities needed to define, track, and achieve Great Salt Lake health and to respond to Great Salt Lake issues and threats to Great Salt Lake health by coordinating and prioritizing research in collaboration with the Commission, state agencies, and external researchers.
  - Recommending to the Commission the appropriate method and level of monitoring of the Great Salt Lake health indicators, and assisting in the tracking of progress towards measurable goals.
  - Interpreting for the Commission relevant scientific enquiries, existing scientific information, and data related to Great Salt Lake health.
  - Providing data for “The State of Great Salt Lake” report.
  - Advising the Commission on management issues and recommendations as requested.
  - Providing liaison and outreach to the broader scientific community on issues of importance to the Commission.
- Guiding Principles: The Council recommends the following guiding principles be considered by the Commission in establishing the Science Advisory Panel:
  - The Science Advisory Panel shall be comprised of a small number of respected scientists with a broad range of expertise relevant to Great Salt Lake and its ecosystem.
  - The members of the Science Advisory Panel shall be actively engaged in scientific research of issues relevant to Great Salt Lake and its ecosystem.
  - The scientists shall come from a range of sectors such as public agencies, academia, private interests, etc.

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- The Commission shall establish procedures for the nomination and selection of the Panel's membership. (The Science Advisory Panel should not also be members of the Commission.)
- The Commission shall ensure that the expertise of the Science Advisory Panel is available to the Commission free from bias which could result from conflicts of interests.
- The Commission shall properly define the role of the Science Advisory Panel in the review and award of any grants or contracts established by the Commission to conduct science-related work.
- The Commission may establish appropriate compensation for the members of the Science Advisory Panel.

**FUNDING**

- The Council recommends the creation of a stable, reliable source of funding for the Commission in an annual amount sufficient to support the Council, including providing limited administrative support; acquiring necessary scientific data; and funding conservation, education, and restoration projects.
- The Council recommends the establishment of an interlocal agreement among POTWs or other mechanism to provide sufficient funding.
- The state should establish the appropriate mechanism to receive the funds under any interlocal agreement; accept any federal, state or other government funds or grants; or receive any other funds that might become available for the Commission to fulfill its mission.