



FRIENDS of *Great Salt Lake*

150 South 600 East, Ste. 5D, Salt Lake City, UT 84102

www.fogsl.org

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What Once Was
Photograph by Andrew Lockwood

The mission of FRIENDS of Great Salt Lake is to preserve and protect the Great Salt Lake ecosystem and to increase public awareness and appreciation of the lake through education, research, advocacy, and the arts.

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EXECUTIVE DIRECTOR'S MESSAGE

THE GREAT SALT LAKE GEOPOLITICAL LANDSCAPE, WATER, AND THE SHAPES OF THINGS TO COME

“Order! Order! Order!”

– Betty Boothroid, first female Speaker of the British House of Commons, 1992-2000

Has it been that long ago since the gavel-to-gavel 63rd Legislative Session occurred? It seems like only yesterday that the pre and post forty-five day marathon of strategizing, building partnerships, and exercising constant vigilance on behalf of Great Salt Lake was full bore. That being said, running that gauntlet generated some very promising outcomes that will provide good and constructive traction for our Lake work. No surprise there were, of course, disappointments and we will need to invest more time and more effective ways in order to succeed in the future. And unfortunately, there were also frank reminders that threats to the future of this hemispherically important ecosystem are always out there and require perseverance, vigilance, and us to protect Great Salt Lake's future.

So what's the takeaway from the session and how are complementary efforts to these legislative actions being effectively integrated to address the sustainability of the Lake?

Thanks to important research conducted by Wayne Wurtsbaugh et al. 2016 *USU Impacts of Water Development on Great Salt Lake and the Wasatch Front*, we know that since statehood—123 years ago—the elevation of Great Salt Lake has dropped 11 ft. Human impacts and upstream diversions of 871 million gallons annually from streams that feed the Lake, effectively reduced net river inflows to the Lake by 39%, dropping the volume of Great Salt Lake by nearly half.

We know from other saline systems globally and even those in our own regional backyard, that the dire consequences of a drying lake are far-reaching and costly to global wildlife species, human health, our economic future, and our quality of life. The sobering reality is that the Lake is in a state of decline. This has been the catalyst for timely media coverage, intense discussions among a variety of interests, integrated initiatives spawned from the *July 2017 Recommended State Water Strategy*, and legislation intended to raise awareness about the necessity of including Great Salt Lake in the consideration of Utah's water future.

HCR10—*Concurrent Resolution to Address Declining Water Levels of the Great Salt Lake* sponsored by Rep. Tim Hawkes and Sen. Scott Sandall is one of those positive deliverables. A concurrent resolution is one that includes the governor's consent, and in this case received unanimous support from both houses. It's a positive deliverable because it acknowledges that there's a real problem which needs to be addressed. And to do that requires an effective policy solution. The resolution

recognizes the important range of values the Lake contributes to the State and how water is integral to sustaining those values. “*This concurrent resolution recognizes **the critical importance of continued water flows to Great Salt Lake and its wetlands and the need for solutions to address declining water levels while appropriately balancing economic, social, and environmental needs.***” The resolution also includes an expectation from this acknowledgement that states, “*BE IT FURTHER RESOLVED that the Legislature and the Governor encourage the Departments of Natural Resources and Environmental Quality through their relevant divisions, along with the Great Salt Lake Advisory Council, to expeditiously, jointly, and collaboratively engage with a wide-range of stakeholders to **develop recommendations for policy and other solutions to ensure adequate water flows to Great Salt Lake and its wetlands.***” By November 30, 2020, the Legislature and the Governor will expect to know the findings, conclusions, and recommendations of the work that DEQ, DNR, and the GSL Advisory Council identify to address this problem.

This is really cool!

Part of ensuring adequate water flows to Great Salt Lake and its wetlands comes from water conservation. Conserving water in a dry state like Utah should be second nature to all of us. However, as evidenced in the research by Wurtsbaugh et al, we've got to shift the paradigm BIG TIME. And even though nearly 20 years ago, Governor Michael Leavitt set a statewide water conservation goal of 25% by 2025, in 2015 our daily water per capita use was an embarrassingly high 244 gallons, about twice as much as Tucson and other southwestern cities.

We know that climate change is a given. If we acknowledge the true cost of water, incorporate improved technologies to increase efficiency in water use, educate to change behaviors, and make sure that the water we conserve is also available for our natural systems, we can avoid the perceived need to develop expensive “new” water infrastructure. So there's lots of room to move.

With these basic tenets in mind, SB52—*Secondary Water Requirement* sponsored by Sen. Jacob L. Anderegg and Rep. Tim Hawkes was an attempt to break the water conservation sound barrier by legislatively addressing pressurized secondary water metering. Secondary water is untreated pressurized water that is delivered to individual property owners for irrigation of lawns and gardens.

The Division of Water Resources has determined that Utahns use about 115,000 acre-ft./year of secondary water. (One acre-foot is approximately 326,000 gallons, or enough



water to cover a football field about one foot deep). This volume of secondary water use is comparable to about half of the proposed Bear River development diversion for Utah. Clearly, this is an area of water use that requires more scrutiny and improved efficiency.

A terrific example of how improvements in equipment design and related technology in secondary water metering have increased water conservation can be found in the work that the Weber Basin Water Conservancy District initiated in 2009. There's a great write up in their 2018 Winter Newsletter, *Saving Water through Secondary Water Metering*, by Darren Hess, Assistant General Manager for the District. Do take a look. Although the costs are significant, especially when retrofitting existing secondary connections with meters, the return on investment speaks volumes. And the District is committed to continuing to install meters to increase water efficiency, promote water conservation, and foster better stewardship of secondary water users. And that's a good thing.

Originally, SB52 was going to mandate the metering of all secondary untreated pressurized water systems by 2030. Low interest loans, grants, and some exemptions for smaller water districts would help with the steep costs involved, but it was still quite a heavy lift for many. And since the goal of this effort was to help realize the value secondary water metering has in meeting our water challenges for the future, and to keep this effort in tact during the session, the sponsors revised the language in the bill to increase buy-in.

The revised and passed SB52 *"requires any secondary water provider that begins design work for new secondary water services to certain users—commercial, industrial, institutional, and residential—on or after April 1, 2020, to meter the use of the water."* A plan must be submitted no later than December 31, 2019 to the Division of Water Resources from which low interest loans will be made available. The plan must include the cost of full metering, how it will be financed, and the timeline. Annual reporting to the Division of Water Rights is required. And by November 2019, the Utah Water Task Force within the Department of Natural Resources must provide the results of a study of issues that surround secondary water metering in the state to the Natural Resources, Agriculture and Environment Interim Committee. It's all good and necessary and moves us in the right direction to improve accountability, management, and conservation of water in Utah.

There's also a grundle (I made up this word) of appropriations—some ongoing—that help season this productive mix of water works. Among them is a \$500k appropriation for Great Salt Lake research on the impacts from changing water levels to ecosystem services and potential measures to address them. \$500k (ongoing) to support the saga of phragmites removal around the Lake. It may surprise you to know that phragmites impacts

more than 26,000 acres within the marshes of Great Salt Lake and sucks up approximately 71,446 acre-ft of water (remember that football field) that would otherwise be going into the open water habitat of the system. And HB381—*The Agricultural Water Optimization Bill* (2018 session and ongoing) includes an appropriation of \$3M to bring agricultural irrigation practices into the 21st century.

We owe big briny hugs to Rep. Casey Snider and Sen. Allen Christensen for their efforts to add the Willard Spur to our endowment of wildlife management areas around the Lake. HB265—*Wildlife Management Area Amendments* adds about 14,000 acres of unique wetlands and open water habitat of the Lake to the already existing 90,000+ acres of WMA's that protect wildlife habitat and recreational opportunities on Great Salt Lake.

Get out your binoculars everybody.

And in the "Perseverance Furthers Department" thanks to the effective sponsorship of Sen. Jani Iwamoto, and Rep. Steward Barlow, and the tenacity of the Water Banking Working Group, SJR1—*Joint Resolution Supporting the Study of Water Banking in Utah* passed unanimously in both houses. SJR1 gives us a golden opportunity to explore the development of a helpful water tool that could effectively open up collaborative distribution of water for beneficial uses that would include natural systems like Great Salt Lake. You can read more about it in this issue.

We can all be encouraged by what appears to be a sea change in legislative activity on behalf of Great Salt Lake. And it's exciting to think about forging new alliances to advance its protection and sustain its future. But we mustn't lose sight of ongoing attempts to hinder that. So it's no surprise that the parties associated with the Promontory Point Resources, LLC landfill proposal attempted to get legislation passed to favor their agenda. Their proposal, SB266—*Waste Regulations Modifications* would have allowed any Class I landfill that can currently only take in-state municipal waste to become a Class V landfill. Class V allows a landfill to take out-of-state (and more toxic) waste without approval by the Division of Waste Management and Radiation Control, and without a public process. The legislation would have also eliminated the needs assessment and the requirement that environmental benefits outweigh the costs. Fortunately, the bill did not succeed. Thank goddess! But it's a sobering reminder that our collective work for the Lake is imperative and ongoing.

Remember, Great Salt Lake is a Public Trust that belongs to all of us. Thanks for being there.

In saline,

Lynn



FRIENDS' ORGANIZATIONAL STATEMENT

Founded in 1994, FRIENDS of Great Salt Lake is a membership-based nonprofit 501c3 with the mission to preserve and protect Great Salt Lake ecosystems and increase public awareness and appreciation of the Lake through education, research, advocacy, and the arts. The long-term vision of FRIENDS is to achieve comprehensive watershed-based restoration and protection for the Great Salt Lake ecosystem.

FRIENDS of Great Salt Lake sponsors programs related to our mission statement: Lakeside Learning, the Doyle W. Stephens Scholarship, the Great Salt Lake Issues Forum, and the Alfred Lambourne Prize.

Lakeside Learning Field facilitates 2.5 hour inquiry-based educational field trips for 4th grade students. The trips combine informal environmental education strategies while incorporating science, technology, engineering, art and math (STEAM) to reinforce the Utah Common Core State Science Standards. Lakeside Learning emphasizes learning through participation.

Within the research component of our mission, we sponsor the Doyle W. Stephens Scholarship for undergraduate or graduate research on Great Salt Lake ecosystems. Established in 2002, the scholarship supports students in new or on-going research focused within the Great Salt Lake watershed. Recent project winners span the effects of changing salinity on microbialites to the impacts low water levels in Great Salt Lake have on Utah's air quality.

FRIENDS is actively involved in advocating for Great Salt Lake. Every two years, FRIENDS hosts the Great Salt Lake Issues Forum to provide focused discussions about the Lake for a variety of stakeholders including policy makers, researchers, and industry leaders. Each Forum engages the community in constructive dialogue regarding the future of Great Salt Lake.

In 2014, FRIENDS established the annual Alfred Lambourne Prize for creative expressions of our Inland Sea in the categories of visual art, literary art, sound, and movement. FRIENDS celebrates the relationship between local artists and one of Utah's most precious natural resources, Great Salt Lake. Through artistic expressions, we enhance our capacity to build awareness about the Lake and our need to preserve and protect it for the future.

FRIENDS maintains a Board of Directors and Advisory Board composed of professionals within the scientific, academic, planning, legal, arts, and education communities. Staff members include, Lynn de Freitas, Executive Director; Holly Simonsen, Membership & Programs Director; and Katie Newburn, Education & Outreach Director.



Black Rock Tranquility
Oil Painting by Laura Boardman
Submitted for the 2018 Alfred Lambourne Prize
See more at lauraboardmanart.com

ON THE COVER

I first set eyes on Great Salt Lake from the location in this photo, *What Once Was*, and remember being unable to find a word to describe it. It was in that moment I understood why it was called Great. The Lake is a place of beauty, diversity, and profound importance. Without Great Salt Lake, its namesake city would turn into just another western ghost town lost to the annals of history. Our planet is facing changes, increased exponentially by humanities involvement. Changes in our behavior towards the environment are a necessity in order to maintain a balanced ecosystem.

–Andrew Lockwood

Website: andrewlockwoodphoto.com

Instagram: [andrew_lockwood_photo](https://www.instagram.com/andrew_lockwood_photo)

Email: andrewlockwoodphoto@gmail.com





Winter Night at Great Salt Lake...Unexpected Reflections

Mixed Media on Canvas by Paola Bidinelli

Submitted for the 2018 Alfred Lambourne Prize

When I moved to Utah from Italy a few years ago, the first place I visited was Great Salt Lake, which some people picture as being like an “old man too tired to cough.” I arrived on a winter day, with the white snow and sharp wind modulating the silence into a nostalgic song. Every winter I return to Great Salt Lake to relive that emotion. Everything seems still, but in reality life swarms beneath the surface. It seems to me I’m the solitary soul in the vastness of the aquatic desert. Unexpected reflections light upward. I feel surrounded by the purity of white which is praying with me to be saved forever.



LIKE A LOT OF THINGS THESE DAYS, IT STARTED WITH A TWEET

As I sat scrolling through the day's news one evening in December 2018, I came across a tweet from a reporter about a recent Utah Inland Port Authority board meeting. I had heard a little about the proposed port and kept reading the thread when I caught the words, "when the Legacy Parkway Truck Ban expires in January 2020."

As a three-year resident of Foxboro neighborhood, living about 1,000 feet from Legacy Parkway, I had never heard about a sunset date for the ban. Our 2,500 homes, townhomes and apartments went up along the roadway in 2000 just as Legacy began its long journey through the courts. Development continues to this day on the few remaining empty lots. I couldn't believe—with the Legacy Nature Preserve and wetlands, with the homes built with minimal fencing to preserve the open design on the Parkway, with the investment in beautiful trails and parks lining the length of the roadway—that there would be a date when the road would open to heavy trucks with 80 decibel engines, hundreds, if not thousands a day, rolling up and down Legacy, 24-7. I posted on our community Facebook page and found that nearly all residents were equally uninformed about the end of the ban. Most folks' due diligence when purchasing their home didn't include looking back 15 years to news articles from the early 2000s. Did yours?



Educational kiosk along Legacy Parkway Trail, photograph courtesy of L. de Freitas

Just a month earlier, frustrated about what was happening in the world around me and feeling quite powerless, my husband told me, "Either you run for office and change it, or find a cause you can get behind and put everything you've got into it". So, now I had something I was fired up about and with a simple tweet, Save Legacy Parkway Citizens Committee was born. The residents were certainly not the first to the table.

Many community and environmental organizations were present at the beginning of Legacy Parkway's inception and they were back now trying to defend what they had fought so hard for 15 years ago. I am grateful for their effort then and now and proud to call them my friends.

These allies, FRIENDS of Great Salt Lake included, stood up on behalf of the Lake and its ecosystem, the birds and the geology, the air quality and the peace of this place. They fought to create a shared solution that met the needs of population growth, while maintaining integrity in design and amenities, including: noise-reducing pavement, curving roadways, minimal lighting to preserve views of the night sky, no billboards, and a slower speed limit to reduce noise and improve road safety.

These allies also succeeded in getting mass transit (FrontRunner) built and operating before the road could open and worked with the Utah Department of Transportation (UDOT) to build 14 miles of a separated walk/bike trail along the roadway. Finally, they secured State Scenic Byway status for the road, which further protects it from billboard blight.

Finally—the big feature and reason for this article—a ban on Legacy Parkway of heavy diesel trucks with five axles or more was included in the settlement agreement of a lawsuit filed and won by environmental groups against UDOT before construction of Legacy began. The Record of Decision (ROD) that certifies the Final Environmental Impact Statement, issued in January 2006 by the Federal Highway Administration, stated that the road would be built as a parkway rather than a freeway, and that "constructed parkway amenities [noted above] would be retained beyond 2020, but UDOT *could consider* the need to raise the posted speed limit and allow large trucks at that time" [emphasis added].

Interestingly, a few months earlier during a special session of the 2005 Utah State Legislature, lawmakers passed S.B. 2001, the legislation that sets the automatic repeal of the large truck ban in 2020. But the bill also states its rationale for keeping large trucks off the Parkway; "The Legislature finds and declares that the limitation of trucks being operated on the Legacy Parkway...is due to the unique location of the Legacy Parkway, which is adjacent to the Legacy Nature



Preserve.” This clear acknowledgement of the Legislature’s intent to protect the Legacy Nature Preserve from impacts of large trucks seems in conflict with its desire to ignore that argument once we reach 2020, since these conditions have not changed.

Most residents and users of the Legacy Trail were completely unaware that the features that make Legacy Parkway a low stress drive and a wonderful bike path could go away in 2020 if nothing was done to reverse the Utah State Statute modification that was passed in 2005 to set an automatic end (sunset) to the restriction on large trucks. We took action and organized a public community meeting in January at Foxboro Elementary, which adjoins the Legacy Trail and Parkway.

Sen. Todd Weiler, R-Woods Cross, Rep. Melissa Garff Ballard, R-North Salt Lake, Rep. Ray Ward, R-Bountiful, Bryce Bird, director of the Utah Division of Air Quality, and Jason Davis, UDOT’s deputy director of operations and maintenance listened to the concerns of the more than 250 residents who showed up. Residents reported over and over again that when they bought their homes, no one told them large trucks could be allowed on Legacy in the future.

Although Sen. Weiler introduced S.B 119 in the Senate Transportation Committee of the 2019 Utah State Legislature, which would have kept the truck ban in place until July 1, 2022, it failed, receiving just one vote. Rep. Ballard then submitted her bill—H. B. 339—in the House Transportation Committee, with 18 co-sponsors, asking for the truck ban to be retained for five years to allow time to explore options. Support for her bill also came from the mayors and city councils of Farmington, Woods Cross, North Salt Lake, and Centerville, along with the Davis County Council of Governments, all of whom signed resolutions to keep the truck ban in place. The bill lost in a 6-5 vote that, although a loss, almost felt like a win and could be seen as evidence of growing support to keep the ban. We were able to educate, to organize, and to add our voice to others on the Hill fighting to change our culture of valuing economic development and growth over the health and well-being and quality of life for residents. (It’s worth noting that the House and Senate Transportation Committee members include trucking company owners, developers, and legislators who represent and receive political contributions from a number of local trucking companies and associations.)



Miles and Cubby take a break on the Legacy Parkway Nature Trail, photograph courtesy of Angie Keeton

Legacy Parkway was and still is a smart solution to growth and transportation issues that took into consideration the space around it and how valuable it is to residents and commuters alike. With its Legacy Trail and Nature Preserve, the parkway has set a new precedent for how people want to live here. It’s a great success that should not be thrown away.

This is about more than just a roadway. This is about the preservation of an established community. It’s about people remembering the power they have to organize and demand a different course of action, a different way of existing and growing together in this strange and magnificent fishbowl in the Great Salt Lake Basin that we all—bugs and birds, citizens and politicians, hikers and ATVs riders, truck drivers and bike commuters—affectionately call home. We plan to keep fighting for it. We hope you will too.

Angie Keeton is founder of Save Legacy Parkway. Visit SaveLegacyParkway.org, or find them on Facebook, Instagram, and of course Twitter.



RAPTORS AND GREAT SALT LAKE

Great Salt Lake (GSL) is a defining and influential feature of Utah and the West as a whole. It has guided human and wildlife migrations for ages, has an outsized impact on our local weather, and an even larger impact on a wide range of bird species that depend on the Lake for nesting, migration, and wintering. Similarly, the Lake has a large influence on raptor populations, or birds of prey, during all seasons. Perhaps it's not too surprising then, that the Lake figures prominently in the story of HawkWatch International (HWI), a raptor conservation organization based here in Salt Lake City.

HWI was founded in 1986 with an explicit focus on monitoring migrating raptors as indicators of environmental health. During the fall, many raptor species concentrate along north-south ridgelines to take advantage of updrafts, while avoiding relatively inhospitable areas like open water and barren land. Counting and banding raptors on migration takes advantage of their migration ecology to help us track population trends and identify concerns. Two of the earliest HWI migration sites established are in the Wellsville (Utah) and Goshute (Nevada) Mountains on the east and west sides of the GSL, respectively. The Goshutes are the largest volume raptor migration site known in the interior West, seeing an average of 14,500 birds passing per year, due to the Lake and surrounding salt flats diverting raptors around these "barriers" to migration. The wealth of data collected at the Goshutes, not to mention the small army of scientists and land managers getting hooked on raptors there over the decades, is directly impacted by the presence of the Lake to the east. It should also be mentioned that Promontory Point and Antelope Island are no strangers to migrating raptors and significant fall counts have been tallied by HWI or partners in years past. To those familiar with the geography of GSL, the use of these features to pass over the Lake will come as no great surprise.

During the late 1990's, HWI began monitoring raptor nests west and north of GSL to track more localized populations. This work has provided insights into the serious habitat degradation that has occurred around the Lake primarily due to increased fire frequency re-

lated to cheatgrass invasion, human recreation, and military training. Local nesting populations of Golden Eagles, for example, have declined significantly in the last decade in response to these changes. Nest entries to band chicks by HWI and partners suggests that Golden Eagles nesting along the Lake augment their diets with shorebirds and gulls, likely lessening the pain of the terrestrial habitat changes. More recently HWI has been collecting feathers during eagle banding activities that may be used to investigate contaminants, e.g., mercury, as they move up the GLS food web. On a more positive note, waterbirds on GSL were clearly instrumental to the local recovery of the once-endangered Peregrine Falcon.



Adult Bald Eagles on Great Salt Lake, photograph courtesy of Mike Shaw

HWI has been formally tracking winter raptor populations around Utah since 2010, including survey areas north of the Lake (Snowville), east (Farmington Bay), and on Antelope Island itself. Wintering raptors can be found at high densities in some areas due to relaxed territoriality outside the breeding season and scarce or concentrated food resources. This makes for great viewing, but can also put them at disproportionate risk during the winter. For example, in November and December of 2013, at least 54 Bald Eagles died of





Raptor migration pathways around Great Salt Lake

West Nile Virus, presumably after feeding on sick or dead eared grebes. A positive and direct outcome of this tragic event was the founding of the “Utah Eagle Working Group” to address threats and concerns to both Bald and Golden Eagles. This broad partnership of non-profits, agencies, consultants, and tribes has led to a statewide database of raptor nest locations, new insights into sources of eagle mortality, e.g., road collisions, and regular communication among various “eagle stakeholders” on issues affecting raptors in Utah.

Skipping ahead to the present, HWI is in the midst of launching a new citizen science research program titled “SURE” (Studies on Urban Raptor Ecology) that is being piloted in the Salt Lake Valley. The first leg of this research began in 2013 with volunteer and staff monitoring of American Kestrel nest boxes across rural-to-urban settings. This brings our work full-circle, as kestrels are a species in decline as identified by our fall migration counts and other data. This past winter,

we added surveys of randomly selected 1x1-km grids, to be repeated four times a year, to provide insights into seasonal raptor abundance and distributions. We are expanding our nesting work in the Valley to include nest monitoring and color banding of other raptors, which will provide insights into movement ecology and survival. Finally, we anticipate adding contaminants sampling of raptor nestlings very soon, which promises to shed insights into the health of raptors and their prey at varying distances from GSL.

Again, this will bring our work full-circle as we strive to use raptors as indicators of our shared environmental health, HWI’s stated mission! We at HWI look forward to our continued relationship with GSL and a deeper connection with FRIENDS of Great Salt Lake and as we continue our work.

Steve Slater, Ph.D., HawkWatch International
Conservation Science Director



Peregrine Falcon flying over Great Salt Lake, photograph courtesy of Neil Paprocki



WATER BANKING IN UTAH: VOLUNTARY, TEMPORARY, AND LOCAL

Utah's growing population presents a number of opportunities and challenges. Perhaps one of the greatest challenges is the question of how one of the driest states in the country will supply water to a population that could nearly double by 2060.

To address this challenge, Governor Gary Herbert convened a multi-stakeholder group of experts in 2013 to develop a set of recommended strategies that could inform the development of a 50-year water plan. In 2017, Governor Herbert's team issued a recommended strategy that calls for Utahns to work together to provide clean and affordable water to sustain communities and businesses, while also supporting robust agriculture, ample recreation, and a resilient and healthy natural environment. To this end, the strategy identified a number of potential recommendations Utah could use to satisfy its growing water demands. It also identified water banking as a key tool that could support a variety of recommendations focused on supporting agriculture, improving water quality, facilitating water markets and temporary transfers, and improving instream flows.

Water banking is a flexible concept and exists in many forms in other western states, such as Idaho, Washington, and Kansas. Informal banking already exists in Utah to some extent, often in the form of lease pools and other such programs offered by certain water companies. In its most simplistic form, a water bank facilitates the transfer of water from one use to another. Banks do this by providing a transparent and accessible forum in which willing right holders can advertise the availability of their water rights for lease so that interested parties can secure the temporary use of the rights quickly. A key benefit of water banking is that it allows a water right to be used for multiple uses without changing the underlying ownership of the right and allowing the right holder to use the right for its original purpose after a lease has expired. If deployed correctly, water banks could provide an alternative to so-called "buy-and-dry" water transfers in which water rights are permanently transferred away from agriculture to supply urban demands. In addition, water banks could serve as a market tool that facilitates low cost, voluntary, and

temporary transactions that provide both income to water right owners and greater access to water for a variety of uses, including environmental uses, through spot market transactions.

For instance, a farmer who does not want to farm for a given season could deposit a water right in a bank and receive passive income for the right until such time as the right is needed. Conversely, a farmer with a junior priority right that is usually curtailed in late summer but wants to do a third or fourth cutting of hay in a particular year could lease water from a water bank for the months the water is needed rather than incurring the expense of permanently acquiring an additional, more senior water right. Within the context of urban needs, a public water supplier experiencing a drought or other temporary stressor could lease the water needed to address the passing shortage instead of permanently acquiring water rights that it will not need in most years.

Recognizing the potential benefits of water banking, the Utah Legislature unanimously passed SJR 1 in March, requesting recommendations for the 2020 legislative session on how the state could develop a voluntary water banking program to carry out the goals of the Governor's recommended water strategy. Sponsored by Senator Jani Iwamoto and Representative Stewart Barlow, the resolution stated that any water banking recommendations should recognize that the majority of water rights in Utah are agricultural in nature and incentivize the participation of agricultural producers. Among other things, the resolution expressed support for the continued study of how water banking could support instream flows. Recognizing the potential costs of this request, the Legislature also appropriated \$400,000 to support the continued study of water banking.

Notwithstanding the recent passage of SJR1, a large and diverse multi-stakeholder group of over 50 water professionals has already been working for nearly two years to study water banking. Participants include FRIENDS of Great Salt Lake, representatives





The Bear River, photograph courtesy of L. de Freitas

from the State Engineer's office and other state water management agencies, the Utah Farm Bureau, the Utah Department of Agriculture, the Central Utah Water Conservancy District, and many others. For almost two years, this group has studied water banks in other states and analyzed key watersheds around Utah to understand how water banking may work in Utah. As a result of its studies, the group has identified the following consensus guidelines that it believes will be needed for any water banking program to be effective in Utah:

- Voluntary: no one should be required or forced to participate in a water bank.
- Local: water banks should be created and organized at the local level, with appropriate state oversight to ensure that banks are operated properly and do not injure right holders.
- Temporary: water rights should only be placed into banks on a temporary basis and right holders who deposit water rights must maintain ownership of their rights.
- Prior Appropriation: the priority rights of banked

water rights should remain unchanged and banked rights should not be subject to abandonment and forfeiture.

- Low Transaction Costs: water banks should not be expensive or burdensome.
- Efficient Transactions: water banks should be easy to understand and execute.
- Access: water banks should promote equal access to banked water.
- Non-Exclusive and Complementary: water banks should not impede but support other water marketing or sharing efforts.

Currently, the group is developing term legislation that would allow right holders to create water banks for their local regions during a specific period of time, during which the banks will be studied and assessed. The group is also preparing to begin a slow and steady but robust public outreach and education effort throughout Utah to solicit input, comments, and concerns regarding the draft legislation and water banking in general. To test the concepts it develops, the group will implement pilot projects and is in the



process of applying for a federal WaterSMART grant to leverage the Legislature's \$400,000 appropriation for these efforts.

Notwithstanding its potential benefits, water banking is not a panacea and additional tools and approaches will be needed to satisfy Utah's growing water demands and to carry out the goals of Governor Herbert's recommended water strategy. Nevertheless, water banking has the potential to fulfill a number of the goals of this strategy, including preserving agriculture while facilitating access to water for a variety of purposes, including environmental uses.

For more information on Utah's water banking effort, including updates on the water banking group's ef-

orts, please visit: info@utahwaterbanks.org.

Nathan Bracken

Mr. Bracken is a partner at Smith Hartvigsen, PLLC, where he practices water law and local government law, with a focus on public policy. He is also a member of a collaborative multi-stakeholder group working to develop a water banking program for Utah. The views expressed in this article are those of the author alone and do not necessarily reflect the views of the water banking group or of Smith Hartvigsen and any of the persons or entities it represents.



Heber Valley and Mount Timpanogos, photograph courtesy of L. de Freitas



GREAT SALT LAKE AT A GLANCE



Cartography by Joe Gardner
 Base from U.S. Geological Survey digital data, 1:100,000, 1978, 1979, 1980, 1984
 Universal Transverse Mercator projection, zone 12

USGS has measured lake altitude at or near Boat Harbor gage since 1875, and at Saline gage since 1966
 Great Salt Lake historic maximum altitude 4,211.60 feet, June 3, 1986, and April 1 and 15, 1987
 Great Salt Lake historic minimum altitude 4,191.35 feet, October 15 and November 1, 1963

EXPLANATION

- Great Salt Lake, altitude 4,200 feet
- Intermittent water body
- Utah State Park or National Monument
- Waterfowl Management Area (WMA) or other wildlife reserve

Courtesy U.S. Geological Survey



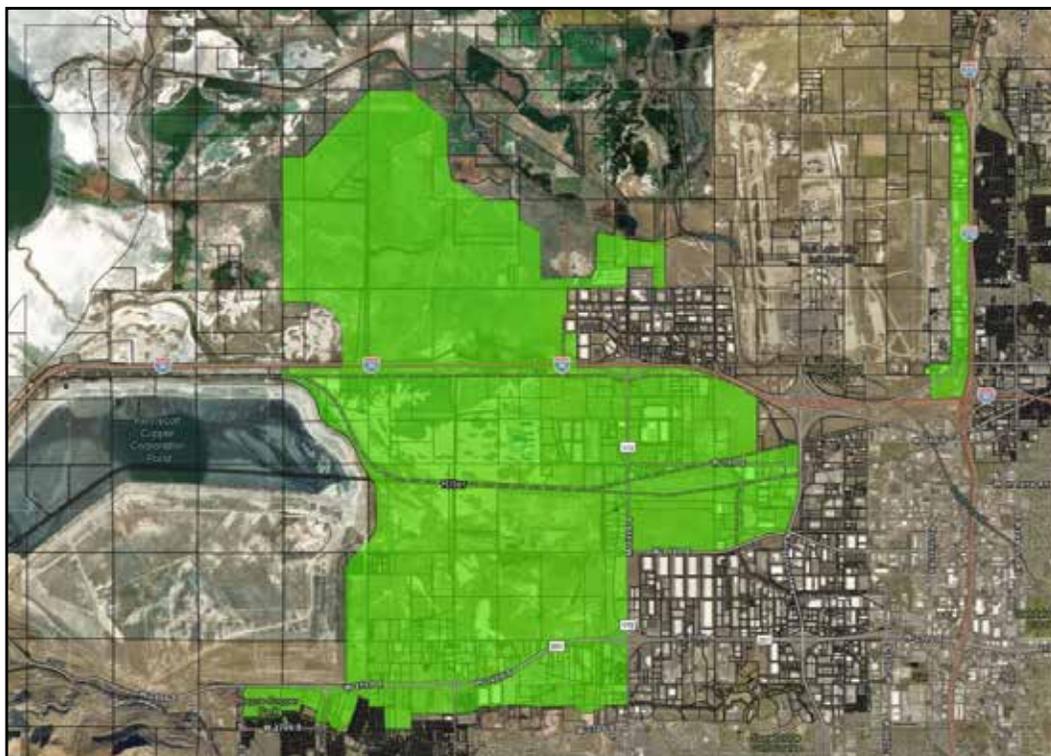


E•phy'•dra, a noun; a genus of two species of brine flies that live on the bottom of the Great Salt Lake as larvae and pupae, and along the shores of the Lake as adults.

WHAT IS THE PROPOSED UTAH INLAND PORT AND HOW COULD IT IMPACT UTAH?

In the final hours of its 2018 session the Utah legislature created the Utah Inland Port Authority—an appointed body with development control over 16,000 acres of land mostly within the boundaries of Salt Lake City.¹ Utah Inland Port Authority has the power to take 90% of future tax revenue to support development in the area and to hand out as tax breaks to developers.²

of the Union Pacific mainline is the Burlington Northern Santa Fe (BNSF). So, they are the only prospect for ownership and operation of a second railyard. BNSF built a similar facility in Kansas that cost \$250 million and was heavily subsidized with public money. A second railyard would 'supersize' the operations of the proposed port.



Proposed Inland Port footprint that does not include "Hub & Spoke" design concept, which would include communities beyond the Salt Lake City landscape.

Generally, an inland port is a freight storage and transfer facility. Cargo comes in and out and may be stored. They are also intended to have a customs clearance zone, so cargo can be shipped to sea ports and put directly on ships. The primary modes of transport are trucks, trains, and airplanes. In anticipation of increased truck traffic from the proposed port, Utah legislators are entertaining allowing trucks on Legacy Parkway, an 11-mile stretch of roadway next to Great Salt Lake that is currently free of big-rigs.

Currently within the Port Authority's 'jurisdictional area' there is an intermodal truck to train facility operated by Union Pacific, but warehouse developers want another one.

The only other Class A railroad with trackage rights on parts

¹ Small pieces of land from Magna, and West Valley City were also included.

² The other 10% is for development of affordable housing.

Recently, during the 2019 legislative session, the powers of the Utah Inland Port Authority were expanded in a newly troubling way. Now the Port Authority can create project areas and distribution hubs throughout the state, collecting future tax revenue to hand out to developers and others to support development in rural locations. Fossil Fuel exports were specifically mentioned by the sponsor of the legislation, Rep. Frances Gibson, who is also a Port Authority Board member.

What are the problems associated with the proposed port?

It's a terrible place to build

Approximately 10,000 acres of the land the Port Authority controls is undeveloped. A big reason being that it's not a good place to build. Adjacent to Great Salt Lake and wetlands, it has a high water table, very sandy soil, and is upwind of Salt Lake City. It also has a high concentration of mosquitos and other insects that humans find annoying, but birds love to eat.



It can make our air quality worse

Research shows that sea ports and inland ports are enormous emitters of pollution. There are no 'clean' ports in the U.S. (or the world for that matter) and data show that they are major contributors to local air pollution. Ports run on diesel and diesel emits tons of pollution.

For example, because overwhelming scientific evidence shows pollution from ports in Southern California has created a 'diesel death zone,' people are organizing and litigating to clean up these emissions. The Ports of Los Angeles and Long Beach have committed to becoming zero emissions ports over the next 17 years at an estimated cost of \$14 billion.³

There is every reason to believe that emissions from the proposed Utah Inland Port will have a devastating impact on air quality along the Wasatch front. Currently this area does not meet federal Clean Air Act standards. The state recently submitted a plan to enable compliance with federal standards, but it doesn't take into account the potential emissions that come with an inland port.

Destruction of wildlife habitat and harm to Great Salt Lake ecosystem

The primary land proposed for development is next to a



Won't Be This Way For Long, photograph courtesy of Charles Uibel

floodplain and consists of playas and uplands, with canals meandering throughout. Wildlife in the area include a herd of 90 antelope, deer, coyote, red fox, raptors of all sorts, burrowing owls, and a host of migratory birds—among others.

Because the main development intersects the migratory bird flyway, and these birds are using Great Salt Lake in huge numbers (sometimes almost entire populations of bird species show up) there are numerous concerns about the harmful impact an inland port could have on migratory birds—from air pollution, to light pollution, to noise, to habitat loss (including mosquito abatement).

Making climate change worse

Based on statements made by the Port Authority Board members who are legislators, the legislation just passed expanding the port authority's jurisdiction, is intended in part, to create fossil fuel transloading hubs in rural communities. The legislation allows the Port Authority to subsidize development of these facilities.

Concerns with the fossil fuel hub plan include the negative impacts on air and water quality these rural communities will face from these transloading facilities; the fact that most fossil fuels being extracted in Utah are from public lands; and, that the last thing we should be doing on the verge of a climate catastrophe is increasing fossil fuel-based greenhouse gas emissions.

Lack of accountability and planning

Underlying the whole ill-conceived idea of the proposed port is a lack of accountability and planning by port supporters. The Port Board couldn't even hold its first regularly scheduled meeting due to discovery of numerous conflicts of interest by proposed board members. They also have no official plan for the proposed port, but went ahead with legislation expanding their ability to use public funds for hubs in rural communities.

What can you do?

Educate yourself about the issue and get involved—the good news is that community concern is having an impact on this ill-conceived project. The Port Authority Board meets once a month and allows for general public comment, as well as comment on action items. Members of the public are allowed 3 minutes each. By testifying before the Port Board, community members are creating a public record of concern. You can also register your concerns through written comments.

There are informational resources and meeting information on the www.StopthePollutingPort.org coalition website, as well as at the Utah Inland Port Jurisdiction's official website www.UtahInlandPort.org.

Tell your elected officials and candidates for office what you think—local elected officials also need to hear our concerns. Reach out to your state legislators, county and city representatives and candidates for office.

Write a Letter to the Editor or op-Ed—getting a letter, or op-ed published in your local newspaper can help raise community awareness and influence decision makers. Also, if you use social media help spread the word there.

People power is making a difference in the effort to stop the harm from the proposed polluting port.

Deeda Seed is Senior Utah Field Campaigner Center for Biological Diversity
dseed@biologicaldiversity.org

³ www.latimes.com/local/lanow/la-me-ports-clean-air-20170719-story.html



ALFRED LAMBOURNE AND GREAT SALT LAKE

Alfred Lambourne loved Great Salt Lake from the first moment he saw it. From the between the mountains at Emigration Pass, he viewed the bright sparkling reflection in the western distance beyond the budding city of Salt Lake. That was the Summer of 1867. For the following fifty-nine years, he and the lake were closely related—his inspiration, his living, family recreation, and intentions for a homestead farm like no other in the territory were firmly set on Great Salt Lake. The Lake challenged him to seek all it had to teach, and the range of emotions it could inspire.

Have not each of us felt a powerful urge to float upon its uplifting waters on a warm summer day? Has that feeling of wonder that it imparts ever truly left? The sky is never as blue, the sunset never as vivid as when reflected upon Great Salt Lake. Alfred Lambourne brought much of that awe and mystery to us all in his paintings and writings about the lake.

Flying over the lake this past February 23rd, I was aghast at the low water levels, the extensive mud flat exposures, and the silty brown coloration—for what water there was puddled in the great bowl that is our favorite inland salty sea. To be sure, drought holds power over the western United States and has for over a decade. Yet, we human inhabitants have a responsibility to find a remedy for this ailing unique feature of the North American continent. I have never, in my 69 years, seen a lake in such a dire state. It looks to be gasping for water—in a non-professional word, “dehydrated.”

As one of a few remaining great grandchildren of Alfred Lambourne. He was born in 1850, I was born in 1949. He discovered his passion for sketching, drawing, and painting as a youth of eight or nine and contributed significantly to the appreciation of the West and Utah’s natural environs from 1867 to the 1920’s. I began to discover his amazing contributions to art and literature in my early 20’s and continue in that pursuit today. Alfred traveled the newly established locomotive powered transports wherever they took passengers. He was especially fond of traveling through

the West to lakes, sea coasts, mountains, and deserts. I found that most of my own wanderings winds through the same locations traveled by my talented ancestor.

Commissioned by the LDS church and directed by President Brigham Young, Alfred worked with the famous pioneer photographer, C.R. Savage, and landscape artist Reuban Kirkham, whom he met while painting scenery for the Utah Theater Company’s plays and operas. The three of them created a panorama of dramatically beautiful views of the American West, which entertained and educated Utah settlers of the wonders beyond the boundaries of the horizons. That was only the start.

When Alfred had free time in the valley, he hiked the Wasatch and Uintah mountains and sailed the far reaches of Great Salt Lake. In the upper altitudes, he found majesty and beauty in the reflective coloration of the “sister lakes.” In fact, I am told, he was responsible for naming quite a number of them: Lake Minnie, Lake Martha, Lake Lillian, and Lake Mary. Each has a direct connection to members of his family. He loved all lakes; one in particular captivated his soul.

Great Salt Lake always provided new inspiration in Alfred’s many decades living and painting nature. There, in his twenties, he learned to sail. At Black Rock, on the southern edge, he captured its many moods and discovered the value of repeated renditions to help pay the constant bills of a growing family. In the 1880’s he created such a gorgeous series of each shoreline that his notoriety grew as a painter of renowned. Traveling to San Francisco, Denver, and beyond to show his portraits of the inland sea, he helped to instill curiosity within the public about the beauty of Utah. Always, he would return to the lake, sail on its moody, high salt-content waves, commit to canvas another luminous dawn or dusk view, and dream of the future.

Where most saw the lake as a “dead” impediment to travel, a resource for raw materials, a recreation





The Cliffs at Promontory, Alfred Lambourne, 1887. © Intellectual Reserve, Inc. Used with permission.

area with abundant fowl for hunting and minerals for building wealth, Alfred sought serene seclusion. A place to retreat from pressures; an island away from it all... a place most thought of as uninhabitable...a location now a bird refuge to promote breeding populations of North American pelicans, Gunnison Island.

The book he wrote chronicling his attempt in the mid 1880's to establish a small cabin, a vineyard, and a haven for artists to reset their energies, was "Our Inland Sea." It is a Utah classic describing a simple individual pitted against the industrial progress of the nation. Reprinted numerous times, it is the publication for which he is most known. Perhaps he was a bit naive; the effort to "get away from it all" got him more involved in the new territory's legal court system more than tending the grapes and other fruits of his labors. After two years of hard work and little reward the powers of the fertilizer, minerals, and railroad industries overwhelmed him. He had to admit defeat and return to his other passions: representing the beauty of nature and expressing his wide ranging ideas in books of poetry, prose, and novellas.

Recently, I have met with the personnel of FRIENDS of the Great Salt Lake. Members of the extended Lambourne relatives, be they still residing in Utah or having moved on to other states of the West, or elsewhere, can feel great pride in the selection of our ancestor, Alfred Lambourne for the art prize which bears his name. He would, no doubt, be honored and a bit humbled. Thank you to all who have helped to fund and promote the

awareness of the need to revive the health of the lake.

Having, myself, lived in many arid, water challenged areas of the West, I have seen that much can be done to revive and resupply the lake and its tributaries. Let us all learn how to help. Just as a full lake combines a multitude of individual water droplets, each descended from the heavens, we, as individuals concerned and committed to returning this great lake to health can combine efforts to conserve water; even doing without some of the luxury it provides for however long it takes. A drought has no time line we can see, but wise use of the precipitation each year provides can guide responsible management of this resource. I know I intend to do what I can to that end. I hope anyone reading this reflection will as well.

I will see you at the Alfred Lambourne Awards Celebration on September 6th from 6:00-9:00 PM at the Sorenson Community Campus Gallery and Blackbox Theatre in Salt Lake City.

James W. Lambourne
Mesa, Arizona
March 6, 2019



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 website: www.fogsl.org

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Save the Dates:
 September 6, 2019 Alfred Lambourne Arts Program
 September 14, 2019 International Coastal Cleanup
 October 10, 2019 Fall Fundraiser
 May 6-8, 2020 Great Salt Lake Issues Forum

LAKE FACT:
 Q: How much fish is
 required for a baby
 pelican to grow
 from a hatchling to
 a fledgling?

150 lbs. A



MAKING A DIFFERENCE

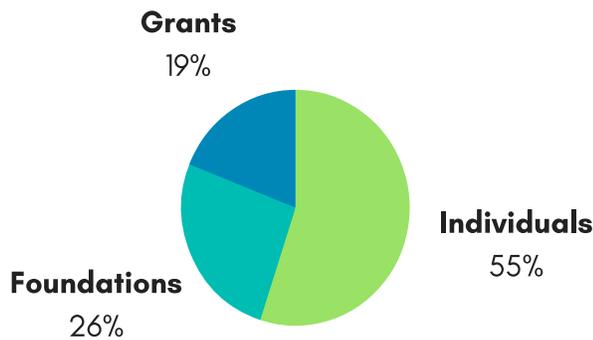
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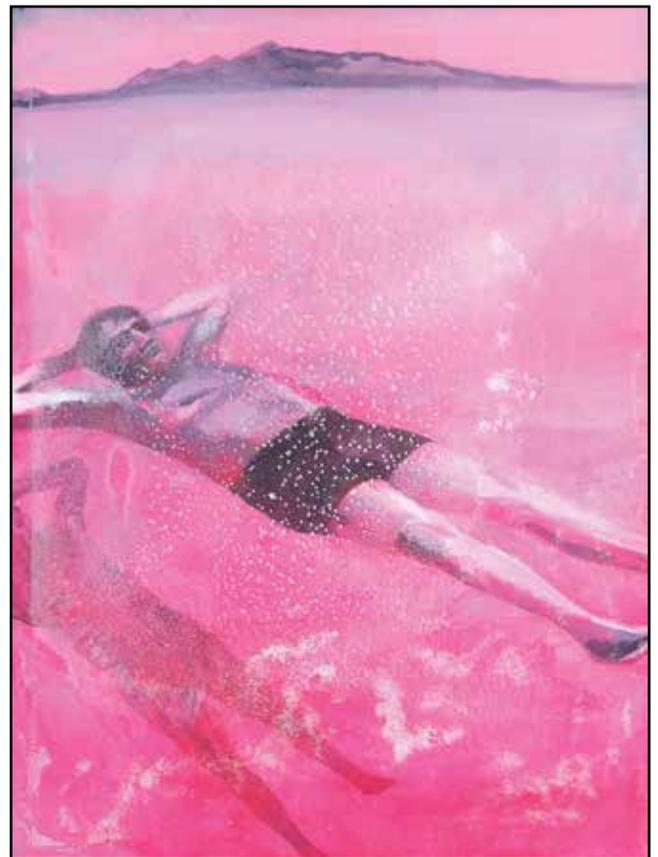
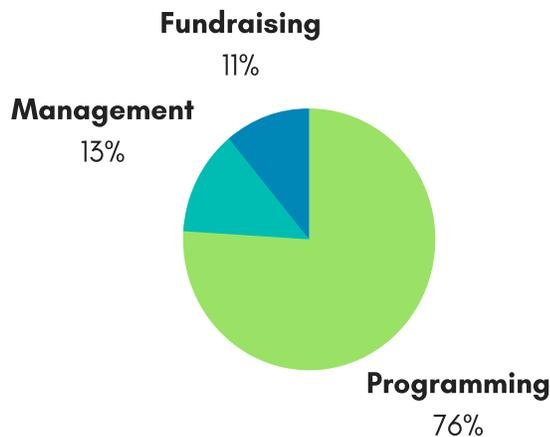
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With an annual operating budget of \$152,000, FRIENDS of Great Salt Lake spends a majority of funds on Programming (76%), including our Education Program Lakeside Learning Fieldtrips, The Doyle Stephens Scholarship Program, and the Alfred Lambourne Arts Prize. Management and administration costs average 13%, and general fundraising at 11%.

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Expenses



Pink Brine, painting by Clinton Whiting

“In this piece I reflect on photos I have seen of the grand days of Saltair and the love of floating in the lake. I have done this myself on numerous occasions. I love the sensation of effortlessly floating.”

See more at www.clintonwhiting.com





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Male Northern Harrier, photograph courtesy of Steve Earley