Emery County Public Lands Meeting
January 8, 2019
10:00 a.m. Emery County Courthouse

**PLC:** Rod Player, Ed Geary, Leon McElprang, Sherrel Ward, Randal Stilson, JR Nelson, Lauren Huntsman

**PL Staff:** Ray Petersen, Carol Cox, Commissioner Lynn Sitterud, Commissioner Kent Wilson, Commissioner Gil Conover

**Public:** Les Wilberg, Ryan Jones, USDF, Jay Humphrey, EWCD, Marc Stilson, DWRi, Larry Johansen, USP, Julie Johansen, Emery Telcom,

**Excused:** Kim McFarlane, Bruce Wilson

**1. Welcome:** Rod Player welcomed everyone and recognized Commissioner Gil Conover as the new County Commissioner.

**2. Approval of Minutes:** JR Nelson made a motion to approve the minutes dated December 4, 2019. The motion was seconded by Ed Geary. The **motion passed**.

**3. Chairman Comments:** Rod Player read the Public Lands Council Mission Statement. As of Commission Meeting today Lauren Huntsman and JR Nelson will be re-appointed to the council. Les Wilberg will be a new Council member increasing the number of members to ten.
Rod reported that he was invited to sit in on a planning meeting with the Wilderness Society regarding Utah Roadless Areas Defense Campaign. They have a campaign together to fight wilderness/roadless areas. Most of the large wilderness organizations, the Sierra Club, Save Our Canyons, etc. The first thing they have in their strategy is to delay, delay, delay so that the proponent, like an energy company, will give up. Rod also commented that he was hoping that this meeting was going to be a celebratory meeting today. He indicated that he is really disappointed in Senator Mike Lee.

**4: Commission Report on Emery Land Bill:** Commissioner Sitterud commented that the process has started over in an extremely rapid pace and it will be stronger than it was before. In a recent phone call from Senator Lee's Office , they asked what Senator Lee could do to help when it comes to negotiations regarding the bill. The Commissioners told Senator Lee to leave Candland and SITLA alone and that the County's concerns are to have some control over who gets to sit on the Advisory Council and the sentence in the bill regarding existing roads. Commissioner Wilson indicated that the Commissioners' impression of this is, there is going to be a lands bill go forward, our job is to keep Emery County's Land Bill in there in spite of Senator Lee's political agenda. Commissioner Wilson stated that it is important to note that we

have the support of Senator Romney and Senator Curtis. The bill will be put together with the other 100 or so lands bills to create a lands bill package and will possibly go through the House by the end of the week and possibly the Senate by the end of the month.

**5: Jay Humphrey, Report on Joe's Valley Dam Acquisition:** Jay Humphrey, EWCD reported on the Joe's Valley Dam Acquisition. He explained that when the Joe's Valley project was conceived, it was the understanding of the board of directors that once the construction project was paid and completed the title of the project along with the title to the water rights would come back to the county. This was never put into a contract. It takes an act of Congress to get it back to the County level. In 2016 the project was paid off. This was 4 years early. This brought them out from under the format of the Bureau of Reclamation. In the contract with the bureau in 1962, the contract stated the District would be responsible for operation and maintenance of the dam. When we brought PacifiCorp into the contract with industrial water the Bureau stuck into the contract, 'or replacement'. Since 1972 we have been living with this replacement act. This means the people of Emery County is responsible for all operation, maintenance and replacement of the Emery County Project. The Bureau does not have any money. They do have a Dam Safety. We have to replace everything. Right now the Bureau says they have no money. If you go in under Dam Safety then they have to rate your project to see if it meets their criteria. He found that they do not enforce their contracts with other governmental agencies. We had a problem with the upper lake reservoirs, Pete's Hole, Grassy Lake, Soup Bowl, Potter's Pond, etc. There was no maintenance being done on them. Jay said the first couple of times he approached the Forest Service about maintenance, they said they would charge him with trespassing if he goes in and does work on them. Last year he signed a contract with the Forest Service that allows the District to maintain them so they do not deteriorate and harm the reservoir. Joe's Valley is the jewel of Emery County. You can move water to Ferron and to Huntington. It sits in the middle. They supplied water to Hunter Power Plant this year while Millsite is under construction. It works well and we have full co-operation of the irrigation companies to allow that to happen. In early summer he met with John Curtis who indicated that he would run the transfer bill. In August he said he will not run the bill until every agency is happy with it. He does not want any opposition to the bill. In December he met with the Forest Service Region and listened to their concerns. It was decided to define the area. They have hired an engineering company to define the boundaries around Joe 's Valley and are meeting with a title company to research all the titles that the Bureau controls, Easements and Fee Title.

There are some good things coming out of this. There will have to be some contracts signed. These things are time consuming and everyone has to approve them. Everyone agrees that it is good idea to have the control back in EWCD. The Bureau says they support it, but they are going to make it difficult. The Bureau has a risk analysis plan. They spend their money with the highest risk. Jay stated that if Joe's Valley Dam was sitting where Deer Creek Dam is, it would be fixed. Joe's Valley is pre-Teton Dam Era. Because of the Teton Dam Disaster in 1996 dam construction changed. The safety measures that are put in today are not in Joe's Valley. The

dam is 50 years old. There are issues with the spillway, but we are not high on the list. Using Utah State Standards we were not given very high rating. We have to keep up with the maintenance. We think that if the bureau owns it they should kick in some cash. But they have no money. We started four years ago with this process to get the title and water rights back. We are probably still fours years away. He indicated he was not sure that we can make everyone happy like John Curtis wants. In a better note, Jay reported that the snow pack today is at 115 % of normal. Last year it was at 25%. Joe's Valley is half full. EWCD has three water conservation construction projects going at this time. Jay reported on several basins and drainages. He sees a problem with the fact that there is no maintenance plan for the new boat ramp and parking lot in Joe's Valley. Someone needs to be in charge of maintenance. The state puts their money in public safety. It benefits the district to help them as much as we can. The water users should not have to pay for recreation. We have a pristine area and we need to keep it pristine. Jay estimates the cost for the title transfer process to be approximately $1 to $2 million dollars depending on the amount of legislation. The next step is to get the title search completed. They need to get with the State Parks and pinpoint the problem areas. There is no liability issue. EWCD has to carry insurance for their actions. If the damage is a result of an act of God we just have to fix it and move on. The dam issue affects the whole county. Leon talked about the irrigation/drainage damage and the possible affects of the fires and the possible issues we could see with spring runoff. Lauren added that water continues to become a more and more valuable commodity. The more valuable it is the more people are looking at it. The sooner we deal with these issues the better off we are as a county. Commissioner Wilson commented that it is up to us, as a county, to be proactive and go to the agencies and let them know that we have been harmed.

Ray spoke of an executive order from the President to get ahead of the fires and do some proactive stuff on the forest. The Forest Service has been moving in that direction. Put money out ahead of the fire and remove the fuels from off the mountain.

There was discussion about the power plant and property tax against user fees. The power plants are very valuable to the county. We need to keep them going as long as possible. We need them. JR Nelson pointed out that Jay Humphrey has generations of knowledge regarding water conservation in Emery County.

**6: Agency Reports and Council Member Comments:**

**Bureau of Land Management (BLM):** none

**Division of Water Rights (DWRi):** Marc Stilson reported that there are no new water right actions. Marc reviewed 6 water bills that are before the legislature.

**Division of Oil, Gas and Mining (DOGM:** none

**Division of Wildlife Resources (DWR):** none

**School and Institutional Trust Lands Administration (SITLA):** none

**Manti-LaSal National Forest (MLNF):** none

**Utah State Parks and Recreation:** Larry Johansen, Interim Manager reported that Jonathan Hunt has taken another position at Sand Hollow and has moved. Today they started grooming on the Skyline.

**Washington Delegation Staff:**

**7. Additional Issues from Council Members:** Ray reported on the Colorado River Conference. Sherrel provided the local snow pack totals. Julie Johansen asked if the County has thought anything more about putting in a water measurement site that is not in the mountains. It would help farmers/ranchers who go for financial relief. It needs to be recognized by NOA. The measurements can not be above precipitation. There is federal money available but farmers/ranchers can not get any relief because of the accuracy of the drought rate. Leon addressed this issue. Ray indicated that he looked into it several years ago. He reported it would be very expensive. Hard to get into locations. One possibility is to have it installed by a TV station or research institution. Rod asked Jay Humphrey to report on cloud seeding.

**8. Concerned Citizens with Emery County related issues:**

**9. Adjourn:** The meeting was adjourned.