



WESTERN RESOURCE
ADVOCATES

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Transmitted via email

Subject: Comments to First Part of Draft Great Salt Lake Comprehensive Management Plan

Laura:

We are submitting these comments on behalf of FRIENDS of Great Salt Lake. Initially, let me say how impressed we were with the effort that's gone into the Draft Comprehensive Management Plan (CMP), and the innovative, Lake-level approach you've proposed to managing this invaluable resource. This bodes well for the Lake and leads us to believe that this version of the CMP will be significantly more sophisticated, more useful, and more protective of the Lake than the version that it's replacing. Thanks to all who have spent what must be countless hours working on this, and congratulations on a fine initial draft.

Please allow me to make a few overall comments before I dive into the specifics. First, while this may seem trivial, please capitalize "Lake" when referring to Great Salt Lake throughout the document. A small thing, I know, but important. Second, it's critical for the Division of Forestry, Fires and State Lakes (Division) to share with the public how it intends to protect the Public Trust resources of the Lake. This includes the process it intends to use when reviewing proposals to use Trust resources and what factors it intends to consider when conducting that review. Third, the Division must clearly delineate the function of the CMP and how it intends to use this planning tool to conduct its reviews of proposed uses of Trust resources in order to ensure protection of the Lake's ecosystem and preserve Trust resources for future generations. Finally, the Division should commit to develop a comprehensive database of the economic value of the non-industrial uses of the Lake.

Public Trust

To the degree possible, it is imperative that the Division be as detailed and as clear as possible in describing how it intends to manage the Public Trust resources of the Lake. Specifically, we recommend that the Division outline the process it will use to

determine whether a nominated “beneficial” use will impair long-term conservation of Trust resources, and which factors it intends to use in making this determination. The Division must make it clear that it cannot consider a proposed use, or a potential impact of a proposed use, in isolation, but must carefully consider the cumulative impacts of such a proposed use on the Trust as a whole. An omission in the draft is a discussion of: 1) the interconnectivity of these resources; and, 2) how the Division intends to account for cumulative impacts in its management of the Lake. It’s also unclear how the Division intends to prioritize either Trust resources or the potential impacts of a proposed use. With the new focus on management based on Lake level, for instance, a proposal that uses significant amounts of Lake water, thus reducing the level of the Lake, would have to overcome the presumption that it would significantly impact Trust resources on a system-wide level.

A separate question is: What does the Division mean when it states that it intends to best preserve the purpose of the Public Trust under the circumstances?

Function of CMP

It is imperative that the Division delineate the purpose and function of the CMP as part of this document. We understand that the CMP is a tool the Division intends to use for the foreseeable future when managing the Lake’s Public Trust resources. It must clearly outline how it intends to do that however. The Division should use the CMP as a *general* land use document designed to provide *general* guidance that will be used to consider proposed site-specific activities down the road. It seems clear that the CMP is also a comprehensive snapshot in time of the state of the Lake’s ecosystem today, along with insight on what has and may happen under continuously varying Lake levels.

It is also imperative that the Division say what the CMP is *not*. It is *not* a document that can or does consider all possible future uses of the Lake. It is *not* a substitute for a site-specific plan that will analyze the cumulative impacts of some future proposal to use Lake resources. And it is *not* the public’s sole opportunity to challenge some as yet unknown and unknowable Division land management decision.

The Division must make clear that the CMP is not rulemaking and does not give an applicant seeking to lease sovereign lands a legal right to have his or her project automatically accepted. For instance, an area of the Lake designated as “open” for a particular use does not imply that any and all proposals will be approved without analyzing the impacts of that proposal.

As the Division has stated in this draft, the long-term conservation of Trust resources takes priority over a particular “beneficial” use. If the Division intends to use the CMP as an approval document for any and all possible uses of Trust resources, of any possible size, at any time in the future, then it must substantially expand the scope of this document. If, on the other hand, the CMP is designed to provide the Division with a set of guidelines with which to consider a future proposal, then the Division should say that

and should outline how it intends to ensure the sustainability of the Lake when considering whether or not to approve a particular use.

Scope of CMP

In order to be truly effective, the CMP must consider impacts to the Lake resulting from events occurring beyond the meander line. Arguably, as trustee for the citizens of Utah with a legal mandate to protect Trust resources, the Division has a duty to ensure that events occurring outside the confines of the Lake do not detrimentally impact those resources. With that in mind, the Division must expand the scope of the CMP to include the account for events occurring within the entirety of the Great Salt Lake watershed that impact the Lake. (2-2; 9-11 & 2-11; 14-16).

Ecosystem Management

What does the Division mean when it states: “Ecosystem management does not focus primarily on deliverables but rather regards intergenerational sustainability as a precondition”? (2-7; Table 2-2). To further the understanding of future readers, the Division should more clearly articulate the meaning of this statement and provide an example.

The statement by the Division that the work of the GSLAC will assist it in determining criteria for “substantial impairment” is incompatible with its statement that it seeks to manage the Lake for intergenerational sustainability. First, the former statement implies that the Division believes that long-term sustainability is possible as long as the Lake is not substantially impaired by a particular use. Such an outlook is fundamentally flawed. Second, the process by which the Division will arrive at such a determination does not appear to present the public with an opportunity to provide input on what will likely be a part of the Division’s land management process. (2-7; 10-16).

The Division should define “renewable natural resources” and explain how it will allocate these resources in a way that ensures long-term sustainability. (2-11; 30-34).

While the Division notes that mineral companies are mining 0.8 million more tons of minerals per year than enter the Lake, it does not analyze the types of minerals that are being harvested, nor does it analyze at what point this harvesting will impair the Lake ecosystem. (2-16; § 2.3.1.3 & § 2.3.2.3). The Division should address this deficiency in the document.

Existing Water Rights

It would be useful if the CMP provided details, in the form of a table, on the perfected, approved, and applied for water rights on the Lake. It would also be useful for the Division to clarify at what Lake levels the evaporation ponds are considered outside the area of the Lake and effectively add to the evaporative surface of the Lake. Additionally, does the Division intend to take into account the cumulative impact of the

water use of a proposed project into its management decisions? The Division should clarify whether it intends to manage potential impacts to the Lake based on current water use, or the combined potential water use of the perfected, approved and applied for water rights. Finally, the Division should outline what it sees as the impacts to the Lake of both existing and future water use outside the confines of the Lake. (§ 2.3.2.2).

Salt Balance

The Division states that the salt balance within the Lake is relatively stable, however it neglects to consider four complicating factors: 1) the increased amount of salt that precipitates out of the Lake at low Lake levels in the North Arm; 2) the lack of connectivity between the North and South arms below a certain level; 3) the earlier statement that industries are mining 0.8 million more tons of salt annually than are entering the Lake; and, 4) the salts that have precipitated out within the evaporation ponds and that have not been returned to the Lake for an extended period of time? (§ 2.3.3.2). The Division should analyze these factors as part of its salt balance analysis.

Permitted Discharges into Great Salt Lake

The CMP should be inclusive of all discharges into the Lake, not just those that exist within the confines of the Lake itself. While there could be some debate about how far outside the confines of the Lake the CMP should extend, clearly a discharge that occurs at the meander line of the Lake, but that originates from a facility that is outside of that meander line, should be accounted for. (Table 2-7).

Mercury

Given that USGS has noted that the level of mercury in the North Arm of the Lake is twice the level found in the South Arm, the CMP should account for mercury levels of all kinds within both of these water bodies separately. (Table 2.9).

Effects of Lake Dust

The CMP notes that as large amounts of the lakebed become exposed, the Lake becomes an additional source of PM₁₀ emissions. However, the CMP fails to note the potential impact of toxic chemicals contained within that dust on the population along the Wasatch Front. (§ 2.5.5).

Sovereign Lake Classifications

While there is a Class 2 designation defined within the text of the CMP, Map 2.9 does not designate any of the Lake as Class 2. Is that correct? (2-127; 6-10).

What is the reasoning for designating the vast majority of the Lake as “Open for Consideration of Any Use”? (2-127; 12).

The 1-mile buffer against development around the islands in the North Arm is insufficient to protect these Trust resources. This is especially true for Gunnison Island. (2-127; 18). The Division should designate a sufficient boundary around these islands under the Class 6 category in order to protect these lands against significant adverse impacts. Further, for that buffer zone to mean anything, action taken outside the buffer zone - such as water extraction - should be prohibited if it impacts land within the buffer zone. (2-128; 10-15).

Dikes and Causeways

There has been a significant amount of published research accomplished on the impacts of the Union Pacific causeway to the Lake ecosystem. A summary of that research should be included within this section. (§ 2.9.6).

Visual Resource Management

The Division should commit to address the visual resources of the Lake, rather than simply saying that such an analysis could be implemented. Additionally, the Lake Level Effects section implies that the only visual impacts of note is seen from far away and is caused by blowing dust. While the Lake Level approach has a great deal of merit, it should not be used to the exclusion of all other assessments. There are many visual impacts associated with industrialization of the Lake and those occur regardless of Lake level and must be accounted for within the CMP. (§ 2.10).

Economic Data

Although the CMP acknowledges that there is a great deal of economic value to the many non-industrial uses of the Lake, it fails to adequately account for that data. While gathering this information in sufficient detail is challenging and expensive, the Division will not be able to adequately analyze the impact of a proposed “beneficial” use of the Lake unless and until this data is fully considered. For that reason, the Division should commit to working with other agencies and interest groups to develop a comprehensive database of the economic value of the non-industrial uses of the Lake in the near future.

GSLM Expansion

While GSLM has proposed expanding its solar operations, that proposal has not been completely analyzed and approved. Until such time as that occurs, any discussion of the size and scope of any possible expansion is pure speculation and the language in the CMP should be revised to reflect that.



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