RECORD OF DECISION

RECORD NUMBER: 22-1027

DATE OF EXECUTION: October 27, 2022

DESCRIPTION OF LANDS DIRECTLY AFFECTED: Utah Lake Sovereign Lands

DIVISION ACTION: Cancellation of Application Pursuant to Utah Admin. Code R652-3-400

INTRODUCTION

The Division of Forestry, Fire & State Lands (the "Division") has the regulatory authority to cancel a pending land exchange application if the Division determines cancellation is in the best interest of the beneficiaries of the land being impacted. Despite working tirelessly with the applicant, the Division determines cancellation is appropriate due to the significant constitutional issues presented that have not been overcome.

Specifically, as the following sections make clear, the Utah Constitution provides significant protections for state lands. This is particularly true with state sovereign lands – lands lying below navigable water bodies. Although the Utah Constitution allows for disposition of sovereign lands as may be provided by law, the disposition is specifically conditioned. The disposal must be consistent with the respective purposes Utah received or otherwise acquired the lands in question.

Because the pending application contemplates a disposition that would impede navigation and permanently dispose of sovereign lands to private parties, results that are in contravention of the public trust constitutionally imposed on these lands, the Division determines cancellation of the pending applications is both appropriate and required.

FINDINGS OF FACT

1. House Concurrent Resolution 26, H. Con. Res. 26, 62d Leg., Gen. Sess., 2017 Utah, ("HCR 26") (attached hereto as **Exhibit A**) became effective on March 22, 2017. HCR 26 addresses challenges facing Utah Lake (algal blooms, loss of native vegetation, invasive fish and plant species, loss of littoral zones, suspended silt on the lake bottom and reduced water clarity), and states a "comprehensive and extensive restoration investment" is needed to address the issues, and urges acceleration of comprehensive solutions to restore Utah Lake and improve its water quality.

2. On November 13, 2017, the Division received an application for a land exchange (the "LRS Application") from Lake Restoration Solutions, Inc. ("LRS, Inc.") (attached hereto as **Exhibit B**). Accompanying the LRS Application is a four-page document that cites to HCR 26, identifies concerns with Utah Lake, and describes the "Utah Lake Comprehensive Restoration Project" (the "Project") proposal to restore Utah Lake through dredging the lake and creating one or more islands. The four-page document states, "[s]ome of the new real-estate will remain open to the public while a portion will be exchanged to generate revenues to help pay for the costs of restoration activities." [1]

3. The LRS Application was signed by Ben Parker ("Mr. Parker"), Chief Executive Officer of LRS, Inc., and, under "Applicant Information," includes the home address of Benjamin and Pamela Parker. The LRS Application does not include a description of land to be exchanged and simply states "TBD."

4. Also, on November 13, 2017, LRS, LLC was registered as a business entity in the State of Delaware. (Delaware business entity details attached hereto as **Exhibit C**).[2]

5. On November 16, 2017, Mr. Parker submitted payment to the Division for the land exchange application fee in the amount of one thousand dollars ($1,000).

6. Pursuant to Division regulations governing land exchanges, the Division advertised the exchange offering between November 27, 2017 and January 8, 2018. *See* Utah Admin. Code R652-80-400. The Division required additional proposals to be submitted by January 8, 2018.

7. The Division posted notice of the offering in the *Salt Lake Tribune* and the *Deseret News* on November 26, December 3, and December 10, 2017. The Division posted notice in the *Daily Herald* on November 26, December 3, and December 10, 2017. The Division posted the notice on the Resource Development Coordinating Committee website on November 22, 2017, on the Division's website on November 27, 2017, and mailed notice to adjacent landowners and lessees of record on November 27, 2017.

8. In January 2018, the Division received a 252-page proposal, titled "Utah Lake Restoration Project Proposal" (hereinafter referred to as the "LRS Proposal"), from LRS, Inc. The Division did not receive any other proposals. (Proposal cover page attached hereto as **Exhibit D**).

9. Pages 237 and 238 of the LRS Proposal list Mr. Parker as the "Founder/Project Director" and Ryan Benson as "Counsel," respectively. (Referenced pages of the Proposal attached hereto as **Exhibit E**).

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[1] In discussions with representatives of LRS, Inc. and or LRS, LLC, it was confirmed that the restoration proposal submitted required fee simple disposal of the developed sovereign lands.
[2] For clarification, LRS, Inc. was initially registered with the State of Delaware as a Corporation. As discussed in FOF, ¶ 14, LRS, Inc. was subsequently converted to an LLC.

10. The Division accepted LRS, Inc.'s Application and Proposal on May 2, 2018 via a letter sent to Mr. Parker. This letter explicitly states the acceptance of the LRS Proposal "in no way constitutes an endorsement of the project, nor a guarantee that an exchange and/or lease will occur." (Attached hereto as **Exhibit F**).

11. During the 2018 General Session of the Utah Legislature, H.B. 272, 26th Leg., Gen. Sess., "Utah Lake Restoration Act," was enacted (codified as Utah Code §§ 65A-15-101 to -202). The Utah Lake Restoration Act became effective on May 8, 2018. (Attached hereto as **Exhibit G**). The Act provides for the disposal of appropriately available state land in and around Utah lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if the Division finds the restoration project will enhance an exhaustive list of public benefits.

12. On March 22, 2019, Mr. Parker registered a business with the Utah Division of Corporations and Commercial Code ("Utah Division of Corporations") under the entity name "Restoration Development Holding Company, LLC."

13. On November 27, 2019, Ryan Benson filed a Certificate of Revival of Charter for LRS, Inc. with the State of Delaware. According to paragraph 5 of the Certificate of Revival, LRS, Inc. became inoperative and void for non-payment of taxes and/or failure to file a complete annual report on March 1, 2019. (Attached hereto as **Exhibit H**). The certificate was submitted to the Division by email from Jeff Hartley ("Mr. Hartley") on August 16, 2022.[3]

14. On September 15, 2020, Ryan Benson filed both a Certificate of Conversion and a Certificate of Formation with the State of Delaware. At such point, LRS, Inc. became Lake Restoration Solutions, LLC ("LRS, LLC"). (Attached hereto as **Exhibit H**). Both certificates were submitted to the Division by email from Mr. Hartley on August 16, 2022.

15. On November 12, 2020, Mr. Parker met with Division employees and requested to change the name of the entity on the LRS Application from "LRS, Inc." to "Restoration Development Holding Company, LLC." The Division never approved this name change due to confusion regarding who was the authorized agent for LRS, Inc. and the failure of Mr. Parker to respond to communication from the Division to resolve the confusion.

16. The Division did not receive any further correspondence from Mr. Parker after the November 12, 2020 meeting.

17. Throughout 2017 and 2022, the Division received meeting requests from Ryan Benson, Jon Benson, and/or Mr. Hartley. The Division met with at least one of these individuals on multiple occasions to receive status updates on the Utah Lake Restoration Project.

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[3] Mr. Hartley has represented to the Division he is an agent/lobbyist for LRS, LLC, authorized to represent and act on behalf of Ryan and Jon Benson and LRS, LLC.

18. Ryan Benson and Jon Benson have represented to both the Division and the public that they are the primary representatives for LRS, LLC and are the Chief Executive Officer and Chief Operating Officer, respectively.

19. On October 6, 2021, the Assistant Attorney Generals representing the Division met with legal counsel for LRS, LLC to discuss the legal issues presented by the project, including the fee simple disposition of Utah Lake sovereign lands.

20. On January 6, 2022, LRS, LLC submitted an application to the U.S. Army Corps of Engineers (the "Corps") for the Utah Lake Restoration Project (the "LRS Corps Application") proposing to dredge Utah Lake and create artificial islands out of the dredged material. Ryan Benson is listed on the LRS Corps Application as the Chief Operating Officer of LRS, LLC. The LRS Corps Application was released publicly in February of 2022.

21. The LRS Corps Application is materially different than the LRS Application and Proposal submitted to the Division by Mr. Parker in 2017 and 2018, respectively.

22. For example, the map contained in the LRS Proposal is materially different than the map contained in the LRS Corps Application and there is significantly more detail included in the LRS Corps Application (including island acreages and location, existing conditions, and site-specific effects). (Project maps from the LRS Application and the LRS Corps Application are attached hereto as **Exhibit I**).

23. The LRS Proposal received by the Division contemplates the dredging of 998,787,742 cubic yards of lakebed material and using the material to create one or more islands in the lake.[4] Of the newly formed land, the LRS Proposal suggests more than 10,200 acres will be held for "public access and conservation."

24. The LRS Corps Application proposes to hydraulically or mechanically dredge 62,400 acres of lakebed to an average increased depth of 7 feet. The LRS Corps Application states the dredging will remove an estimated 957,710,915 cubic yards of dredged material which will be placed into 34 constructed containment areas, or "islands," totaling 17,988.56 acres of islands. Of that acreage, 15,927.30 acres are to be "development islands." 2,062 acres of islands are proposed as "recreation" or "estuary" islands.

25. The LRS Corps Application states development islands provide the funding mechanism to enable the proposed ecosystem restoration and enhancement. The islands will be developed for single-family and multi-family residential use, including attainable housing, commercial/retail, mixed use, amusement/hospitality, public/institutional, cultural, recreation, and open space land uses.

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[4] The LRS Proposal is internally inconsistent regarding the total acreage of the newly created upland islands. On page 6 of the LRS Proposal, the table lists 19,805 acres but is unclear whether this is the acreage of new islands or the acreage to be dredged. Further, on page 216, the LRS Proposal states, "… up to 16,000 acres of new upland islands will be created."

26. On March 21, 2022, the Division and agents of LRS, LLC met and discussed the issues related to the fee title conveyance of sovereign lands. At that meeting, LRS, LLC represented they would provide legal authority supportive of the anticipated conveyance in LRS's Proposal.

27. The Division received a legal memorandum from LRS, LLC (the "LRS Memo") on May 2, 2022.

28. During the 2022 General Session of the Utah Legislature, H.B 240, "Utah Lake Amendments," amended the Utah Lake Restoration Act (H.B. 272). H.B 240 became effective on May 4, 2022. (Attached hereto as **Exhibit J**).

29. On June 1, 2022, the Division met with agents of LRS, LLC again to discuss issues with the LRS Application including the discrepancy between the name on the LRS Application (LRS, Inc.) and the applicant name on the LRS Corps Application (LRS, LLC). The Division also reminded LRS, LLC of the importance of the legal issue regarding disposition of sovereign lands in fee simple.

30. On June 13, 2022, CT Corporation System registered an entity with the Utah Division of Corporations titled "Lake Restoration Solutions – Utah, LLC" ("LRS – Utah, LLC"). The registration statement for LRS – Utah, LLC was signed by Jon Benson, President. (Attached hereto as **Exhibit K**). This entity is a Delaware Corporation authorized to do business in the State of Utah through a certificate of authority. LRS – Utah, LLC is an active business entity. Ryan Benson is listed as the entity's Chief Executive Officer.

31. On August 16, 2022, the Division received a memorandum from LRS, LLC regarding the corporate structure of LRS, LLC. (Attached hereto as **Exhibit L**). The memorandum was sent via email by Mr. Hartley and prepared by Jon Benson.

32. From the date the Division received the LRS Application to the date of this Record of Decision ("ROD"), the applicant name on the LRS Application remains listed as LRS, Inc.[5]

33. On August 17, 2022, the Division Director gave a presentation at the Natural Resources, Agriculture, Environment Interim Committee meeting of the Utah Legislature, pursuant to a requirement within the amended Utah Lake Restoration Act. The Director discussed the current status of the project, stated the project presents significant risks to the State of Utah, and shared the Division has been advised by its legal counsel the project is not legally sound and is unconstitutional.

34. On September 28, 2022, the Division received a document, by email, entitled "First Supplement to Exchange Application Dated November 13, 2017" (the "First Supplement"). (Attached hereto as **Exhibit M**). The following day, September 29, 2022, the Division met with

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[5] As of the date of this ROD, Utah Division of Corporations records indicate LRS, Inc. is an active Utah business entity, first registered to Jeff Salt on April 2, 2018. To the Division's knowledge, Jeff Salt has no affiliation with the Project. (Utah Division of Corporations business entity details and business name registration attached hereto as **Exhibit N**).

agents of and legal counsel for LRS, LLC, at which time a copy of the same document was hand delivered to the Division, the First Supplement was discussed, and issues with the Application were discussed.

35. In October of 2022, LRS, LLC requested the Corps temporarily pause their permit request and the Corps' review of the LRS Corps Application while LRS, LLC compiles supporting documentation, materials, and studies.

36. On October 25, 2022, the Division received a document, via email, entitled "Second Supplement to Exchange Application Dated October 24, 2022. (Attached hereto as **Exhibit O**). Assistant Attorney Generals met with attorneys representing LRS, LLC the day before this submission explaining the ROD was forthcoming and generally discussing the legal underpinnings requiring issuance of the ROD.

LEGAL AUTHORITY

Constitutional Provisions

Utah Constitution, Article XX, Section 1

Utah Constitution, Article VI, Section 26

Statutes

Utah Code § 65A-1-1

Utah Code § 65A-1-4

Utah Code § 65A-2-1

Utah Code § 65A-10-1

Utah Code § 65A-7-7

Utah Code §§ 65A-15-101 to -202

Administrative Rules

Utah Admin. Code Rule 652-1-200(34)

Utah Admin. Code Rule 652-2-200

Utah Admin. Code Rule 652-3-200

Utah Admin. Code Rule 652-3-300

Utah Admin. Code Rule 652-3-400

Utah Admin. Code Rule 652-8-100

Utah Admin. Code Rule 652-9-200

Utah Admin. Code Rule 652-80-200

Utah Admin. Code Rule 652-80-300

Utah Admin. Code Rule 652-80-400

Utah Admin. Code Rule 652-9-400

Utah Admin. Code Rule 652-9-500

Cases

Illinois Central Railroad Co. v. State of Illinois, 146 U.S. 387 (1892)

Utah Div. Of State Lands v. U.S., 482 U.S. 193 (1987)

The Daniel Ball, 77 U.S. 557 (1870)

The Montello, 87 U.S. 430 (1874)

Shively v. Bowlby, 152 U.S. 1 (1894)

Pollard's Lessee v. Hagan, 3 How. 212, 11 L.Ed. 565 (1845)

Utah Stream Access Coal. v. VR Acquisitions, LLC, 439 P.3d 593 (Utah 2019)

National Parks and Conservation Ass'n v. Board of State Lands, 869 P.2d 909 (Utah 1993)

Treuting v. Bridge and Park Comm'n of Biloxi, 199 So.2d 627 (Miss. 1967)

Arizona Center for Law in the Public Interest v. Hassell, 837 P.2d 158 (Ariz. 1990)

City of Berkeley v. Superior Ct., 606 P.2d 362 (Cal. 1980)

Kootenai Environmental Alliance, Inc. v. Panhandle Yacht Club, Inc., 671 P.2d 1085 (Idaho 1983)

People ex rel. Scott v. Chicago Park Dist., 360 N.E.2d 773 (Ill. 1976)

Lake Michigan Federation v. U.S. Army Corps of Engineers, 742 F. Supp. 441(N.D. Ill. 1990)

Thomas v. Sanders, 413 N.E.2d 1224 (Ohio Ct. App. 1979)

Ervien v. United States, 251 U.S. 41 (1919)

Colman v. Utah State Land Board, 795 P.2d 622 (Utah 1990)

CONCLUSIONS OF LAW

1. The LRS Application is in the form of an "exchange application." Sovereign land exchanges must be in the best interest of the public trust as documented in a record of decision by the division. Utah Admin. Code R652-80-200.2.

2. "Sovereign lands" means those lands lying below the ordinary high-water mark of navigable bodies of water at the date of statehood and owned by the state by virtue of its sovereignty. Utah Code Ann. § 65A-1-1(5).

3. The Legislature has delegated the management of sovereign lands to the Division. Utah Code Ann. § 65A-1-4(1)(b).

4. Upon receipt of an exchange application, the division shall review the application for completeness. Utah Admin. Code R652-80-300.3.

5. LRS's Application is also subject to the administrative rules governing application evaluation and processing. Utah Admin. Code R652-3.

6. Any person qualified to do business in the state of Utah, and is not in default under the laws of the state of Utah, relative to qualifications to do business within the state, or not in default on any previous obligation with the division, shall be a qualified applicant for lease or permit. Utah Admin. Code R652-3-200.

7. Until a division executed instrument of conveyance, lease, permit, or right is delivered or mailed to the successful applicant, applications for the purchase, exchange, or use of sovereign lands or resources shall not convey or vest the applicant with any rights. Utah Admin. Code R652-3-400.

8. All applications for lease, sale, or exchange shall be subject to cancellation by the division prior to execution if in the best interest of the beneficiaries of that land. *Id.*

9. Utah Lake is a navigable water body and title to the Utah Lake bed passed to the state of Utah upon its admission into the Union by virtue of the equal footing doctrine. *Utah v. United States*, 482 U.S. 193 (1987).[6]

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[6] Although the issue of whether Utah Lake was navigable was apparently conceded by the parties in *Utah v. United States*, the test for "navigability" is whether the water body is "navigable-in-fact." As explained by the United States Supreme Court, "[t]hose rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water." *The Daniel Ball*, 77 U.S. 557, 563 (1870). *See also The Montello*, 87 U.S.

10. Under English common law the English Crown held sovereign title to all lands underlying navigable waters. *Utah v. United States*, 482 U.S. at 195.

11. Because title to such land was important to the sovereign's ability to control navigation, fishing, and other commercial activity on rivers and lakes, ownership of this land was considered an essential attribute of sovereignty. *Id.*

12. Title to such ["sovereign"] land was therefore vested in the sovereign for the benefit of the whole people. *Id.* (citing *Shively v. Bowlby*, 152 U.S. 1, 11-14 (1894).

13. When the thirteen Colonies became independent from Great Britain, they claimed title to the lands under navigable waters within their boundaries as the sovereign successors to the English Crown. *Id.* (citing *Shively*, 152 U.S. at 15).

14. Because all subsequently admitted States enter the Union on an "equal footing" with the original thirteen States, they too hold title to the land under navigable waters within their boundaries upon entry into the Union. *Id.* (*citing Pollard's Lessee v. Hagan*, 3 How. 212, 11 L.Ed. 565 (1845)).

15. On January 4, 1896, Utah entered the Union with the Utah Enabling Act of July 16, 1894, which provided that Utah was to be "admitted into the Union on an equal footing with the original States." *Id.* at 199-200 (citing 28 Stat. 107).

16. Utah's Constitution provides:

> All lands of the State that have been, or may hereafter be granted to the State by Congress, and all lands acquired by gift, grant or devise, from any person or Corporation, or that may otherwise be acquired, are hereby accepted, and, except as provided in Section 2 of this Article[7], are declared to be the public lands of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been or may be granted, donated, devised or otherwise acquired.

Utah Const. Art. XX, Sec. 1.

430, 441-42 (1874) ("[i]f it be capable in its natural state of being used for purposes of commerce, no matter in what mode the commerce may be conducted, it is navigable in fact, and becomes in law a public river or highway."); *Utah v. United States*, 403 U.S. 9, 11 (1971)(in determining the Great Salt Lake was navigable despite being an intrastate water body, the United States Supreme Court concluded the fact that the Lake was used for the hauling of animals by ranchers rather than for the transportation of "water-borne freight" was an "irrelevant detail"; "[t]he Lake was used as a highway and that is the gist of the federal test.")

[7] Section 2 of Article XX concerns School and Institutional Trust Lands and has no bearing or relevance to the issues presented in this administrative action.

17. The Utah Supreme Court has provided specific guidance in determining whether state lands are protected by Article XX, Sec. 1 of the Utah Constitution ("Article XX") and whether a contemplated "disposal" of state lands would run afoul of the constitutional protections afforded. *See Utah Stream Access Coalition v. VR Acquisitions, LLC*, 439 P.3d 593 (Utah 2019).

18. In determining whether the bed of Utah Lake is a real property interest protected by Article XX, and concurrently, in determining whether a statutory scheme impacting that real property interest passes constitutional muster, the Utah Supreme Court has enunciated the following test:

> (1) Is the real property at issue an "interest in land" and/or "lands of the state" protected by Article XX?; (2) if so, does the contemplated "disposal" trigger the protections of the public trust doctrine enshrined in the Utah Constitution?; (3) if the "disposal" does trigger the public trust doctrine, an independent identification of the scope of the State's public trust duties under *Illinois Central v. Illinois*[8] is required; and (4) was the real property interest "acquired" and "accepted" by the State in a manner that would qualify under the terms of Article XX?

See e.g., Utah Stream Access Coalition, 439 P.3d at 606-611.

19. *Illinois Central* is the lodestar in determining the scope of the public trust component of Article XX of the Utah Constitution. In interpreting the phrase "and shall be held in trust for the people," the Utah Supreme Court opined, "[a]s a decision handed down just three years before the ratification of the Utah Constitution, we think that *Illinois Central* may help inform the search for the historical understanding of the public trust principles embedded in the Utah Constitution." *Utah Stream Access Coalition*, 439 P.3d at 608, n. 5.

20. Of the various classifications of public lands, the beds of navigable lakes and rivers are categorically the most legally protected. Further elaborating on the unique character of these lands, the United States Supreme Court pronounced,

> That the state holds the title to the lands under the navigable waters of Lake Michigan, within its limits, in the same manner that the state holds title to soils under tide water, by the common law, we have already shown; **and that title necessarily carries with it control over the waters above them, whenever the**

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[8] 146 U.S. 387 (1892) (As introduced and generally described by the Utah Supreme Court, "[i]n *Illinois Central* the Illinois Legislature had granted title to a railroad company to a piece of submerged land consisting of a portion of the Chicago harbor. That grant was challenged under the public trust doctrine. And the Supreme Court struck down the disposition on the ground that the submerged land was held in trust for the people and thus was 'different in character from that which the state holds in lands intended for sale.") *Utah Stream Access Coalition*, 439 P.3d at 608 (citing *Illinois Central*, 146 U.S. at 433-44; 452).

> **lands are subjected to use**. But it is a title different in character from that which the state holds in lands intended for sale. It is different from the title which the United States hold in the public lands which are open to pre-emption and sale. **It is a title held in trust for the people of the state, that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein, freed from the obstruction or interference of private parties.**

Illinois Central, 146 U.S. at 452 (emphasis added).

21. The State of Utah's public trust responsibilities over sovereign lands includes the fiduciary obligation to prevent obstruction or interference of public navigation and/or access on and/or over navigable water bodies.[9]

22. The United States Supreme Court in *Illinois Central* "set forth a standard for assessing the proprietary of a disposition of public land under the common law public trust doctrine. And it made reference to certain dispositions of property that may constitute a 'valid exercise of legislative power consistent with the trust to the public.'" *Utah Stream Access Coalition*, 439 P.3d at 608 (quoting *Illinois Central*, 146 U.S. at 452).

23. As interpreted by the Utah Supreme Court, "[t]hose permissible dispositions included 'grants of parcels of land under navigable waters that may afford foundation for wharves, piers, docks, and other structures in aid of commerce, and grants of parcels which, being occupied, do not substantially impair the public interest in the lands and waters remaining.'" *Id.* (quoting *Illinois Central*, 146 U.S. at 452).

24. While dispositions of property for "the erection of wharves, docks, and piers" would be consistent with the public trust, the "abdication of the general control of the state over lands under the navigable waters of *an entire harbor or bar, or of a sea or lake*" would be impermissible.[10] *Id.* at 609 (quoting *Illinois Central*, 146 U.S. at 452-53) (emphasis in original).

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[9] The concept of unobstructed public access over navigable water bodies is so legally entrenched that previous legislative attempts to convey title of submerged lands and/or sovereign lands include conditional language requiring the anticipated grant to ensure unobstructed public access over the waters above them. *See e.g., Illinois Central*, 146 U.S. at 449 (the pertinent statute – ultimately struck down by the U.S. Supreme Court – specified, ". . . nothing herein contained shall authorize obstructions to the Chicago harbor, or impair the public right of navigation.") *See also Treuting v. Bridge and Park Commission of City of Biloxi*, 199 So.2d 627, 630 (Miss. 1967) (in the legislation purportedly authorizing disposition of submerged land, a condition precedent for disposal required a court to determine, ". . . that the reclamation of the said lands does not constitute an obstruction of the navigable waters of the State and does not interfere with the rights of the public generally to use the navigable waters of the State for fishing, boating, and other public uses . . . .").

[10] According to the United States Supreme Court, "[s]uch abdication [state abdicating control under the navigable waters of an entire harbor or bay] is not consistent with the exercise of that trust which requires the government of the state to preserve such waters for the use of the

25. According to the Utah Supreme Court, "the latter sort of disposition seemingly is viewed as a gross infringement of the public trust doctrine. And that kind of disposition – of [*sic*] restriction of public access to an entire waterway [or significant portions thereof] – seems to be presented as a classic infringement of the public trust." *Id.*

26. Unless the disposition is adjacent or upland of navigable waters, or the disposition is for the erection of "wharves, docks, and piers," fee simple disposition of sovereign land is impermissible.[11] "The control of the state for the purposes of the trust can never be lost, except as to such parcels as are used in promoting the interest of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining." *Illinois Central*, 146 U.S. at 453.

27. "The trust devolving upon the state for the public, and which can only be discharged by the management and control of property in which the public has an interest, cannot be relinquished by a transfer of the property." *Id.*

28. "The control of the state for the purposes of the trust can never be lost, except as to such parcels as are used in promoting the interests of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining." *Id.*

29. "The state can no more abdicate its trust over property in which the whole people are interested, like navigable waters and soils under them, so as to leave them entirely under the use and control of private parties, . . . , than it can abdicate its police powers in the administration of government and the preservation of peace." *Id.*

30. "So with trusts connected with public property, or property of a special character, like lands under navigable waters; they cannot be placed entirely beyond the direction and control of the state." *Id.* at 454.

31. In administering sovereign lands, the state, through the division, acts as a trustee. *See National Parks and Conservation Ass'n v. Board of State Lands*, 869 P.2d 909, 917 (Utah 1993) (applying common trust principles to the division and State Land Board when managing school trust lands).

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public." *Illinois Central*, 146 U.S. at 453. Continuing, the Court stated, "[a] grant of all the lands under the navigable waters of a state has never been adjudged to be within the legislative power; and any attempted grant of the kind would be held, if not absolutely void on its face, as subject to revocation." *Id.*

[11] Even in the limited instances where disposal of sovereign lands is permissible, in order for the State to maintain control over the trust, it is axiomatic that the State is required to insist on deed restrictions, lesser estates, reversionary clauses and or rights of first refusal depending on the factual and geographic conditions presented.

32. "All trustees owe fiduciary duties to the beneficiaries of the trust. The duty of loyalty requires a trustee to act only for the benefit of the beneficiaries and to exercise prudence and skill in administering the trust. These are legally binding duties, enforceable by those with a sufficient interest in [sovereign lands] to have standing." *Id.* at 918 (citations omitted).

33. The Utah Supreme Court has made it clear the value of school trust lands cannot be used to further other legitimate governmental objectives, even if there is some indirect benefit to the public schools. *Id.* (citing *Ervien v. United States*, 251 U.S. 41, (1919)). By logical extension, the same principle applies to sovereign lands.

34. Trust obligations take priority and must first be met before consideration can be given to other incidental benefits that serve other legitimate governmental objectives or other multiple use-sustained yield principles. *See generally, id.* (in evaluating trust assets, the purpose of the trust must be analyzed first before any consideration of nonmonetary values such as scenic, aesthetic, or recreational values).

35. The Utah Legislature has essentially codified *Illinois Central* when directing when the division can dispose of sovereign lands: "[t]he Division is the management authority for sovereign lands, and may exchange, sell, or lease sovereign lands but only in the quantities and for the purposes as serve the public interest and do not interfere with the public trust." Utah Code § 65A-10-1.

36. Based on continuing ecological concerns over Utah Lake, the Legislature enacted legislation – the Utah Lake Restoration Act (the "Act") – to seek solutions for the comprehensive ecological and environmental restoration of Utah Lake. *See* Utah Code §§ 65A-15-101 to -202.

37. Among the legislative findings the Legislature made in enacting the Act, the Legislature found: "it is in the interest of the state to undertake a comprehensive restoration of Utah Lake for the benefit of the public trust uses on the lake." Utah Code § 65A-15-103(5).

38. Accordingly, the Act provides: "[t]he division may recommend the disposal of appropriately available state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if the division find that the restoration project enhance[s] [the proscribed] public benefits. Utah Code § 65A-15-201(1)(a).

39. In order for a restoration proposal to be "comprehensive" as required by the Act, the following public benefits must be "enhanced" as a result:

i. restoring the clarity and quality of the water in Utah Lake;
ii. conserving water resources in and around Utah Lake;
iii. preserving the water storage and water supply functions of Utah Lake;
iv. removing invasive plant and animal species, including phragmites and carp, from Utah Lake;
v. restoring littoral zone and other plant communities in and around Utah Lake;

vi. restoring and conserving native fish and other aquatic species in Utah Lake, including Bonneville cutthroat trout and June Sucker;
vii. increasing the suitability of Utah Lake and its surrounding areas for shore birds, waterfowl, and other avian species;
viii. improving navigability of Utah Lake;
ix. maximizing, enhancing, and ensuring recreational access and opportunities on Utah Lake;
x. preserving current water rights related to water associated with Utah Lake;
xi. otherwise improving the use of Utah Lake for residents and visitors;
xii. substantially accommodating an existing use on land in or around Utah Lake; and
xiii. providing any other benefits identified by the division.

Utah Code §§ 65A-15-201(1)(a)(i)–(xiii).

40. The list of public benefits that are required to be "enhanced" is conjunctive – each of the above identified public benefits must be enhanced in order for the restoration to be considered comprehensive. *Id.*

41. The Act specifies, "[t]he Legislature and governor may, through the adoption of a concurrent resolution, authorize the disposal of state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if: the division recommends the disposal as provided in Subsection (1); and the Legislature and governor make a determination, in a concurrent resolution adopted under this Subsection, that: the restoration project will accomplish the objectives listed in Subsection (1)(a); and the disposal is a fiscally sound and fair method of providing for the comprehensive restoration of Utah Lake; and constitutionally sound and legal."

Utah Code § 65A-15-201(3)

42. The Act requires the Division to report to the Natural Resources, Agricultural and Environment Interim Committee regarding the "standards, criteria, and thresholds" to specifically define the restoration objectives of the designated public benefits and whether the disposal is a fiscally sound and fair method of providing for the comprehensive restoration of Utah Lake; and whether the disposal is constitutionally sound and legal.

43. Utah Constitution, Article VI, Section 26 provides: "No private or special law shall be enacted where a general law can be applicable."

44. If sovereign lands are to be disposed, the language in the enabling legislation needs to be clear and unequivocal. *See e.g., Utah Div. of State Lands v. U.S.*, 482 U.S. 193 (1987); *Arizona Center of Law in the Public Interest v. Hassell*, 837 P.2d 158 (Ariz. 1990). The Division determines the Act does not contain the requisite intent language authorizing the scale of sovereign land disposition proposed by the LRS Application and Proposal. Even if the requisite intent

language were apparent, the Division finds the proposed dispositions would likely be found to violate the public trust doctrine and the Utah Constitution by the Utah courts.

DIVISION DECISION

Upon thorough review of the pending LRS Application and applicable legal authority[12], the Division hereby **CANCELS** the LRS Application.

The Division determines cancellation is required by law and is in the best interest of the beneficiaries of such sovereign land affected by the land use and/or land development proposal(s) identified and affiliated with the LRS Application. (COL, ¶¶ 38, 44).

The LRS Application is not in the best interest of the trust beneficiaries (present and future generations of Utah citizens) for two fundamental reasons. First, the creation of 17,988.56 acres of artificial islands within Utah Lake – a navigable waterbody – amounts to a per se impermissible infringement of the public's right to access the entirety of Utah Lake. (*See* FOF, ¶

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[12] The Division is basing this Decision on controlling Utah authority and applicable United States Supreme Court precedent. In terms of the applicability of the public trust doctrine on the Division's Decision, there are a multitude of cases from other jurisdictions that constitute additional persuasive authority supporting the Division's Decision. Although not an exhaustive list, *see generally*: *Arizona Center for Law in the Public Interest v. Hassell*, 837 P.2d 158, 170 (Ariz. 1990) (explaining, "[b]ecause the state may not dispose of trust resources except for purposes consistent with the public's right of use and enjoyment of those resources, any public trust dispensation must also satisfy the state's special obligation to maintain the trust for the use and enjoyment of present and future generations."); *City of Berkeley v. Superior Ct.*, 606 P.2d 362, 369 (Cal. 1980) (stating, statutes purporting to abandon the public trust are to be strictly construed and the intent to abandon the trust must be clearly expressed or necessarily implied.); *Kootenai Environmental Alliance, Inc. v. Panhandle Yacht Club, Inc.*, 671 P.2d 1085, 1094 (Idaho 1983) (concluding, "[g]rants, even if purporting to be in fee simple, are given subject to the trust and to action by the state necessary to fulfill its trust responsibilities. Grants to individuals of public trust resources will be construed as given subject to the public trust doctrine unless the legislature explicitly provides otherwise."); *People ex rel. Scott v. Chicago Park Dist.*, 360 N.E.2d 773, 781 (Ill. 1976) (concluding that in order to satisfy the public trust doctrine, the primary purpose of the challenged grant must be to benefit the public, rather than a private interest. Moreover, the Court held that the public purpose advanced by the grant must be direct.); *Lake Michigan Federation v. U.S. Army Corps of Engineers*, 742 F. Supp. 441, 445 (N.D. Ill. 1990) (distilling three basic principles of public trust case law: "First, courts should be critical of attempts by the state to surrender valuable public resources to a private entity. Second, the public trust is violated when the primary purpose of a legislative grant is to benefit a private interest. Finally, any attempt by the state to relinquish its power over a public resource should be invalidated under the doctrine."); *Thomas v. Sanders*, 413 N.E.2d 1224, 1231 (Ohio Ct. App. 1979) (stating, "trusts connected with public property . . . cannot be placed entirely beyond the direction and control of the State" and "the state, as trustee for the people . . . cannot abandon or permit a diversion of [trust property] to private uses different from the object for which the trust was created." The court ultimately held: "[t]he land is part of the trust estate and the city or state cannot abdicate the trust so as to leave the soil in control of private persons." *Id.* at 1232).

24; COL ¶¶ 9, 44). Second, permanent fee simple disposal of 15,927.30 acres[13] of sovereign lands to private interests would be a gross infringement of the public trust protecting these lands for the use and enjoyment of present and future generations of Utah citizens.

As such, the Division finds the sovereign lands identified for disposal by and through the LRS Application and Proposal(s) are not "appropriately available" for purposes of the Act and, thus, the Division is precluded from recommending disposal of these lands by and through operation of the public trust doctrine.

ANALYSIS SUPPORTING DIVISION DECISION

The LRS Application and commensurate LRS Proposal contain bold and ambitious plans to "comprehensively restore" Utah Lake pursuant to the Act. Any proposal to comprehensively rehabilitate and improve entire ecological systems will certainly present numerous legal, regulatory, and public policy related issues. The LRS Application under review is no exception.

However, upon review of the current LRS Application and Proposal on file with the Division and the details contained in the LRS Corps Application, the Division finds fee simple disposal of sovereign lands in the manner, scope, and scale contemplated by the LRS Application will likely not pass constitutional muster and will be detrimental to the citizens of the State of Utah.

A. Only "Appropriately Available" State Lands are Contemplated for Possible Disposal under the Act.

Despite identified organizational discrepancies[14] with the applicant and questions regarding the completeness[15] of the LRS Application, this Decision focuses entirely on the central legal issue

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[13] The LRS Corps Application states 15,927.30 acres will be "development islands," which will be developed for single-family and multi-family residential, commercial/retail, mixed use, amusement/hospitality, public/institutional, cultural, recreational, and open space uses. The Division understands not all of the development island acreage may be conveyed in fee simple and some areas of the development islands will be accessible by the public. Nonetheless, the Division is not aware of a case in which a disposal of similar acreage was found by a court to be consistent with the public trust doctrine.

[14] Based on the business organizational documents received and/or independently reviewed by the Division, it is not clear why the LRS Application has not been amended to reflect that the original applicant – Lake Restoration Solutions, Inc. – has not been replaced by the purported successor entity – Lake Restoration Solutions, LLC and/or Lake Restoration Solutions-Utah, LLC.

[15] The LRS Application has not been materially supplemented despite the Act being enacted after the LRS Application was initially received in 2018 and after the Act had been amended by the Utah Legislature in 2022. Although immaterial to the Division's Decision at this juncture, there are several substantive issues that are presented by the LRS Application that may be cured in a subsequent filing. First, although the Division has received recent supplements purportedly addressing components of this issue, it is not clear from the LRS Application how the restoration proposal submitted by the applicant will enhance each of the public benefits enumerated in the

presented by the LRS Application: whether the State of Utah can recommend the construction of artificial islands from and upon the State of Utah's sovereign lands and the permanent, fee-simple disposal of such sovereign lands to private interests.

Similarly, under the Act, the threshold determination for the Division is whether it can "recommend the disposal of appropriately available state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal. . . ." (COL, ¶ 38). The LRS Application and Proposals do not identify any "state land" that would be utilized other than the bed of Utah Lake. As such, the Division's ultimate recommendation under the Act is dependent on legal authority guiding disposition of sovereign lands.

As discussed *infra*, the Division finds and concludes that, based on the LRS Application and restoration Proposal on file, the LRS Corps Application, the Utah Constitution, and the public trust doctrine, the Division cannot recommend disposal of Utah Lake sovereign land. Stated differently, the sovereign land constituting the bed of Utah Lake is not "appropriately available" state land under the Act.

In that regard, and before engaging in the applicable legal analysis, the Division considers the following material facts presented by the LRS Corps Application as determinative in guiding the Division's decision: (1) the LRS Proposal and/or LRS Corps Application contemplates[16] the dredging of 62,400 acres of lakebed (FOF, ¶¶ 2, 8, 24); (2) the dredged sovereign land will be utilized to construct 17,988.56 acres of artificial islands on Utah Lake (FOF, ¶ 24); (3) of the 17,988.56 acres of newly created artificial islands, 15,927.30 acres are classified as "development islands" (FOF, ¶ 24); and (4) pursuant to the LRS Corps Application and numerous meetings with agents of LRS to clarify their plans, most of the acreage on the "development islands" will be conveyed in fee simple to private parties as the funding mechanism for the Project and as "compensation" to the State for the resulting comprehensive restoration stemming from the dredging. (FOF, ¶ 25).

B. Any Materially Adverse Impacts to the Public Trust Protecting Sovereign Lands Must be Considered Prior to Evaluating Alleged Public Interest Benefits.

Sovereign lands are public lands protected by a trust and the trust must be fully protected irrespective of any claimed and/or resulting public interest benefits. As has been clearly and plainly articulated by the Courts, the primary objective and purpose of legally designating river and lakebed lands as sovereign lands, by and through operation of the equal footing doctrine, is for the protection of unimpeded public access over and upon navigable waterbodies (COL, ¶ 21).

Act. (COL, ¶ 38). Second, and perhaps more fundamentally, it is not clear how the applicant proposes the State will be protected in the future vis a vis the proposed land use development. The issue of long-term bonding and the timing of when bonding should be obtained (e.g., obtaining requisite bonding as a condition precedent to dredging) are additional significant concerns identified by the Division.

[16] The LRS Corp Application is the most recent proposal by LRS that has been publicly disseminated. The LRS Proposal is presumably modified and/or would be modified by the factual representations in the LRS Corp Application.

Moreover, as the ensuing discussion will make clear, it is uncontroverted the Utah Constitution placed sovereign lands into an 'express trust' - framed by the parameters of the public trust doctrine - so that the public purposes behind legal recognition of sovereign lands may be protected in perpetuity. (COL, ¶¶ 31, 32).

As the state agency delegated with the power to manage sovereign lands, the Division is a trustee of Utah's sovereign lands. (COL, ¶¶ 31, 35). Thus, the Division has a fiduciary obligation to protect such lands for the benefit of the beneficiaries of that trust. (COL, ¶ 32). Although not directly involving sovereign lands, Utah Courts have provided guidance on evaluating land disposals involving state trust lands. (COL, ¶¶ 18, 33, 34).

The Division interprets the identified Utah authority on state trust lands to mean that if a contemplated disposal violates the primary purpose of the trust protecting the subject public lands in the first instance, then an evaluation of any resulting incidental public benefits would be irrelevant and/or inconsequential in the final analysis. (COL, ¶ 44).[17] Since the creation of artificial islands and the subsequent fee simple disposal of sovereign lands to private parties would be in direct violation of the trust protecting sovereign lands and is not in the best interest of the beneficiaries of the sovereign land, the Division finds and concludes there is no need to undergo a supplemental analysis of whether the LRS Application satisfies the public benefit criteria under the Act.

C. The LRS Application and Corresponding Proposal Violate Constitutional Protections Afforded Under Article XX, Section 1, of the Utah Constitution.

As applied to the LRS Application and Proposal, the creation of artificial islands for ultimate fee simple disposal to private individuals and/or entities violates core public trust principles enshrined in the Utah Constitution. Using the disposal test developed for guidance by the Utah Supreme Court (COL, ¶¶ 33, 34), the Division's determination on this issue is supported by the following legal and factual analysis:

1. The bed of Utah Lake constitutes "lands of the State" under Utah Const. Art. XX, Sec. 1.

[17] The Division recognizes the distinction between sovereign lands and school and trust lands as described and distinguished in *National Parks and Conservation Ass'n*, 869 P.2d at 919 (illustrating that the public trust doctrine protects the "ecological integrity of public lands and their recreational uses for the benefit of the public at large. The public trust doctrine, however, is limited to sovereign lands and perhaps other state lands that are not subject to specific trust, such as school trust lands.") (citing *Colman v. Utah State Land Board*, 795 P.2d 622, 635-36 (Utah 1990)). Although the beneficiaries and the purpose of the public trust and the school land trust are different, the analysis in *National Parks* remains applicable. The Division finds and determines that it cannot give priority and/or preference to the articulated public interest considerations in the Act over the primary purpose of the public trust doctrine's constitutional requirement that sovereign lands be perpetually protected from any material infringement on navigation and the prohibition against permanent disposal of sovereign lands to private interests.

This element of Utah's constitutional test has been conclusively established by the United States Supreme Court. Utah Lake is a navigable water body and title to the Utah Lake bed passed to the state of Utah upon its admission into the Union by virtue of the equal footing doctrine. (COL, ¶ 9).

2. The Act contemplates "disposal" of state lands and triggers the constitutional protections of Art. XX, Sec. 1 of the Utah Constitution.

The LRS Application expressly contemplates disposal of sovereign land to a private party as "compensation" for the Project's enhancement of the Act's enumerated public benefits. (FOF, ¶ 11). Accordingly, both the plain language of the Act and the LRS Application trigger public trust considerations under the Utah Constitution. (COL, ¶¶ 18, 37).

Moreover, the Division submits the term "disposal" is likely a remnant of public land laws, since the State is the sovereign entity owning submerged lands. As with the public lands "disposed of" and/or "withdrawn from disposal" in the American West, the origin of title is with the sovereign. Only legislation from Congress could authorize the type and form of "disposal" of the expansive public land holdings in the western United States. "Disposal" in terms of public lands is thus a term of art for when lands of the sovereign are initially alienated for legislatively prescribed purposes.

Irrespective of this technicality, the Division applies the disposal test articulated in *VR Acquisitions*, finding and concluding that the LRS Application's contemplated disposal of Utah Lake's lakebed for the purpose of constructing and selling private islands as "compensation" for the dredging and restoration of Utah Lake. (FOF, ¶ 25; COL, ¶ 18). These actions would be a permanent alienation and/or sale or transfer of fee title to sovereign land triggering the protections afforded under the Utah Constitution.

3. Since the contemplated "disposal" involves sovereign land, the scope of the State's public trust duties must be measured by the public trust principles established under *Illinois Central*.

The public trust doctrine, as established by *Illinois Central* and its progeny, expressly prohibits any state from permanently disposing sovereign lands to private entities, with narrow exception. As referenced, the United States Supreme Court struck down legislation granting title to submerged lands in the Chicago Harbor of Lake Michigan to a railroad company. (COL, ¶ 18). The disposition contemplated in *Illinois Central* was abrogated by the Court because "the submerged land was held in trust for the people and thus was "different in character from that which the state holds in lands intended for sale." (COL, ¶ 20). The same ultimate conclusion is manifested here when evaluating the LRS Application.

As a threshold matter, the Division has identified legal authority wherein the legislation under review prohibited any activity that would obstruct or interfere with navigation. (COL, ¶¶ 36–44). Here, the LRS Corps Application contemplates 15,927.30 acres of artificially created islands spanning the entirety of Utah Lake will be formed. (FOF, ¶ 24). The Division finds and concludes the creation of artificial islands, particularly islands that will be disposed of by the

State into private ownership, is an action and/or activity constituting a per se infringement of the public's right to unimpeded access to the entirety of Utah Lake. Moreover, artificially created islands for private development, at the scale contemplated by the LRS Application, would "substantially impair the public interest in the lands and waters remaining." (COL, ¶¶ 23, 26). As such, the LRS Application runs afoul of the Utah Constitution to the extent the proposal contemplates permanent removal of substantial portions of Utah Lake from public access.

Second, in assessing whether the disposition of sovereign land contemplated by the LRS Application is permissible under the public trust doctrine, the Division determines the permanent disposition of 15,927.30 acres (62,400 dredged acres) of sovereign land for development of artificial islands in Utah Lake would be a gross infringement of the public trust doctrine. Under *Illinois Central*, the only permissible permanent dispositions of sovereign lands would include "grants of parcels of lands under navigable waters that may afford foundation for wharves, piers, docks, and other structures in aid of commerce, and grants of parcels which, being occupied, do not substantially impair the public interest in the lands and water remaining." (COL, ¶ 23).

Here, the LRS Application and proposal(s) are premised upon the development of 15,927.30 acres of sovereign land. (FOF, ¶ 24). The islands that will be developed on sovereign land, using sovereign land soil, will be located throughout the entirety of Utah Lake. (FOF, ¶¶ 2, 8, 24). As such, the Division finds and concludes the LRS Application does not contemplate a "comprehensive restoration" project or a development project that would be compliant with the public trust doctrine.

The legally permissible dispositions contemplated by the public trust doctrine are narrow in scope and are generally located on the banks and shores of navigable water bodies. Typically, these permissible dispositions involve development projects improving public access to navigable waters – wharves, piers, docks, etc. Additionally, larger restoration or development projects that would be in accord with the public trust doctrine are similarly geographically located on the uplands, banks and shores of navigable water bodies.

The LRS Application does not involve any lands adjacent to Utah Lake. The entire proposal is premised upon the creation of artificial islands in the middle of a navigable water body. (FOF, ¶¶ 2, 8, 24). Moreover, the LRS Application contemplates fee simple disposal of sovereign lands. Fee simple disposal would necessarily involve the State abdicating complete control of sovereign lands to a private entity – a result categorically prohibited under *Illinois Central* and its progeny.

As such, the Division finds and concludes the LRS Application and commensurate proposals calling for the permanent disposition of approximately 15,927.30 acres of sovereign lands would be a classic infringement of the public trust and therefore violative of the protections afforded under Art. XX, Sec. 1 of the Utah Constitution.

4. The public trust protections afforded under the Utah Constitution apply since the State "acquired" and "accepted" title to the bed of Utah Lake.

The final element for determining whether Art. XX, Sec. 1 of the Utah Constitution protects the sovereign lands at issue is satisfied. The State acquired title to lands under navigable water bodies by operation of law. Under the equal footing doctrine, the State acquired title to all lands under navigable water bodies upon statehood. (COL, ¶¶ 14, 15). Since Utah Lake is a navigable waterbody, the State "acquired" title to the lakebed in 1896, the year Utah became a state. (COL, ¶ 15).

In addition, it is also clear that Utah "accepted" title to the bed of Utah Lake. In fact, Utah sued the United States to ensure that the State received title to Utah Lake. (COL, ¶ 9). Therefore, not only did the State "accept" title to the bed of Utah Lake, the State initiated litigation to ensure the State's claim to the bed of the Lake and natural resources associated thereto was superior to any competing federal claim or interest.

5. The LRS Application Contemplates an Improper Disposal of Sovereign Land that Impermissibly Subverts the Public's Perpetual Right to Freely Navigate on Utah Lake.

Even though a sovereign land disposal can be authorized by law, in order for the disposal to pass constitutional muster, compliance with the public trust doctrine is required. (COL, ¶ 18). Based on Utah's concerns over the ecological condition of Utah Lake, the Act prescribes methods for a "comprehensive restoration" of Utah Lake. (COL, ¶ 39). However, to pass constitutional scrutiny, any resulting disposal must be consistent with how Utah first "acquired" the lands at issue. (COL, ¶¶ 16–18). In other words, even though a disposal of "appropriately available state land in and around Utah Lake" is contemplated by the Act, the Utah Constitution qualifies and/or limits the "disposal" to only those disposals consistent with the "respective purposes for which they have been or may be granted, donated, devised or otherwise acquired." (COL, ¶ 16).

Since Utah acquired title to the bed of Utah Lake because Utah Lake is a navigable waterbody, the public's right to freely access the entirety of Utah Lake without "obstruction or interference of private parties" is a constitutional requirement that is fiercely protected under public trust doctrine jurisprudence. (COL, ¶¶ 14, 15, 20, 21).

Accordingly, any disposal of sovereign lands materially jeopardizing the public's unfettered rights to "enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein" must be scrutinized for compliance with the Utah Constitution and the public trust doctrine. (COL, ¶¶ 20, 21). As presently framed, the LRS Application fails to pass the level of scrutiny required under Utah law. Moreover, the Division's Decision is consistent with the overall general statutory mandate[18] the Legislature requires the Division to follow when

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[18] The Division is concerned that any management decision under the Act that is not harmonized with the general statutory guidance mandated by the Legislature could be susceptible to further constitutional scrutiny. For example, the Utah Constitution generally precludes the enactment of special laws when a general law can be applicable. (COL, ¶ 43).

considering whether to "exchange, sell, or lease sovereign lands." (COL, ¶ 35). The scale and scope of the LRS Application is far in excess of serving any incidental public interest. (COL, ¶ 44). In addition, the ultimate purpose of the LRS Application - disposition of approximately 15,927.30 acres of sovereign lands to private interests – equates to gross interference and/or infringement of the public trust. (COL, ¶¶ 25, 44).

DATED this 27 day of October, 2022

Jamie Barnes
Director
Utah Department of Natural Resources
Forestry, Fire and State Lands

Approved as to Form and Content:

SEAN D. REYES
Utah Attorney General

BY:

Michael Begley
Assistant Attorney General

ADMINISTRATIVE APPEAL

This Decision is subject to notice to the public and to affected state and federal agencies. Accordingly, this ROD will be distributed to the public and state and federal agencies. If any parties file a petition for review, this Decision will be subject to review by the Director of the Utah Department of Natural Resources for consistency with the statutes, rule and policy under Utah Admin. Code Rule 652-9 *et. seq.*

Said petition must be in writing and shall contain:

1. The statute, rule, or policy with which the Division action is alleged to be inconsistent;
2. The nature of the inconsistency of the Division action with the statute, rule or policy;
3. The action the petitioner feels would be consistent under the circumstances with statute, rule or policy; and
4. The injury realized by the party that is specific to the party arising from Division action. If the injury identified by the petition is not specific to the petitioner as a result of the Division action, the Director will decline to undertake consistency review.

Said petition must be received by the Director of the Division of Forestry, Fire and State Lands ("FFSL Director") within twenty (20) calendar days from the date this ROD was received. Once the FFSL Director determines the petition is complete, he/she will submit the petition to the Director of the Utah Department of Natural Resources ("Executive Director") for review. Incomplete petitions shall be returned with written notice of the deficiencies in the petition. If an incomplete petition is not completed and resubmitted within ten working days of the mailing of notice of incompleteness to the petitioner, the petition will be denied. Utah Admin. Code Rule 652-9-400. Additional filing procedures are contained in Utah Admin. Code Rule 652-9-400.

When reviewing a timely and properly filed petition, the Executive Director may:

1. Decline to review the petition;
2. Schedule a hearing for consideration of the petition within 20 days unless the petitioner and the executive director agree to a different schedule;
3. Conduct a review of the petition.
4. If the executive director reviews the petition and finds that the action of the division was not reasonably consistent with applicable statutes and rules, then the executive director may cause an Order to be drafted stating whether the division action shall be rescinded or modified; and, if the division action is to be modified, the executive director shall state the character of the modification in a manner consistent with statutes, rules, or policy.

Utah Admin. Code Rule 652-9-500.

List of Exhibits to ROD No. 22-1026

Exhibit A – Utah Legislature, House Concurrent Resolution 26, 2017.

Exhibit B – LRS Application submitted to the Division.

Exhibit C – Delaware Department of State: Division of Corporations entity details regarding LRS, LLC.

Exhibit D – Cover page of the Utah Lake Restoration Project Proposal submitted to the Division by LRS, Inc.

Exhibit E – Pages 237 and 238 of the Proposal.

Exhibit F – Division letter accepting LRS, Inc.'s Application and Proposal.

Exhibit G – Utah Legislature, House Bill 272, Utah Lake Amendments, 2018.

Exhibit H – State of Delaware Certificate of Revival of Charter, Certificate of Conversion from a Corporation to a LLC and Certificate of Formation of a LLC for Lake Restoration Solutions, LLC.

Exhibit I – Project maps from LRS Application and the LRS Corps Application

Exhibit J – Utah Legislature, House Bill 240, Utah Lake Amendments, 2022.

Exhibit K – Utah Division of Corporations and Commercial Code entity details and Foreign Registration Statement for Lake Restoration Solutions – Utah, LLC.

Exhibit L – Memo from Jon Benson regarding Corporate structure of LRS, LLC.

Exhibit M – First Supplement to Exchange Application Dated November 13, 2017 submitted to the Division.

Exhibit N – Utah Division of Corporations and Commercial Code entity details regarding LRS, Inc.

Exhibit O- Second Supplemental to Exchange Application Dated November 13, 2017 submitted to the Division.

CERTIFICATE OF MAILING

I hereby certify that on the 27 day of October, 2022, I caused to be mailed a true and correct copy of the foregoing, Record of Decision, postage pre-paid, first class mail to the following;

Lake Restoration Solutions- Utah LLC
3300 North Triumph Blvd., Suite 100
Lehi, Utah 84043

Lake Restoration Solutions, Inc.
1546 Rocky Ridge Lane
Saratoga Springs, UT 84045

Jamie Barnes
Director
Forestry, Fire and State Lands

Enrolled Copy **H.C.R. 26**

CONCURRENT RESOLUTION URGING RESTORATION OF UTAH LAKE

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This concurrent resolution addresses the condition of Utah Lake.

Highlighted Provisions:

This resolution:

- urges speedy and comprehensive solutions to restore Utah Lake and improve its water quality;
- emphasizes removing invasive plant species, restoring littoral zone plant communities, and restoring native plant species on Utah Lake's shoreline; and
- seeks to ensure recreational opportunities on Utah Lake.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the state of Utah is committed to conserving Utah Lake, restoring Utah Lake's water quality, improving habitat for fish and wildlife, and enhancing recreational opportunities for Utah's citizens;

WHEREAS, Utah Lake is the largest natural freshwater lake in the state of Utah;

WHEREAS, Utah Lake has an extensive shoreline, offers prime recreational opportunities, and serves a vital water storage and supply function to residents of the Wasatch Front, which includes Utah County and Salt Lake County;

WHEREAS, multiple factors have presented significant challenges to Utah Lake,

EXHIBIT A

30 including algal blooms, loss of native vegetation, invasive fish and plant species, loss of littoral
31 zone plants, suspended silt on the lake bottom, and reduced water clarity;
32 WHEREAS, the state of Utah has begun experimental restoration of various aspects of
33 Utah Lake, including removing invasive phragmites, removing non-native carp, restoring the
34 native June sucker, and other efforts, to improve water quality through partnerships between
35 the Department of Natural Resources, the Division of Wildlife Resources, the Division of
36 Water Quality, and the Utah Lake Commission;
37 WHEREAS, more comprehensive and extensive restoration investment, planning, and
38 implementation are needed to address the issues facing Utah Lake; and
39 WHEREAS, the state of Utah is committed to work in collaboration with local
40 stakeholders to speed the restoration of Utah Lake for the benefit of aquatic species, wildlife,
41 and Utah's citizens:
42 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
43 Governor concurring therein, urges an acceleration of comprehensive solutions to restore Utah
44 Lake and improve its water quality.
45 BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to
46 address challenges to Utah Lake, including water clarity, water quality, invasive species, and
47 preserving the storage and water supply functions.
48 BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to
49 restore a vibrant fishery, including restoring the Bonneville cutthroat trout population and
50 recovering the June sucker, while improving habitat for waterfowl and other wildlife species.
51 BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to
52 remove invasive plant species, restore littoral zone plant communities, and restore native plant
53 species on Utah Lake's shoreline should be accelerated.
54 BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to
55 maximize and ensure recreational access and opportunities on Utah Lake, while also improving
56 the use of the lake for Utah and its citizens.
57 BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the

58 Department of Natural Resources, the Division of Wildlife Resources, the Division of Water
59 Quality, and the Utah Lake Commission, to encourage pursuit of all reasonably available
60 solutions to accelerate comprehensive and lasting restoration of Utah Lake.

RECEIVED
NOV 13 2017
DIVISION OF FORESTRY
FIRE & STATE LANDS

The State Of Utah
Division Of Forestry, Fire And State Lands
EXCHANGE APPLICATION

APPLICATION NO: _____ FUND: _____ DATE: November 13, 2017

APPLICANT INFORMATION:

Name(s Lake Restoration Solutions, Inc.

Address [redacted]

Phone: [redacted]

For Agency use only:

Lessee Number: _____

Legal Description Number: _____

I (we) hereby make application, pursuant to Chapter 7 of Title 65A, as amended, and Division rule, to exchange the following described private lands situated in Utah County for the following described sovereign lands situated in Utah County.

PRIVATE LAND:

Subdivision	Township	Range	Meridian	Section(s)	Acres
(Attach additional sheets if necessary)				Total Acres	

SOVEREIGN LAND:

Subdivision	Township	Range	Meridian	Section(s)	Acres
Utah Lake					TBD
(Attach additional sheets if necessary)				Total Acres	TBD

I hereby acknowledge that submission of this application will initiate a competitive process and provides no right of priority. The Division reserves the right to reject this application at any time prior to the conveyance of properties. Applicants acquire no vested rights prior to issuance of a patent.

I further acknowledge that information contained on this application may become a public record prior to the conclusion of the competitive period unless evidence of business confidentiality is submitted in writing (see reverse).

Applicant's Signature

Chief Executive Officer

Title

Note: A non-refundable application fee of $1,000.00 must accompany this application

Exhibit B

Utah Lake Restoration

One of the largest natural lakes in the Western United States, Utah Lake, is a significant freshwater resource for the State of Utah. When pioneers arrived in the valley in the mid 1800's, Utah Lake was a clear water lake with a vibrant ecosystem of freshwater vegetation, aquatic and terrestrial species, shorebirds, and waterfowl. Since then, the water quality and ecological integrity of the lake has significantly deteriorated.

The importance of Utah Lake, both ecologically and from a resource standpoint cannot be overstated. Utah Lake Commission guidance documents explain the importance of the Lake, "Utah Lake is a focal point of natural resource systems that contribute to the environmental health, economic prosperity and quality of life of area residents and visitors."

In addition to being a significant water storage and supply resource, the lake is important ecologically. The lake is home to many endemic fish, aquatic, and terrestrial species. Utah Lake is also an important part of the Great Basin Flyway for migratory bird species. Tens of thousands of birds utilize the lake every year for nesting, brood rearing, and during spring and fall migrations. The Lake's potential as a recreational, ecological, and water resource cannot be overstated.

In recent years, the ecological impairment of Utah Lake has become a significant concern. During the summer months water quality degradation, including significant algal blooms and e-coli outbreaks, has led to weeks-long closures of the lake. This past year, during the prime recreational summer months, there were only between 10 and 30 boats on the lake most days. What this means, is that despite its easy accessibility to 2 million residents along the Wasatch Front, Utah Lake is significantly underutilized as a recreational destination.

The concerns on the lake are not limited to algal blooms. Loss of aquatic plant species from invasive carp on the lake, heavy phosphorous and nitrogen loading, invasive plant species, and other factors have transformed the lake. Instead of a clean, clear water lake, Utah Lake is now considered to be a turbid, hyper-eutrophic lake with significantly degraded water quality. This not only presents significant challenges from a water supply standpoint, the water has also degraded to the point where it is impacting the natural lake ecosystem. Many of the terrestrial and aquatic species that utilize Utah Lake have been adversely affected by the diminished water quality, loss of native plant and animal species, algal blooms, and fluctuating lake levels. Despite the efforts by the Utah Lake Commission and the State of Utah, Utah Lake continues to further degrade. Without significant and comprehensive restoration efforts, the future of Utah Lake, its plants, animal species, and use of the lake by residents of the State of Utah remains uncertain.

Recognizing the challenges on the lake and the need for restoration of the lake, during the 2016 legislative session the Utah Legislature passed a Concurrent Resolution urging restoration of Utah Lake. The resolution, H.C.R. 26, sponsored by Representative Mike McKell and Senator Deidre Henderson passed with significant bi-partisan support. The resolution reads as follows:

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, the state of Utah is committed to conserving Utah Lake, restoring Utah Lake's water quality, improving habitat for fish and wildlife, and enhancing recreational opportunities for Utah's citizens;

WHEREAS, Utah Lake is the largest natural freshwater lake in the state of Utah;

WHEREAS, Utah Lake has an extensive shoreline, offers prime recreational opportunities, and serves a vital water storage and supply function to residents of the Wasatch Front, which includes Utah County and Salt Lake County;

WHEREAS, multiple factors have presented significant challenges to Utah Lake, including algal blooms, loss of native vegetation, invasive fish and plant species, loss of littoral zone plants, suspended silt on the lake bottom, and reduced water clarity;

WHEREAS, the state of Utah has begun experimental restoration of various aspects of Utah Lake, including removing invasive Phragmites, removing non-native carp, restoring the native June sucker, and other efforts, to improve water quality through partnerships between the Department of Natural Resources, the Division of Wildlife Resources, the Division of Water Quality, and the Utah Lake Commission;

WHEREAS, more comprehensive and extensive restoration investment, planning, and implementation are needed to address the issues facing Utah Lake; and

WHEREAS, the state of Utah is committed to work in collaboration with local stakeholders to speed the restoration of Utah Lake for the benefit of aquatic species, wildlife, and Utah's citizens:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, urges an acceleration of comprehensive solutions to restore Utah Lake and improve its water quality.

BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to address challenges to Utah Lake, including water clarity, water quality, invasive species, and preserving the storage and water supply functions.

BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to restore a vibrant fishery, including restoring the Bonneville cutthroat trout population and recovering the June sucker, while improving habitat for waterfowl and other wildlife species.

BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to remove invasive plant species, restore littoral zone plant communities, and restore native plant species on Utah Lake's shoreline should be accelerated.

BE IT FURTHER RESOLVED that the Legislature and the Governor urge solutions to maximize and ensure recreational access and opportunities on Utah Lake, while also improving the use of the lake for Utah and its citizens.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Department of Natural Resources, the Division of Wildlife Resources, the Division of Water Quality, and the Utah Lake Commission, to encourage pursuit of all reasonably available solutions to accelerate comprehensive and lasting restoration of Utah Lake.

The promise of a fully restored Utah lake is significant. However, restoration of Utah Lake will require tremendous financial and infrastructure investments to implement the comprehensive solutions needed. These solutions must address challenges presented by the shallow lake, nutrient loading, algal blooms, and invasive plant and animal species on the lake.

The Arches proposes a comprehensive and accelerated restoration of Utah Lake called the Utah Lake Comprehensive Restoration Project. This application is submitted to start the formal process of applying as the contractor for the State of Utah to begin the process of comprehensive lake restoration. The Utah Lake Comprehensive Restoration Project will restore Utah Lake in a manner that meets all of the objectives set forth by the Utah Legislature in H.C.R. 26.

The Utah Lake Comprehensive Restoration Project is designed to protect and promote public trust values on Utah Lake. The public trust values enhanced by the Utah Lake Restoration Project include, but are not limited to:

- Restoring water clarity and water quality
- Conserving water resources in and around the lake
- Preserving the water storage and water supply functions of the lake
- Removing invasive Phragmites and carp species from the lake
- Restoring littoral zone and other plant communities
- Restoring and conserving native fish and other aquatic species including the Bonneville Cutthroat Trout and June Sucker
- Increasing the suitability of the lake and its surrounding areas for shore birds, waterfowl, and other avian species
- Improving navigability of the lake
- Maximizing and ensuring recreational access and opportunities on Utah Lake
- Enhancing recreational opportunities on the lake and otherwise improving the use of the lake for residents and visitors

The Utah Lake Comprehensive Restoration Project will likely become the largest environmental restoration project in the country. At the appropriate time and at the direction of the Utah Department of Forestry, Fire, and State Lands, we will submit a detailed proposal outlining the Utah Lake Comprehensive Restoration Project, including the engineering and infrastructure aspects of the project and the likely cost associated with fully implementing design, infrastructure, engineering, and environmental restoration of Utah Lake.

The Comprehensive Lake Restoration Project will involve significant infrastructure activities and design including dredging and creation of one or more islands within the lake. This will require significant planning, permitting, and related activities before these activities can begin. The exact acreage will be determined based on engineering requirements and in consultation with the State of Utah. Some of the new real-estate will remain open to the public while a portion will be exchanged to generate revenues to help pay for the costs of restoration activities. As a result, a component of this project involves the disposition of sovereign lands as well as the creation of additional recreation areas for the public. As such, this application is for consideration not only of the dredging of Utah Lake, but also the disposition of some land to pay for a portion of these restoration activities.

As daunting and intractable as many of the challenges on the lake currently are, through years of research and study, our team has developed the engineering, design, and infrastructure solutions necessary to comprehensively restore Utah Lake with all of its original vibrancy and ecological integrity. In addition to the work of our team, we recognize that successful restoration of the lake will also require significant collaboration by the state, local governments, stakeholders, and Utah residents. We are committed to working with all state, local government agencies and interested stakeholders on an ongoing basis throughout this process.

Restoring Utah Lake is long overdue. Considering the size, location, and ecological importance of Utah Lake, the promise of comprehensive restoration is an objective worthy of such monumental collaboration and investment by the state and its citizens.

Department of State: Division of Corporations

Allowable Characters

HOME

Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	6614014	Incorporation Date / Formation Date:	11/13/2017 (mm/dd/yyyy)
Entity Name:	LAKE RESTORATION SOLUTIONS, LLC		
Entity Kind:	Limited Liability Company	Entity Type:	General
Residency:	Domestic	State:	DELAWARE

REGISTERED AGENT INFORMATION

Name:	YCS&T SERVICES LLC		
Address:	1000 N KING ST		
City:	WILMINGTON	County:	New Castle
State:	DE	Postal Code:	19801
Phone:	302-571-6668		

Additional Information is available for a fee. You can retrieve Status for a fee of $10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of $20.00.

Would you like ○ Status ○ Status,Tax & History Information

Submit

View Search Results New Entity Search

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Exhibit C

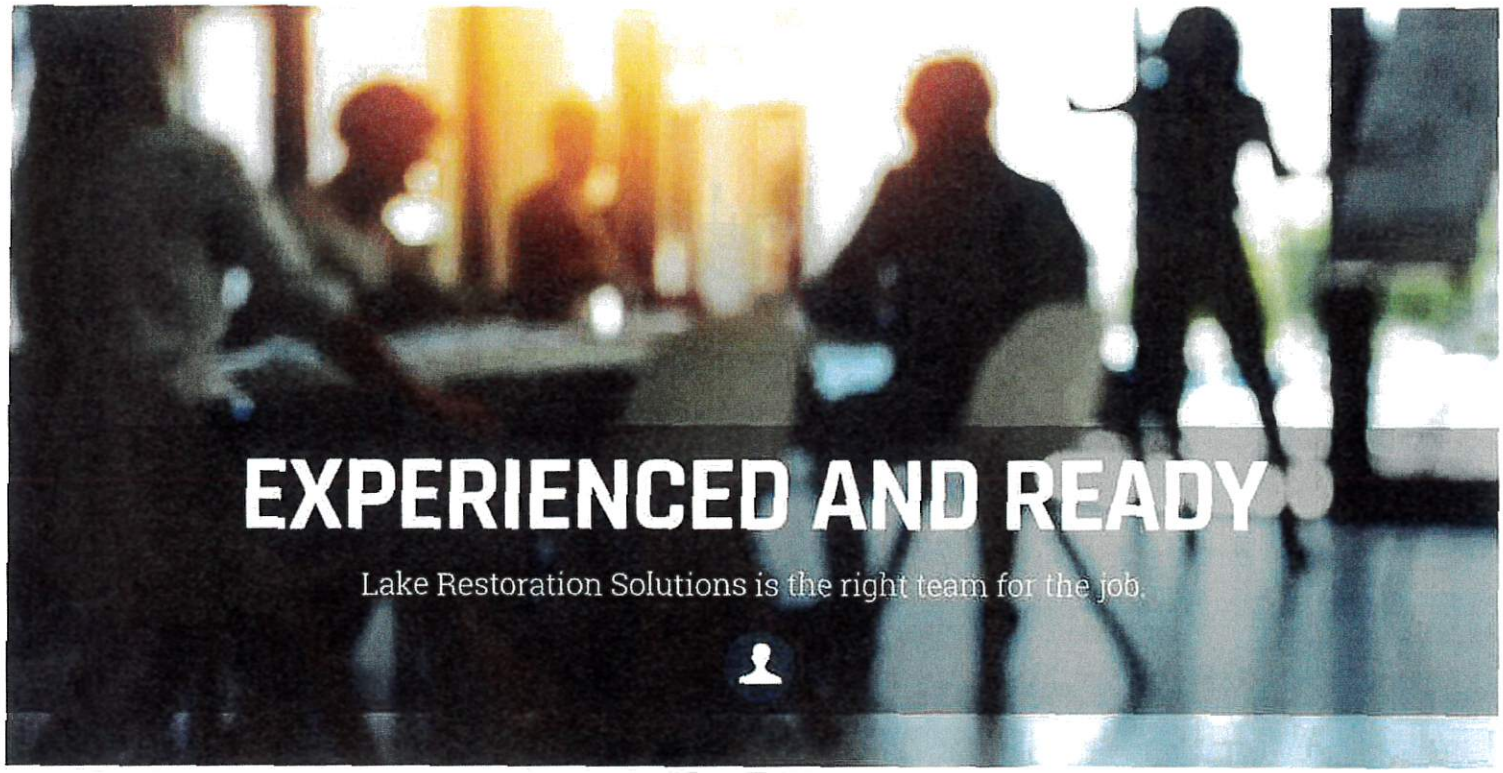
Lake Restoration Solutions, Inc.

UTAH LAKE RESTORATION PROJECT

PROPOSAL

JANUARY 2018

Exhibit D



EXPERIENCED AND READY

Lake Restoration Solutions is the right team for the job.

BEN PARKER - Founder/Project Director

Working half of his professional career overseas as construction manager and 2IC of multi-billion dollar projects, Ben brings with him a unique understanding of construction management and environmental engineering solutions. Project history includes working in Madagascar, Mongolia, Zambia, and Panama.

As a native of Utah County, Ben spent his early years living and recreating on Utah Lake. Witnessing firsthand the degradation of the Lake has lead him to invest the last ten years in research and collaboration for the Utah Lake Restoration Project.

ROBERT SCOTT - Chief Design Director

As a senior urban designer for large-scale public and private sector oriented projects, Bob excels in land-use planning, site design, and master planning for cities, land developers, and state organizations. His 40 years of experience have taken him to the United Arab Emirates, Saudi Arabia, United States, and Canada. He lived in Dubai for 10 years as the lead design manager for the Palm Deira.

RANDY FINDLAY - Senior Project Manager

Randy is a seasoned and mature Project Manager and Engineer with over 30 years of experience in numerous relevant industries, such as Mining, Mass Earthworks, Soils Engineering, and Dam Construction including remote deployments around the world. He has completed $40.3 billion in projects during his career. Randy has been involved in the early development of the proposal including constructibility, feasibility studies, preliminary engineering, budgeting and technical writings to support Project execution.

CINDY SMITH - EIS Management Director

With more than 40 years of experience in environmental consulting throughout the western United States, Cindy has a strong understanding of federal land planning and associated laws, regulations, and policies. Her experience ranges from interdisciplinary environmental project management, resource management planning, resource inventory and impact assessment, mitigation planning, and National Environmental Policy Act (NEPA) preparation.

DAVID HARRIS Chief Landscape Designer

Dave has over 27 years of experience in landscape architecture, urban design, and planning services. During his employment with EDAW/AECOM he managed and lead multi-disciplinary projects and master planned communities in the US, Dubai, Abu Dhabi and the Kingdom of Bahrain. He has managed and directed sustainable projects, such as LEED Platinum certified facilities, and is experienced in developing sustainable, low-impact developments.

TODD J. PARKER - Co-Founder, CIO

Backed by over 20 years of experience in information systems and technology, Todd brings a broad range of skills to the project. His focus with clients has been on federal, state, and local compliance to regulatory laws and business policy through automated business rules. He was project lead for the largest Oracle project in the world ($300m) in 2001-2003 for the Great Atlantic and Pacific Tea Company. Past clients include Harvard, Rockefeller, Barrick Gold Corporation, Intermountain Healthcare, as well as U.S. Departments of Energy, Interior, and Defense.

SCOTT PETERS - Senior Landscape Architect

Scott is a Professional Landscape Architect with 23 years of experience on over 200 projects globally with extensive experience collaborating with interdisciplinary teams of architects, engineers, planners, biologists, archaeologists, and other resource specialists on a wide range of projects to develop thriving and sustainable communities while protecting and restoring the environment.

RYAN BENSON - Counsel

Ryan advises the team on legal, political, planning, and conservation issues. He is a Harvard educated attorney with 17 years experience working on a wide variety of complex legal issues. He has extensive experience with important conservation and political issues, including endangered species, at the state and federal level.

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Forestry, Fire and State Lands

BRIAN L. COTTAM
Division Director State Forester

Ben Parker, Project Director
Lake Restoration Solutions
1546 Rocky Ridge Lane
Saratoga Springs, UT 84045

Certified Mail #: 7016 2140 0001 1806 3349

May 2, 2018

RE: Application acceptance for Utah Lake Land Exchange Offering

Dear Mr. Parker,

In response to your nomination and application for an exchange of sovereign lakebed lands at Utah Lake for a comprehensive restoration project, the Division of Forestry, Fire and State Lands accepts Lake Restoration Solutions' application.

Please be advised that the Division's acceptance of your application in no way constitutes an endorsement of the project, nor a guarantee that an exchange and/or lease will occur.

A site-specific planning process and a thorough review and analysis will need to be undertaken before any authorization to proceed can be given. Pursuant to Utah Administrative Rule R652-90-1200, the Division Director, Brian Cottam has requested a resource review specialist team to be organized. According to the Division's rules, the applicant bears the cost of this analysis.

Furthermore, this acceptance does not apply to lands not under the jurisdiction or management authority of the Division of Forestry, Fire and State Lands. Permission to construct and develop on these uplands must be obtained from the proper jurisdiction(s).

To better illustrate the process the Division will undertake a "Process for Evaluation" is attached. This checklist is intended to be a helpful visual illustration of a summary of the process dictated by state statutes, rules and regulations. It is not intended to be exhaustive or highly detailed. In the event of any conflict with the checklist, the applicable statutes, rules and regulations are controlling.

1594 West North Temple, Suite 3520, PO Box 145703, Salt Lake City, UT 84114-5703
telephone (801) 538-5555 • facsimile (801) 533-4111 • TTY (801) 538-7458 • *www.forestry.utah.gov*

Exhibit F

Finally, pursuant to R652-80-400(5), the successful applicant shall be charged for the advertising costs. Please find attached an invoice in the amount of $1,550.64 as well as copies of the advertising invoices paid by the Division.

Sincerely,

Laura Ault

Laura Ault
Sovereign Lands Program Manager

Enclosures: Process for Evaluation, Invoice
CC: File

1 **UTAH LAKE AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael K. McKell**

5 Senate Sponsor: Deidre M. Henderson

6

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions dealing with restoring Utah Lake.

10 **Highlighted Provisions:**

11 This bill:

12 ▸ contains legislative findings on the condition of Utah Lake;

13 ▸ authorizes the Division of Forestry, Fire, and State Lands to dispose of state land in

14 exchange for the execution of a project for the comprehensive restoration of Utah

15 Lake; and

16 ▸ provides for land transferred to a private party to become subject to applicable land

17 use provisions of state law.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **65A-15-101**, Utah Code Annotated 1953

25 **65A-15-102**, Utah Code Annotated 1953

26 **65A-15-103**, Utah Code Annotated 1953

27 **65A-15-201**, Utah Code Annotated 1953

28 **65A-15-202**, Utah Code Annotated 1953

Exhibit G

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **65A-15-101** is enacted to read:

32 **CHAPTER 15. UTAH LAKE RESTORATION ACT**

33 **Part 1. General Provisions**

34 **65A-15-101. Title.**

35 This chapter is known as the "Utah Lake Restoration Act."

36 Section 2. Section **65A-15-102** is enacted to read:

37 **65A-15-102. Definitions.**

38 As used in this chapter:

39 (1) "Restoration project" means a project for the comprehensive restoration of Utah

40 Lake, as provided in this chapter.

41 (2) "Restoration proposal" means a proposal submitted to the division for a restoration

42 project.

43 Section 3. Section **65A-15-103** is enacted to read:

44 **65A-15-103. Legislative findings.**

45 The Legislature finds that:

46 (1) Utah Lake currently faces serious challenges, including:

47 (a) fluctuating lake levels;

48 (b) uncontrolled, toxic algal blooms;

49 (c) loss of native vegetation;

50 (d) invasive fish and plant species;

51 (e) loss of littoral zone plants;

52 (f) suspended silt on the lake bottom;

53 (g) poor water clarity;

54 (h) heavy nutrient loading of lake sediments and within the water column; and

55 (i) high wind and wave action;

56 (2) initial conservation efforts are producing measurable results and demonstrate that
57 conservation solutions can produce restoration objective on Utah Lake;
58 (3) additional and significant conservation investments are needed to implement the
59 comprehensive solutions needed to fully restore Utah Lake and its water quality;
60 (4) there is not a reasonable public funding source to undertake the comprehensive
61 solutions needed to restore Utah Lake; and
62 (5) it is in the interest of the state to undertake a comprehensive restoration of Utah
63 Lake for the benefit of public trust uses on the lake.
64 Section 4. Section **65A-15-201** is enacted to read:
65 **Part 2. Utah Lake Restoration Project**
66 **65A-15-201. Division authority to dispose of sovereign land in exchange for Utah**
67 **Lake restoration project -- Criteria.**
68 (1) Subject to the approval of the Legislative Management Committee, the division
69 may dispose of appropriately available state land in and around Utah Lake as compensation for
70 the comprehensive restoration of Utah Lake under a restoration proposal if the division finds
71 that the restoration project will:
72 (a) restore the clarity and quality of the water in Utah Lake;
73 (b) conserve water resources in and around Utah Lake;
74 (c) preserve the water storage and water supply functions of Utah Lake;
75 (d) remove invasive plant and animal species, including phragmites and carp, from
76 Utah Lake;
77 (e) restore littoral zone and other plant communities in and around Utah Lake;
78 (f) restore and conserve native fish and other aquatic species in Utah Lake, including
79 Bonneville cutthroat trout and June Sucker;
80 (g) increase the suitability of Utah Lake and its surrounding areas for shore birds,
81 waterfowl, and other avian species;
82 (h) improve navigability of Utah Lake;

83 (i) maximize, enhance, and ensure recreational access and opportunities on Utah Lake;
84 (j) preserve current water rights related to water associated with Utah Lake; and
85 (k) otherwise improve the use of Utah Lake for residents and visitors.
86 (2) In determining whether to dispose of state land in exchange for the execution of a
87 restoration project, as provided in Subsection (1) and pursuant to a restoration proposal, the
88 division shall consider:
89 (a) the potential that the restoration project presents for additional revenue to state and
90 local government entities;
91 (b) the ability of the proposed use of the state land given in exchange for the restoration
92 project to enhance state property adjacent to Utah Lake;
93 (c) the proposed timetable for completion of the restoration project;
94 (d) the ability of the person who submits a restoration project to execute and complete
95 the restoration project satisfactorily; and
96 (e) the desirability of the proposed use of Utah Lake and the surrounding areas as a
97 result of the restoration project.
98 Section 5. Section **65A-15-202** is enacted to read:
99 **65A-15-202. Status of state lands after a change in ownership.**
100 Once the division transfers ownership of state land to a private party in exchange for
101 and in furtherance of a restoration project, the land becomes subject to, as applicable:
102 (1) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
103 (2) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "LAKE RESTORATION SOLUTIONS, LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF INCORPORATION, FILED THE THIRTEENTH DAY OF NOVEMBER, A.D. 2017, AT 2:29 O`CLOCK P.M.

CERTIFICATE OF REVIVAL, FILED THE TWENTY-SEVENTH DAY OF NOVEMBER, A.D. 2019, AT 12:35 O`CLOCK P.M.

CERTIFICATE OF CONVERSION, CHANGING ITS NAME FROM "LAKE RESTORATION SOLUTIONS, INC." TO "LAKE RESTORATION SOLUTIONS, LLC", FILED THE FIFTEENTH DAY OF SEPTEMBER, A.D. 2020, AT 11:40 O`CLOCK A.M.

CERTIFICATE OF FORMATION, FILED THE FIFTEENTH DAY OF SEPTEMBER, A.D. 2020, AT 11:40 O`CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE

Jeffrey W. Bullock, Secretary of State

6614014 8100H
SR# 20221835219

Authentication: 203368483
Date: 05-06-22

Exhibit H

You may verify this certificate online at corp.delaware.gov/authver.shtml

Delaware

The First State

AFORESAID LIMITED LIABILITY COMPANY, "LAKE RESTORATION SOLUTIONS, LLC".

Jeffrey W. Bullock, Secretary of State

6614014 8100H
SR# 20221835219

Authentication: 203368483
Date: 05-06-22

You may verify this certificate online at corp.delaware.gov/authver.shtml

State of Delaware
Secretary of State
Division of Corporations
Delivered 02:29 PM 11/13/2017
FILED 02:29 PM 11/13/2017
SR 20177054480 - File Number 6514014

CERTIFICATE OF INCORPORATION

OF

LAKE RESTORATION SOLUTIONS, INC.

FIRST: The name of this corporation is Lake Restoration Solutions, Inc. (hereinafter, the "Corporation").

SECOND: The registered office of the Corporation in the State of Delaware is to be located at 1000 North King Street, Wilmington, New Castle County, Delaware, 19801. The registered agent at such address in charge thereof shall be YCS&T Services LLC.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

FOURTH: The total number of shares of stock that the Corporation is authorized to issue is five thousand (5,000) shares of common stock with penny ($0.01) par value per share.

FIFTH: The name and mailing address of the incorporator is Timothy J. Snyder, 1000 North King Street, Wilmington, Delaware, 19801.

SIXTH: Provisions for the management of the business and for the conduct of the affairs of the Corporation and provisions creating, defining, limiting, and regulating the powers of the Corporation, the directors, and the stockholders are as follows:

(A) The board of directors shall have the power to make, adopt, alter, amend, and repeal the bylaws of the Corporation without the assent or vote of the stockholders, including, without limitation, the power to fix, from time to time, the number of directors that shall constitute the whole board of directors of the Corporation, subject to the right of the stockholders to alter, amend, and repeal the bylaws made by the board of directors.

(B) Election of directors of the Corporation need not be by written ballot unless the bylaws so provide.

(C) The directors in their discretion may submit any contract or act for approval or ratification at any annual meeting of the stockholders or at any meeting of the stockholders called for the purpose of considering any such act or contract, and any contract or act that shall be approved or be ratified by the vote of the holders of a majority of the stock of the Corporation that is represented in person or by proxy at such meeting and entitled to vote thereat (provided that a lawful quorum of stockholders be

there represented in person or by proxy) shall be as valid and as binding upon the Corporation and upon all the stockholders as though it had been approved or ratified by every stockholder of the Corporation, whether or not the contract or act would otherwise be open to legal attack because of directors' interest or for any other reason.

(D) In addition to the powers and authority hereinbefore or by statute expressly conferred upon it, the board of directors of the Corporation is hereby expressly empowered to exercise all such powers and to do all such acts and things as may be exercised or done by the Corporation; subject, nevertheless, to the provisions of the statutes of the State of Delaware and of this Certificate of Incorporation as they may be amended, altered, or changed from time to time and to any bylaws from time to time made by the directors or stockholders; provided, however, that no bylaw so made shall invalidate any prior act of the board of directors that would have been valid if such bylaw had not been made.

(E) Whenever the Corporation shall be authorized to issue more than one class of stock, the holders of the stock of any class that is not otherwise entitled to voting power shall not be entitled to vote upon the increase or decrease in the number of authorized shares of such class.

SEVENTH: To the fullest extent permitted by law, including, without limitation, as provided in Section 102(b)(7) of the General Corporation Law of the State of Delaware, as the same exists or may hereafter be amended, a director of the Corporation shall not be personally liable to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director. If the General Corporation Law of the State of Delaware is amended after the effective date hereof to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the Corporation shall be eliminated or limited to the fullest extent permitted by the General Corporation Law of the State of Delaware, as so amended. Any repeal or modification of this Article SEVENTH by the stockholders of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification or with respect to events occurring prior to such time.

EIGHTH: (A) As used in this Article EIGHTH,

(i) "Covered Person" means any individual who is or was a director or officer of the corporation or is or was serving at the request of the corporation as a director, officer, employee, or agent of an Other Entity, including, without limitation, service with respect to employee benefit plans.

(ii) "DGCL" means the General Corporation Law of the State of Delaware.

(iii) "Loss" means any expense, liability, or loss (including, without limitation, attorney's fees, judgments, fines, amounts paid in settlement, and excise taxes or penalties arising under the Employee Retirement Income Security Act of 1974).

(iv) "Other Entity" means another corporation or a partnership, limited liability company, joint venture, trust, or other enterprise, whether for-profit or nonprofit.

(v) "Proceeding" means any threatened, pending, or completed action, suit, alternative-dispute-resolution procedure, or other proceeding, whether civil, criminal, administrative, or investigative, including, without limitation, any action by or in the right of the corporation, involving a Covered Person (whether as a party, a witness, or otherwise) by reason of the fact that such Covered Person is or was a director or officer of the corporation or is or was serving at the request of the corporation as a director, officer, employee, or agent of an Other Entity, including, without limitation, service with respect to employee benefit plans.

(B) Any Covered Person shall be indemnified and held harmless by the corporation to the fullest extent permitted by the DGCL, as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the corporation to provide broader indemnification rights than the DGCL permitted the corporation to provide prior to such amendment), against all Loss reasonably incurred or suffered by such Covered Person in connection with a Proceeding, and such indemnification shall inure to the benefit of such Covered Person's heirs, executors, administrators, and legal or personal representatives; provided, however, that (i) except as otherwise provided in Section (D) of this Article EIGHTH, the corporation shall indemnify a Covered Person seeking indemnification in connection with a Proceeding (or part thereof) initiated by such Covered Person only if the initiation of such Proceeding (or part thereof) was authorized by the Board of Directors of the corporation, and (ii) indemnification under this Article EIGHTH shall not be available to a Covered Person in connection with any Proceeding (or part thereof) in which judgment is entered against such Covered Person for disgorgement of profits made from the purchase or sale by such Covered Person of securities of the corporation, pursuant to the provisions of Section 16(b) of the Securities Exchange Act of 1934, as amended, or similar provisions of any federal, state, or local statute or regulation.

(C) The rights conferred in this Article EIGHTH shall be contract rights and shall include the right of a Covered Person who is or was a director or officer of the corporation to be paid by the corporation the expenses (including, without limitation, attorney's fees) incurred by such Covered Person in defending a Proceeding or in prosecuting a suit against the corporation to enforce such Covered Person's rights under this Article EIGHTH, in each case in advance of the final disposition of such

Proceeding or suit; provided, however, that the payment of such expenses incurred by such Covered Person in such Covered Person's capacity as a director or officer of the corporation (and not in any other capacity in which service is or was rendered by such Covered Person while a director or officer of the corporation, including, without limitation, service to an employee benefit plan) in advance of the final disposition of such Proceeding or suit shall be made only upon delivery to the corporation of an undertaking by or on behalf of such Covered Person to repay all amounts so advanced if it shall ultimately be determined by a final, non-appealable order of a court of competent jurisdiction that such Covered Person is not entitled to be indemnified under this Article EIGHTH or otherwise. Such undertaking shall itself be sufficient without the need for further evaluation of any credit aspects of the undertaking or with respect to such advancement.

(D) If (i) a written claim under Section (B) of this Article EIGHTH is not paid in full by the corporation within sixty (60) days after such claim, together with reasonable evidence as to the amount of such claim, has been received by the corporation, or (ii) a written claim under Section (C) of this Article EIGHTH is not paid in full by the corporation within twenty (20) days after such claim, together with reasonable evidence as to the amount of such claim, has been received by the corporation, then at any time thereafter, the Covered Person making such claim may bring suit against the corporation to recover the unpaid amount of such claim, and if successful in whole or in part, such Covered Person shall also be entitled to be paid the expense, including, without limitation, attorney's fees, of prosecuting such suit. It shall be a defense to any such suit, other than a suit brought to enforce a claim for advancement of expenses where the required undertaking, if any is required, has been tendered to the corporation, that such Covered Person has not met the applicable standard of conduct that makes it permissible under the DGCL for the corporation to indemnify such Covered Person for the amount claimed, but the burden of proving such defense shall be on the corporation. Neither the failure of the corporation (including its Board of Directors or a committee thereof, independent legal counsel, or its stockholders) to have made a determination prior to the commencement of such suit that indemnification of such Covered Person is proper in the circumstances because such Covered Person has met the applicable standard of conduct set forth in the DGCL, nor an actual determination by the corporation (including its Board of Directors or a committee thereof, independent legal counsel, or its stockholders) that such Covered Person has not met such applicable standard of conduct, shall be a defense to such suit or create a presumption that such Covered Person has not met the applicable standard of conduct. In any suit brought by a Covered Person to enforce a right under this Article EIGHTH, or by the corporation to recover an advancement of expenses, the burden of proving that the Covered Person is not entitled to indemnification or advancement under this Article EIGHTH or otherwise shall be on the corporation.

(E) The rights to indemnification and the advancement of expenses conferred in this Article EIGHTH shall not be exclusive of any other right that any person may have or hereafter acquire under any statute, provision of the certificate of incorporation, bylaw, agreement, or vote of stockholders or disinterested directors, or otherwise.

(F) The corporation may maintain insurance, at its expense, to protect itself and any director, officer, employee, or agent of the corporation or of an Other Entity against any Loss, whether or not the corporation would have the power to indemnify such person against such Loss under the DGCL.

(G) In the case of a claim for indemnification or advancement of expenses against the corporation under this Article EIGHTH arising out of acts, events, or circumstances for which the Covered Person, who was at the relevant time serving as a director, officer, employee, or agent of an Other Entity at the request of the corporation, may be entitled to indemnification or advancement of expenses pursuant to such Other Entity's certificate of incorporation, bylaws, or other governing document, or pursuant to an agreement between such Covered Person and such Other Entity, such Covered Person shall first seek indemnification or advancement of expenses pursuant to any such certificate of incorporation, bylaws, other governing document, or agreement. To the extent that amounts to be paid in indemnification or advancement to a Covered Person under this Article EIGHTH are paid by such Other Entity, such Covered Person's right to indemnification and advancement of expenses under this Article EIGHTH shall be reduced. In the event and to the extent that any Covered Person receives indemnification or advancement of expenses pursuant to this Article EIGHTH, (i) the corporation shall be subrogated, to the fullest extent permitted by law, to any right of action that such Covered Person may have against any third person respecting the loss so indemnified or the expenses so advanced, and (ii) such Covered Person shall hold in trust for, and pay to, the corporation any amounts that such Covered Person may recover in damages or settlement from any third person respecting the loss so indemnified or the expenses so advanced.

(H) The rights to indemnification and the advancement of expenses conferred in this Article EIGHTH shall not be eliminated or impaired by an amendment to this certificate of incorporation or the bylaws of the corporation after the occurrence of the act or omission that is the subject of the Proceeding for which indemnification or advancement of expenses is sought.

(I) Whenever possible, each term and provision of this Article EIGHTH shall be interpreted in such a way as to be effective and valid under applicable law. If any term or provision of this Article EIGHTH is found to be illegal, or if the application thereof to any person or any circumstance shall to any extent be judicially determined to be invalid or unenforceable, the remainder of this Article EIGHTH, or the application of such term or provision to persons or circumstances other than those to

which its application is judicially determined to be invalid or unenforceable, shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

NINTH: To the fullest extent permitted by law, including, without limitation, as provided in Section 115 of the General Corporation Law of the State of Delaware, as the same exists or may hereafter be amended, and unless the Corporation consents in writing to the selection of an alternative forum, any or all claims to which the Corporation, a current or former director or officer thereof, or a current or former stockholder thereof is a party shall be brought solely and exclusively in any or all of the courts in the State of Delaware.

TENTH: The Corporation reserves the right to restate this Certificate of Incorporation and to amend, alter, change, or repeal any provision contained in this Certificate of Incorporation in the manner now or hereafter prescribed by law, and all rights and powers conferred herein on stockholders, directors, and officers are subject to this reserved power.

THE UNDERSIGNED, being the sole incorporator, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Delaware and the Acts amendatory thereof and supplemental thereto, does make and file this Certificate of Incorporation, hereby declaring and certifying that the facts stated herein are true, and accordingly hereunto has set my hand and seal this November 13, 2017.

Timothy J. Snyder
Incorporator

STATE OF DELAWARE
CERTIFICATE FOR REVIVAL OF CHARTER

The corporation organized under the laws of the State of Delaware, the charter of which was voided for non-payment of taxes and/or for failure to file a complete annual report, now desires to procure a revival of its charter pursuant to Section 312 of the General Corporation Law of the State of Delaware, and hereby certifies as follows:

1. The name of the corporation is Lake Restoration Solutions, Inc.

and, if different, the name under which the corporation was originally incorporated

.

2. The Registered Office of the corporation in the State of Delaware is located at 1000 N King St (street), in the City of Wilmington, County of New Castle Zip Code 19801. The name of the Registered Agent at such address upon whom process against this Corporation may be served is YCS&T Services LLC.

3. The date of filing of the Corporation's original Certificate of Incorporation in Delaware was 11/13/2017.

4. The corporation desiring to be revived and so reviving its certificate of incorporation was organized under the laws of this State.

5. The corporation was duly organized and carried on the business authorized by its charter until the 1 day of March A.D. 2019, at which time its charter became inoperative and void for non-payment of taxes and/or failure to file a complete annual report and the certificate for revival is filed by authority of the duly elected directors of the corporation in accordance with the laws of the State of Delaware.

By: _____
Authorized Officer

Name: Ryan Benson
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 12:35 PM 11/27/2019
FILED 12:35 PM 11/27/2019
SR 20198339033 - File Number 6614014

STATE OF DELAWARE
CERTIFICATE OF CONVERSION
FROM A CORPORATION TO A
LIMITED LIABILITY COMPANY PURSUANT TO
SECTION 18-214 OF THE LIMITED LIABILITY
COMPANY ACT

1.) The jurisdiction where the Corporation first formed is Delaware.

2.) The jurisdiction immediately prior to filing this Certificate is Delaware.

3.) The date the corporation first formed is 11/13/2017.

4.) The name of the Corporation immediately prior to filing this Certificate is Lake Restoration Solutions, Inc.

5.) The name of the Limited Liability Company as set forth in the Certificate of Formation is Lake Restoration Solutions, LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 15 day of September, A.D. 2020.

By: _____
Authorized Person

Name: Jonathan Benson
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 11:40 AM 09/15/2020
FILED 11:40 AM 09/15/2020
SR 20207276050 - File Number 6614014

STATE OF DELAWARE
CERTIFICATE OF FORMATION
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

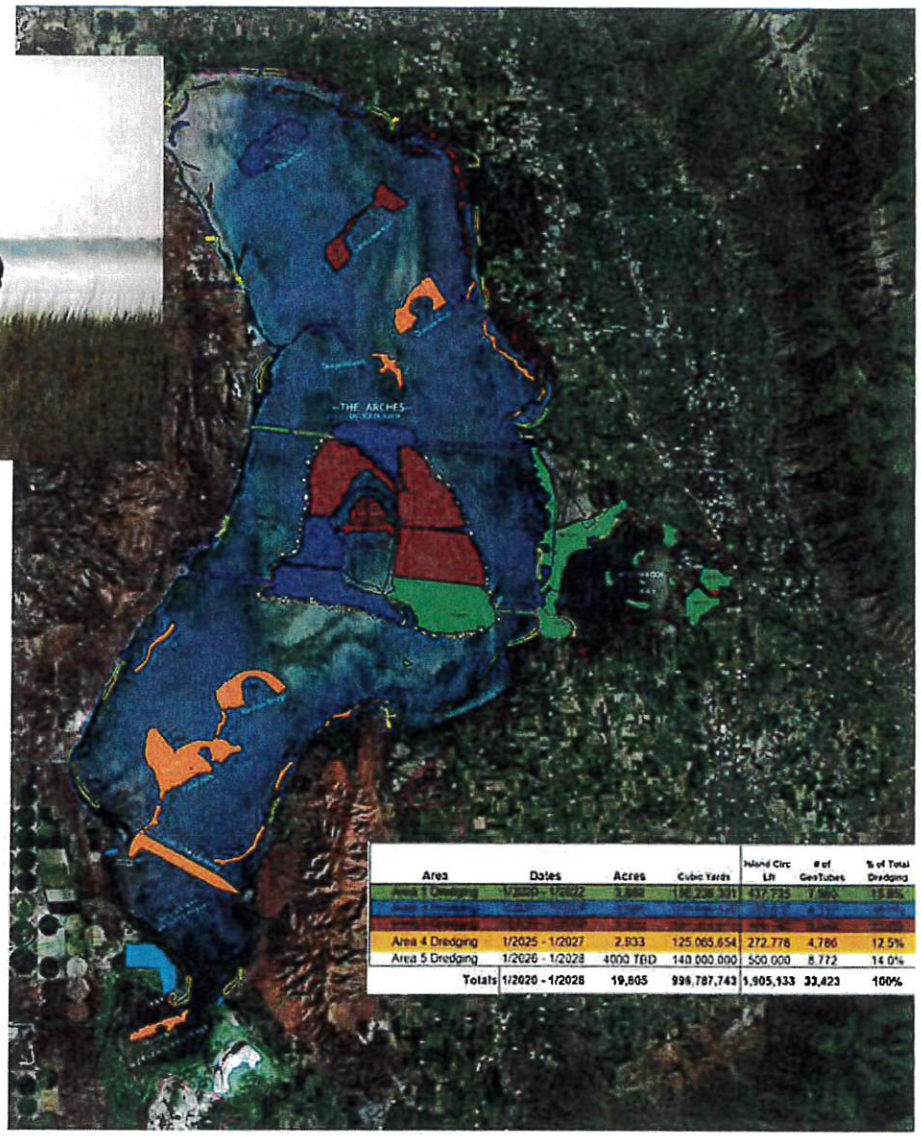
1. The name of the limited liability company is Lake Restoration Solutions, LLC.

2. The Registered Office of the limited liability company in the State of Delaware is located at 1000 North King Street (street), in the City of Wilmington, Zip Code 19801. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is YCS+T Services LLC.

By: _____
Authorized Person

Name: Jonathan Benson
Print or Type

State of Delaware
Secretary of State
Division of Corporations
Delivered 11:40 AM 09/15/2020
FILED 11:40 AM 09/15/2020
SR 20207276050 - File Number 6614014



Area	Dates	Acres	Cubic Yards	Island Circ Lft	# of GeoTubes	% of Total Dredging
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Area 4 Dredging	1/2025 - 1/2027	2,933	125,065,654	272,778	4,786	12.5%
Area 5 Dredging	1/2026 - 1/2028	4000 TBD	140,000,000	500,000	8,772	14.0%
Totals	1/2020 - 1/2028	19,805	998,787,743	1,905,133	33,423	100%

Dredging of Utah Lake and formation of islands will provide an important foundation to the restoration of Utah Lake. As discussed in the conservation solutions section of the proposal, there is extensive modeling, engineering, and design involved with the resulting lake bottom bathymetry, island shape and placement, and desired improvements to wind and wave action, lake circulation, water quality improvements, and conservation benefits.

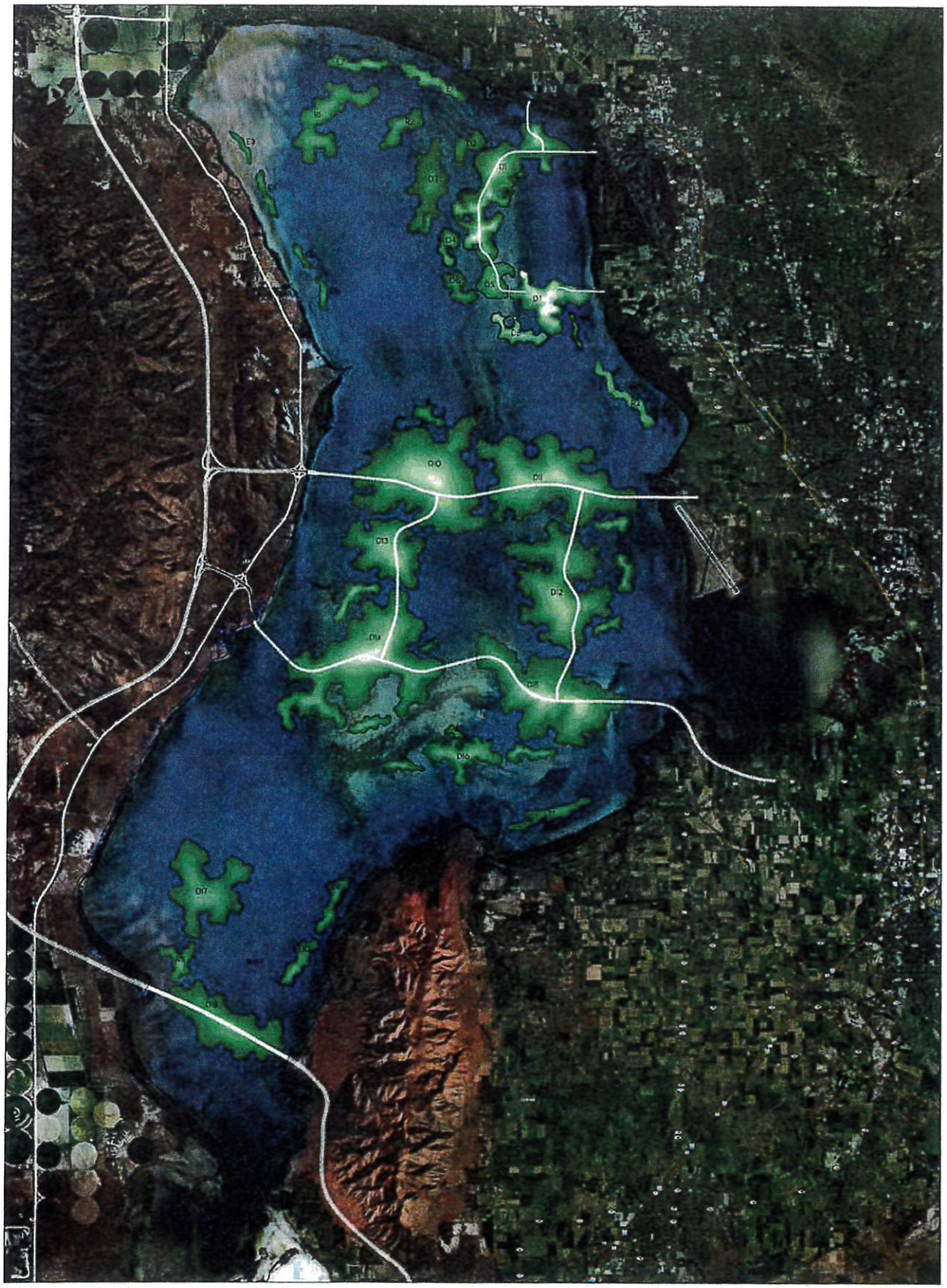
The conservation benefits of dredging and island creation have previously been discussed on pages 35-46. This section will outline the operational execution of phase II, including implementation of the following infrastructure improvements:

- Mapping natural springs in the lakebed
- Dredging the Lake
- Forming estuary, recreation, and development islands
- Mechanical compaction
- Planting littoral and riparian zones, including on estuary islands
- Installing lake aeration systems
- Installing lake biofiltration systems
- Rehabilitating the lake shoreline
- Completing a lake trail system
- Installing public beaches

SPRING MAPPING

Natural springs occur in Utah Lake through fissures and rock splits under the Lake. These springs represent a vital clean-water resource, and will be mapped, studied, and responsibly managed as part of the Utah Lake Restoration Project implementation. One well-known spring is in the northern region of Utah Lake,

Exhibit I



Legend

4490 ft. Compromise Level	4510 ft.	4530 ft.	4550 ft.
4495 ft.	4515 ft.	4535 ft.	4555 ft.
4500 ft.	4520 ft.	4540 ft.	4560 ft.
4505 ft.	4525 ft.	4545 ft.	4565 ft.

SCALE

Miles

UTAH LAKE RESTORATION PROJECT

Preliminary Plan
CONTAINMENT AREA LAYOUT

LAKE RESTORATION SOLUTIONS

Figure 1

December 2021

1 **UTAH LAKE AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Keven J. Stratton**

5 Senate Sponsor: Curtis S. Bramble

6 Cosponsors: Kay J. Christofferson Val L. Peterson

7 Nelson T. Abbott Marsha Judkins Norman K. Thurston

8 Gay Lynn Bennion Rosemary T. Lesser Stephen L. Whyte

9 Joel K. Briscoe Jefferson Moss

10 Jefferson S. Burton Doug Owens

11

12 **LONG TITLE**

13 **General Description:**

14 This bill modifies provisions of the Utah Lake Restoration Act.

15 **Highlighted Provisions:**

16 This bill:

17 ▸ modifies the authority given to the Division of Forestry, Fire, and State Lands, with

18 respect to the disposal of Utah Lake land in exchange for the comprehensive

19 restoration of Utah Lake under a restoration proposal, from authority to dispose of

20 land to authority to make a recommendation for the disposal of the land;

21 ▸ requires the approval of the Legislature and governor for the disposal of Utah Lake

22 land in exchange for the comprehensive restoration of Utah Lake under a restoration

23 proposal; and

24 ▸ requires the division to prepare recommendations on objectives of the Utah Lake

25 restoration and report those recommendations to the Natural Resources, Agriculture,

26 and Environment Interim Committee.

27 **Money Appropriated in this Bill:**

28 None

Exhibit J

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

65A-15-201, as enacted by Laws of Utah 2018, Chapter 381

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **65A-15-201** is amended to read:

65A-15-201. Division recommendation on disposal of state land in exchange for Utah Lake restoration project -- Approval of Legislature and governor required -- Criteria -- Division recommendations for defining and meeting objectives.

(1) (a) [~~Subject to the approval of the Legislative Management Committee, the~~] The division may [~~dispose~~] recommend the disposal of appropriately available state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if the division finds that the restoration project will enhance the following public benefits:

[~~(a)~~] (i) [~~restore~~] restoring the clarity and quality of the water in Utah Lake;

[~~(b)~~] (ii) [~~conserve~~] conserving water resources in and around Utah Lake;

[~~(c)~~] (iii) [~~preserve~~] preserving the water storage and water supply functions of Utah Lake;

[~~(d)~~] (iv) [~~remove~~] removing invasive plant and animal species, including phragmites and carp, from Utah Lake;

[~~(e)~~] (v) [~~restore~~] restoring littoral zone and other plant communities in and around Utah Lake;

[~~(f)~~] (vi) [~~restore~~] restoring and [~~conserve~~] conserving native fish and other aquatic species in Utah Lake, including Bonneville cutthroat trout and June Sucker;

[~~(g)~~] (vii) [~~increase~~] increasing the suitability of Utah Lake and its surrounding areas for shore birds, waterfowl, and other avian species;

57 [~~(h)~~] (viii) [~~improve~~] improving navigability of Utah Lake;
58 [~~(i)~~] (ix) [~~maximize, enhance, and ensure~~] maximizing, enhancing, and ensuring
59 recreational access and opportunities on Utah Lake;
60 [~~(j)~~] (x) [~~preserve~~] preserving current water rights related to water associated with Utah
61 Lake; [~~and~~]
62 [~~(k)~~] (xi) otherwise [~~improve~~] improving the use of Utah Lake for residents and
63 visitors[~~.~~];
64 (xii) substantially accommodating an existing use on land in or around Utah Lake; and
65 (xiii) providing any other benefits identified by the division.
66 (b) If the division chooses to make a recommendation under Subsection (1)(a), the
67 division shall make the recommendation in writing to the Legislature and governor.
68 (2) In determining whether to [~~dispose~~] recommend the disposal of state land in
69 exchange for the execution of a restoration project, as provided in Subsection (1)(a) and
70 pursuant to a restoration proposal, the division shall consider:
71 (a) the potential that the restoration project presents for additional revenue to state and
72 local government entities;
73 (b) the ability of the proposed use of the state land given in exchange for the restoration
74 project to enhance state property adjacent to Utah Lake;
75 (c) the proposed timetable for completion of the restoration project;
76 (d) the ability of the person who submits a restoration project to execute and complete
77 the restoration project satisfactorily; and
78 (e) the desirability of the proposed use of Utah Lake and the surrounding areas as a
79 result of the restoration project.
80 (3) The Legislature and governor may, through the adoption of a concurrent resolution,
81 authorize the disposal of state land in and around Utah Lake as compensation for the
82 comprehensive restoration of Utah Lake under a restoration proposal if:
83 (a) the division recommends the disposal as provided in Subsection (1); and
84 (b) the Legislature and governor make a determination, in a concurrent resolution

85 adopted under this Subsection (3), that:
86 (i) the restoration project will accomplish the objectives listed in Subsection (1)(a); and
87 (ii) the disposal is:
88 (A) a fiscally sound and fair method of providing for the comprehensive restoration of
89 Utah Lake; and
90 (B) constitutionally sound and legal.
91 (4) In support of the required permitting application for a restoration project, the
92 division shall:
93 (a) prepare recommendations for standards, criteria, and thresholds to define more
94 specifically the objectives listed in Subsections (1)(a) and (3)(b)(ii) and how and when those
95 objectives are to be met;
96 (b) report on the division's efforts under Subsection (4)(a) to the Natural Resources,
97 Agriculture, and Environment Interim Committee, as requested by the committee chairs; and
98 (c) upon completion of recommendations under Subsection (4)(a), present the
99 recommendations to the Natural Resources, Agriculture, and Environment Interim Committee.

LAKE RESTORATION SOLUTIONS - UTAH, LLC

Update this Business

Entity Number: 12896591-0161
Company Type: LLC - Foreign
Address: 3300 N TRIUMPH BLVD STE 100 Lehi, UT 84043
State of Origin: DE
Registered Agent: CT CORPORATION SYSTEM
Registered Agent Address:
1108 E SOUTH UNION AVE
Midvale, UT 84047

View Management Team

Status: Active

Purchase Certificate of Existence

Status: Active *as of 06/13/2022*
Renew By: 06/30/2023
Status Description: Current
The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.
Employment Verification: Not Registered with Verify Utah

History

View Filed Documents

Registration Date: 06/13/2022
Last Renewed: N/A

Additional Information

NAICS Code: 9999 **NAICS Title:** 9999-Nonclassifiable Establishment

<< Back to Search Results

Business Name:

Give Feedback

Exhibit K

Privacy - Terms

Date: 06/13/2022
Receipt Number: 9495560
Amount Paid: $145.00

DocuSign Envelope ID: A615CB5A-F7BC-4388-9022-81706E1B5263

State of Utah
Department of Commerce
Division of Corporations & Commercial Code
Foreign Registration Statement (Foreign Limited Liability Company)

The type written or co

RECEIVED
JUN 13 2022
Utah Div. of Corp. & Comm. Code

EXPEDITE

Important: Read instructions before completing form **Non-Refundable Processing Fee: $70.00**

1. Exact Name of Foreign Limited Liability Company:	Lake Restoration Solutions, LLC
2. Jurisdiction of Formation:	Delaware
3. Principal office address: Street Address Required	3300 N. Triumph Blvd., Suite 100, Lehi, UT 84043 (Address / City / State / Zip)

4. The name of the Registered Agent (Individual or Business Entity or Commercial Registered Agent):
CT Corporation System

The address must be listed if you have a non-commercial registered agent. See instructions for further details.

Address of the Registered Agent: 1108 E South Union Avenue
Utah Street Address Required, PO Boxes can be listed after the Street Address
City: Midvale State: UT Zip: 84047

5. If the name is not available in Utah the LLC shall use as it's name:
Lake Restoration Solutions-Utah LLC
Must be the same as number (1) unless the name is not available or permitted in Utah.

6. Purpose of the Limited Liability Company: (optional)

7. Managers/Members of the Limited Liability Company: (optional)

Position	Name	Address	City	State	Zip
MANAGER					
MANAGER					
MEMBER					
MEMBER					

Under penalties of perjury, I declare that this application for authority to transact business has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.

Authorized Signature: DocuSigned by: Jon Benson Name & Title: Jon Benson, President

Under GRAMA §63G-2-301(2)(a) all registration information maintained by the Division is classified as public record. For confidentiality purposes, you may use the business entity physical address rather than the residential or private address of any individual affiliated with the entity.

Optional Inclusion of Ownership Information: This information is not required.
Is this a female owned business? ◯ Yes ◯ No
Is this a minority owned business? ◯ Yes ◯ No If yes, please specify: Select/Type the race of the owner here

State of Utah
Department of Commerce
Division of Corporations and Commercial Code
I hereby certified that the foregoing has been filed
and approved on this 13 day of Jun 20 22
In this office of this Division and hereby issued
This Certificate thereof.

Examiner CV Date 6/14/22

L Veillette
Leigh Veillette
Division Director

JUN 13 '22 PM 12:18

12896591 - 0161

Delaware

The First State

RECEIVED
Page JUN 13 2022
Utah Div of Corp & Comm Code

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "LAKE RESTORATION SOLUTIONS, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRTEENTH DAY OF JUNE, A.D. 2022.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "LAKE RESTORATION SOLUTIONS, LLC" WAS FORMED ON THE THIRTEENTH DAY OF NOVEMBER, A.D. 2017.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.

Jeffrey W. Bullock, Secretary of State

6614014 8300

SR# 20222702667

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 203661875

Date: 06-13-22

JUN 13 '22 PM 12:18

To Whom It May Concern:

Lake Restoration Solutions, Inc. filed an application with the Utah Division of Forestry, Fire, and State Lands (FFSL) on November 13, 2017. The applicant named on the application is Lake Restoration Solutions, Inc. Ben Parker was acting as CEO at the time and signed the application as Chief Executive Officer.

Since that time, there have been changes to the structure and leadership of Lake Restoration Solutions, which are described herein.

Company structure

The corporate structure of Lake Restoration Solutions has been modified. Lake Restoration Solutions, Inc. was formed in the state of Delaware on November 13, 2017. On September 15, 2020, Lake Restoration Solutions, Inc, a Corporation, converted its entity type to a Limited Liability Company. Accompanying the conversion was a name change; the company name as of September 15, 2020, is Lake Restoration Solutions, LLC.

Though the name has slightly changed to reflect the new entity type, Lake Restoration Solutions, LLC is the same entity that filed as the applicant with the Utah Division of Forestry, Fire, and State Lands on November 13, 2017.

Lake Restoration Solutions, LLC registered with the Utah Division of Corporations on June 13, 2022. It is listed in the state of Utah as Lake Restoration Solutions-Utah LLC. The official documents showing these changes from Delaware and Utah are enclosed.

The entity Lake Restoration Solutions, Inc. a Utah DBA filed by Jeff Salt on April 2, 2018, several months after the November 2017 application, has no connection to the Utah Lake Restoration Project or to Lake Restoration Solutions, LLC (aka Lake Restoration Solutions-Utah LLC).

Leadership change

The executive team of Lake Restoration Solutions has changed since November 2017. Ben Parker is no longer acting as CEO of Lake Restoration Solutions and has not been involved in the company in an official capacity for more than 2 years, which does not preclude the possibility that he could be involved in the project in the future. Ryan Benson is now the CEO of Lake Restoration Solutions, LLC.

Please update the state's records to reflect the updated applicant name of Lake Restoration Solutions, LLC and please also list Ryan Benson as the official point of contact for all communications related to the application. His contact info is below.

Regards,

Jon Benson
President and COO
Lake Restoration Solutions, LLC

Ryan Benson
4331 Hidden Hollow Dr.
Bountiful, UT 84010
ryanbenson@lakerestorationsolutions.com
mobile: 801-870-5307

Exhibit L

FIRST SUPPLEMENT TO EXCHANGE
APPLICATION DATED NOVEMBER 13, 2017

Background

On November 13, 2017, Lake Restoration Solutions, Inc., a Delaware corporation, filed an exchange application (the "Application") with the Utah Division of Forestry, Fire, and State Lands (the "Division"). On May 2, 2018, the Division sent a letter to the applicant accepting the Application.

Company Structure and Leadership

Since the time the Application was submitted, the applicant's corporate structure has been modified consistent with law. On September 15, 2020, the applicant converted its entity type from a corporation to a limited liability company and changed its name to Lake Restoration Solutions, LLC, a Delaware limited liability company. While the applicant is now known by a different name, it is the same entity that submitted the Application. On June 13, 2022, Lake Restoration Solutions, LLC registered with the Utah Division of Corporations with the accepted trade name[1] in Utah of Lake Restoration Solutions-Utah, LLC.

Since the time the Application was submitted, the applicant's executive team has also changed. In 2020, Ryan Benson assumed the role of CEO. As of the date of this First Supplement, Ryan Benson remains the CEO. While the applicant is now led by different officers, it is the same entity that submitted the Application. If the Division has a regulation or policy regarding updating changes in officers or the conversions of entities, we ask that we be informed so that any required information may be added to the Application.

Application and Submissions

As stated above, the Application was submitted on November 13, 2017, and the Division accepted it on May 2, 2018. On January 8, 2018, the applicant provided the Division a more complete explanation of its proposed project (the "Project") in a document entitled Utah Lake Restoration Project – Proposal (the "Proposal").

Environmental Impact Statement

In reliance on the Division's acceptance of the Application, the applicant has requested a permit from the U.S. Army Corps of Engineers (the "USACE") to analyze key aspects of the Applications proposed project. In furtherance of the requested permit, and in order to provide the

[1] The documents on file with the Utah Division of Corporations and Commercial Code show that Lake Restoration Solutions-Utah, LLC is merely the trade name used in Utah by Lake Restoration Solutions, LLC, a Delaware limited liability company. Thus, Lake Restoration Solutions-Utah, LLC and Lake Restoration Solutions, LLC are one and the same as can be confirmed by reviewing the records of the Utah Division of Corporations and Commercial Code.

Exhibit M

Division with sufficient scientific support for the key elements of the Application and this First Supplement, Lake Restoration Solutions, LLC has also initiated the process of obtaining an Environmental Impact Statement ("EIS") from the USACE. The USACE has started the scoping process required by federal law to determine the appropriate contents of the EIS. The data derived from this process will be added to a future supplement, as described below.

Supplemental Information

Utah Lake Restoration Act

In early 2022, the Utah legislature amended portions of Part 2 of the Utah Lake Restoration Act, with such modifications going into effect on May 4, 2022. Among other things, the amendment added two additional public benefits that must be enhanced by a restoration project in order for the Division to recommend disposal of state land in and around Utah Lake.[2] The Proposal explains how the original eleven public benefits will be enhanced by the Project. The two new public benefits are listed below with a brief explanation of how the Project will enhance them:

xii. substantially accommodating an existing use on land in or around Utah Lake

- As set forth in the Proposal, rather than limiting or otherwise prejudicing any existing use on land in or around Utah Lake, the Project will facilitate and improve the public's use by improving water quality, navigability, and recreational opportunities in and around the lake.

xiii. providing any other benefits identified by the division

- Lake Restoration Solutions, LLC will provide additional information showcasing how the Project enhances other public benefits if and when identified by the Division.

The Project is designed to maximize the public benefits set forth in the Utah Lake Restoration Act, as well as others not specifically set forth therein. The Project has as core objectives every public benefit set forth in the Utah Lake Restoration Act, listed as follows:

- Restoring the clarity and quality of the water in Utah Lake;
- Conserving water resources in and around Utah Lake;
- Preserving the water storage and water supply functions of Utah Lake;
- Removing invasive plant and animal species, including phragmites and carp, from Utah Lake;
- Restoring littoral zone and other plant communities in and around Utah Lake;

[2] *See* UCA § 65A-15-201(1)(a).

- Restoring and conserving native fish and other aquatic species, including Bonneville cutthroat trout and June Sucker;
- Increasing the suitability of Utah Lake and its surrounding areas for shore birds, waterfowl, and other avian species;
- Improving navigability of Utah Lake;
- Maximizing, enhancing, and ensuring recreational access and opportunities on Utah Lake;
- Preserving current water rights related to water associated with Utah Lake;
- Otherwise improving the use of Utah Lake for residents and visitors;
- Substantially accommodating an existing use on land in or around Utah Lake; and
- Providing any other benefits identified by the division.

The applicant intends to achieve each of these as required by law and requests the ability to collaborate with the Division to give input on what standards, criteria, and thresholds are realistically achievable.

In addition to the benefits described above, the Project will achieve additional substantial public benefits, including the following:

- Increasing water flow to the Great Salt Lake;
- Improving water circulation patterns;
- Decreasing harmful algal blooms;
- Creating thousands of acres of new public recreation land, including several entire islands dedicated to public recreation;
- Constructing new boat marinas, boat docks, and public access points;
- Forming new public beaches and public parks;
- Improving recreational safety for boating and swimming;
- Creating hundreds of acres of new wildlife habitat to benefit avian species;
- Forming new shoreline habitat to benefit aquatic species;
- Planting thousands of acres of new wetlands;
- Restoring and enhancing historical wetland areas;
- Removing nutrient loaded sediments to improve overall health of Utah Lake; and
- Restoring additional aquatic species including zooplankton and mollusks to improve water clarity.

Since the division accepted the Application in 2017, Lake Restoration Solutions, LLC has invested millions of dollars into scientific research, engineering, and design to better understand the problems facing Utah Lake, develop potential solutions, and inform the current USACE application. The NEPA process will include a great deal of public involvement, further informing design decisions to respond to the public's wishes. The applicant expects to deliver specific details for each of the proposed public benefits including how each benefit will be achieved, along with the necessary scientific and/or engineering basis of proof to accompany

each claim. Providing that level of information today is not realistic given how early we are in the process.

The applicant is hoping for an open and collaborative approach with stakeholders for major design decisions, as there are inherent tradeoffs in many of those decisions. For example, Lake Restoration Solutions, LLC has proposed "islands" as containment areas for storing dredge material. The size and layout of those islands is designed to maximize water savings and improve water circulation patterns without impacting wetlands. Based on recent feedback from the Division, the applicant would like to explore alternatives such as peninsulas or shoreline extensions.

Lake Restoration Solutions, LLC has collaborated with agencies and stakeholders including many within the Department of Natural Resources and the Division in the form of meetings, information sharing, brainstorming, and review of plans and concepts. For example, Ben Parker, on behalf of the applicant, presented to the Department of Natural Resources on three separate occasions in January 2019. The presentations took place according to the following schedule:

1. January 23, 2019 at 1:00 pm (Water Quality)
2. January 24, 2019 at 10:00 am (Engineering and Technical)
3. January 24, 2019 at 1:00 pm (Recreation and Wildlife)

Additionally, beginning in October 2020 the applicant met with three committees (including committees for water resources, fisheries and aquatic resources, and terrestrial and avian biology) to collaborate and share information. The documents provided to the Division in prior meetings, presentations, and brainstorming events as discussed above, are hereby incorporated in and made a part of this First Supplement.

Request for Additional Criteria

As stated in legislation passed last session, and pursuant to UCA § 65A-15-201(4)(a), "the Division shall prepare recommendations for standards, criteria, and thresholds to define more specifically the objectives listed in Subsections (1)(a) and (3)(b)(ii) and how and when those objectives are to be met." We understand that this statutory obligation has not yet been met as the Division is still evaluating the criteria identified by the state. As a current applicant, Lake Restoration Solutions, LLC requests that it be involved and included in providing input to the Division as it promulgates rules and otherwise prepares "standards, criteria, and thresholds" governing each of the criteria in Subsections 1(a) and (3)(b)(ii). Lake Restoration Solutions, LLC will submit additional supplements to show its Application's compliance with these requirements as the Division prepare specific details, promulgates rules, and otherwise makes required reports and recommendations.

Request for Consultation

As a number of the elements in the Application, including the key parts of the Proposal, involve technical topics, Lake Restoration Solutions, LLC requests consultation with subject matter experts in the Division. Lake Restoration Solutions, LLC will make available its experts on all relevant topics, including the statutorily identified criteria, so that the Division can be apprised of the benefits and details related to the science supporting the Application. Our specific proposal would be to set a meeting schedule for each of the criteria identified in state law. We will also include in the meeting schedule those topics raised or developed through the NEPA scoping process being administered by USACE.

APPLICANT:

Lake Restoration Solutions, LLC,
a Delaware limited liability company

By: _____
Name: Jon Benson
Its: President

LAKE RESTORATION SOLUTIONS, INC.

Update this Business

Entity Number: 10728201-0151
Company Type: DBA
Address: 723 E LISONBEE AVE Salt Lake City, UT 84106
State of Origin:
Registered Agent: JEFF SALT
Registered Agent Address:
723 E LISONBEE AVE
Salt Lake City, UT 84106

View Management Team

Status: Active

Purchase Certificate of Existence

Status: Active *as of 04/02/2018*
Renew By: 04/30/2024
Status Description: Current
The "Current" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.
Employment Verification: Not Registered with Verify Utah

History

View Filed Documents

Registration Date: 04/02/2018
Last Renewed: 04/08/2021

Additional Information

NAICS Code: 9999 **NAICS Title:** 9999-Nonclassifiable Establishment

<< Back to Search Results

Business Name:

Give Feedback

Exhibit N

Privacy - Terms

State of Utah
Department of Commerce
Division of Corporations & Commercial Code
Business Name Registration / DBA Application

This form cannot be hand written.

MP

RECEIVED
APR 02 2018
Utah Div. Of Corp. & Comm. Code

WARNING: The filing of this application and its approval by the Division does not authorize the use in the state of Utah of an assumed name in violation of the rights of another under federal, state, or common law (U.C.A. Section 42-2-5 Et seq.).
***When approved the DBA is registered for 3 years.**
*If adding or removing an Applicant/Owner, which will affect its status as a General Partnership or Sole Proprietorship, you must submit a Registration Information Change Form.
*If you want a new name (adding or changing the existing name), a new DBA filing is required.

Non-Refundable Processing Fee: ✓ **New Filing $22.00** ☐ **Applicant/Owner Transfer N/A**

Requested Business Name: Lake Restoration Sol utions, I nc.

Business Purpose: Education

Business Address: 723 E. Lisonbee Ave. Salt Lake City Utah 84106
Address City State Zip

Who/What is the name of the Registered Agent (Individual or Business Entity or Commercial Registered Agent)?:
Jeff Salt

The address must be listed if you have a non-commercial registered agent. What is a commercial registered agent?

Address of the Registered Agent: 723 E. Lisonbee Ave.
Utah Street Address Required, PO Boxes can be listed after the Street Address

City: Salt Lake City **State** UT **Zip:** 84106

Applicant/Owner:
List the individual or business entity that will own the DBA on the name line.

Name: Spirit Of Utah Wilderness, I nc.,The
Entity Number (if a registered business): 1130209-0140
Address: 723 E. Lisonbee Ave.
City: Salt Lake City State: Utah Zip: 84106
Under penalties of perjury, I declare that this DBA Application has been examined by me and is, to the best of my knowledge and belief, true, correct and *complete*.
Signature: Jeff Salt

Applicant/Owner:
List the individual or business entity that will own the DBA on the name line.

If needed, you may use an attached sheet for additional applicants

Name:
Entity Number (if a registered business):
Address:
City: State: Zip:
Under penalties of perjury, I declare that this DBA Application has been examined by me and is, to the best of my knowledge and belief, true, correct and *complete*.
Signature:

Under GRAMA {63-2-201}, all registration information maintained by the Division is classified as public record. For confidentiality purposes, you may use the business entity physical address rather than the residential or private address of any individual affiliated with the entity.

Optional Inclusion of Ownership Information: This information is not required.
Is this a female owned business? ○ Yes ◉ No
Is this a minority owned business? ○ Yes ◉ No If yes, please specify: Select/Type the race of the owner here

Mailing/Faxing Information: www.corporations.utah.gov/contactus.html Division's Website: www.corporations.utah.gov

State of Utah
Department of Commerce
Division of Corporations and Commercial Code
I hereby certified that the foregoing has been filed
and approved on this 2 day of APR 2018
In this office of this Division and hereby issued
This Certificate thereof.

APR 2 '18 AM 11:07

Examiner UA Date 4/9/18

Kathy Berg
Kathy Berg
Division Director

01/14

* staffing and training *

10728201-0151

SECOND SUPPLEMENT TO EXCHANGE
APPLICATION DATED NOVEMBER 13, 2017

Dated October 24, 2022

Background

On November 13, 2017, Lake Restoration Solutions, LLC, a Delaware limited liability company ("Applicant"), formerly Lake Restoration Solutions, Inc., a Delaware corporation, filed an exchange application (the "Application") with the Utah Division of Forestry, Fire, and State Lands (the "Division"). On January 8, 2018, Applicant provided the Division a more complete explanation of its proposed project (the "Project") in a document entitled Utah Lake Restoration Project – Proposal. On May 2, 2018, the Division sent a letter to the applicant accepting the Application. On September 28, 2022 Applicant submitted to the Division that certain First Supplement to Exchange Application dated November 13, 2017.

Additional Supplemental Information

Water Evaporation Savings

To further supplement the Application, Applicant now submits this Second Supplement to Exchange Application dated November 13, 2017 (the "Second Supplement"). Attached to Exhibit A of this Second Supplement is that certain Technical Memorandum dated August 8, 2022 from Jacob Krall and Rob Annear, Geosyntec Consultants, to Jon Benson, Lake Restoration Solutions, LLC (the "Technical Memorandum"). The Technical Memorandum, which is hereby incorporated herein and made a part hereof, provides evidence and data as related to the Project's ability to reduce water evaporation in Utah Lake.

Given that one of the Project's core objectives is to conserve water resources in and around Utah Lake, Applicant feels this Second Supplement will assist the Division in its review of the Application.

APPLICANT:

Lake Restoration Solutions, LLC,
a Delaware limited liability company

By: _____
Name: Jon Benson
Its: President

Exhibit O

4883-3990-6363

Exhibit A

See attached Technical Memorandum.

Geosyntec consultants

920 SW Sixth Avenue, Suite 600
Portland, OR 97204
PH 503.222.9518
www.geosyntec.com

Technical Memorandum

Date: 8 August 2022

To: Jon Benson, Lake Restoration Solutions, LLC.

From: Jacob Krall and Rob Annear, Geosyntec Consultants

Subject: Overview of Evaporation and Water Savings at Utah Lake

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INTRODUCTION

This memorandum is intended to answer questions posed by Utah Lake water users on the general topic of evaporation and water savings, including estimates of current annual evaporation at Utah Lake, and how much water will be saved due to the Utah Lake Restoration Project (Project). A previous research memorandum (Geosyntec, 2022) demonstrated that the evaporation savings will not have a meaningful impact on local precipitation. This technical memorandum provides detail on the methodology used to estimate current evaporation at Utah Lake and preliminary calculations of water savings expected due to the Project implementation. This memorandum does not address tracking and accounting for water savings from a water rights perspective. These questions will be addressed in a later memorandum.

BACKGROUND: PREVIOUS ESTIMATES OF EVAPORATION AT UTAH LAKE

Evaporation from a large lake is difficult to measure because of variability in both time and space and difficulty in fully accounting for other aspects of the lake water balance. A variety of techniques has been applied at Utah Lake, including evaporation pan data, empirical equations and mass balance estimates. Each technique has drawbacks and inherent uncertainty: evaporation pan data from Lehi or Provo are imperfect representations of average evaporation from the entire Utah Lake surface area, due to its size, and use of a constant pan coefficient (which is used to adjust pan evaporation data to lake evaporation data to account for the effects of the edges of the pan) cannot fully represent the complexity of evaporation from the lake. Estimating evaporation using a mass balance approach requires accurate estimates of all other flow inputs and outputs to the lake, and the presence of groundwater and unmonitored tributaries make this a challenge at Utah Lake.

Finally, the various empirical formulas for evaporation differ in the amount of data required and in their applicability to particular types of waterbodies. Further complicating the issue is that evaporation measurements in units of length (millimeters, inches, or feet) must be adjusted to acre-feet using the surface area of Utah Lake, which is also variable, as water levels fluctuate. As a result, it is not surprising that estimates of annual evaporation at Utah Lake have varied widely. Past estimates have included:

- 201,000 acre-feet per year (UDWRE, 2014). This report by the Utah Division of Water Resource obtains this figure from the 1997 Utah Lake Basin Plan based on 1961-1990 data. The method used is not clear in the UDWRE report.
- 380,000 acre-feet per year (Morgan, 1993). In the Interim Water Distribution Plan developed by the State Engineer, the cited figure for annual evaporation is nearly double the UDWRE estimate. The method used to obtain this estimate is also unclear.
- 310,799 acre-feet per year (Larsen, 2022). This estimate comes from the most recent Utah Lake Commission's Report and is based on estimates from 1987-2021. The report's footnotes say the estimates were done using pan evaporation data from Lehi (with an 80% pan coefficient) from May-October through 2013 and using the Blaney-Criddle equation for November-March and after 2014, for all months.
- 277,454 acre-feet per year (Geosyntec, 2021). This estimate, developed by SWCA Environmental Consultants, was based on pan evaporation data from Provo using a 70% pan evaporation coefficient.

DEVELOPMENT OF UPDATED EVAPORATION ESTIMATES

Subsequent to these analyses, Geosyntec conducted an evaluation and developed evaporation estimates using a more detailed methodology. This analysis, presented in this technical memorandum, demonstrates that evaporation from Utah Lake under current conditions is likely at the high end of these historic estimates. Additionally, evaporation may be higher in the future due to hot, dry, conditions.

Methodology

In developing the inputs for a hydrodynamic and water quality model of Utah Lake, von Stackelberg and Su (2020) conducted an assessment of various empirical equations for calculating evaporation. Figure 1, below, is an updated version of a figure from the von Stackelberg and Su

report. The figure demonstrates that the various equations result in very different estimates of annual evaporation.

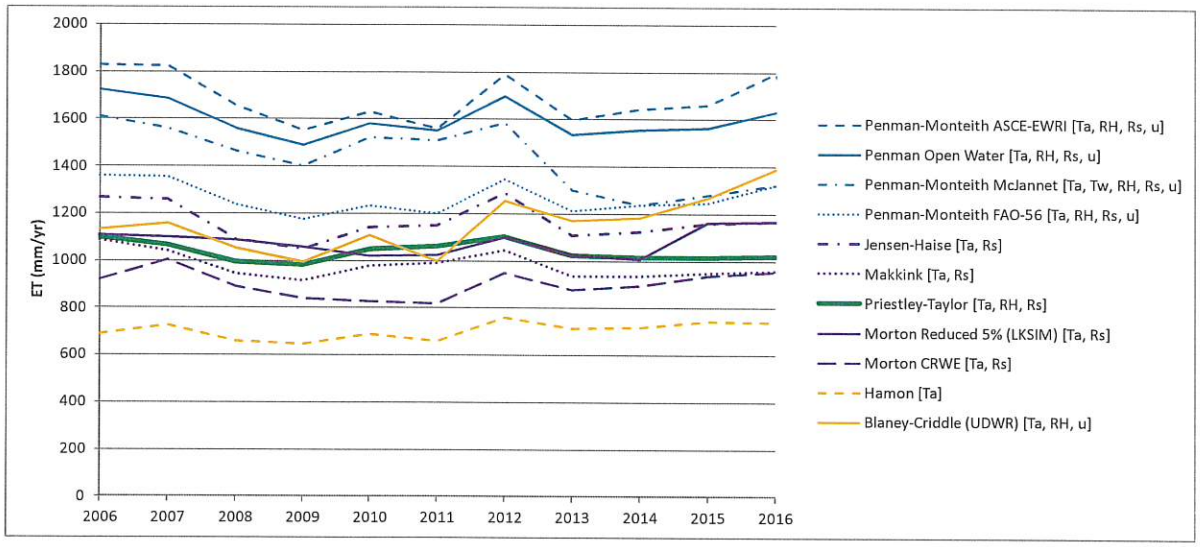

Figure 1. Comparison of Evaporation Estimates Using Various Empirical Equations. Provided by Nicholas von Stackelberg, Utah Division of Water Quality.

Figure 1 generally indicates that, for Utah Lake, the different versions of the Penman-Monteith method, which incorporate air temperature, relative humidity, solar radiation, and wind speed, tend to produce higher estimates of evaporation than methods which take fewer variables into account. Simpler methods have the advantage of relying on less data and being easier to calculate. For their modeling work, von Stackelberg and Su (2020) selected the Priestley-Taylor method, citing its use for several shallow lake applications and because it tends to be near the middle of the various methods.

The Blaney-Criddle method used by the Utah Department of Water Rights (UDWR) also falls near the midpoint of the various estimates for most years. However, based on discussions with Jared Manning of the UDWR, when efforts have been made to estimate evaporation from mass balance, these estimates have tended to be higher than those obtained from the Blaney-Criddle method (Jared Manning, personal communication, 2021). In fact, the footnotes associated with the UDWR record for estimated evaporation at Utah Lake read: "*2016: The observed evap based on storage content change and outflow was much greater than the Blaney Criddle evaporation during Jul-*

Aug 2016. The increase in evap is attributed to lower levels and higher than normal water temperatures, and wind events not included in the model we use. The evaporation reported herein is the result of increasing K coefficient to replicate the observed evaporation and inflow during July and August 2016. Evaporation was 62,329 ac=ft in July and 51,503 ac-ft in August, about 10% more than the model. (UDWR, 2022)"

Based on these observations and because of the likely importance of internal heat storage within Utah Lake, Geosyntec evaluated evaporation from 2017-2021 using the Penman-Monteith McJannet (P-M-M) method (based on the work of McJannet et. al (2008) in Australia). This method was selected because it incorporates water temperature, allowing for the consideration of the changing water surface temperatures and thus evaporation.

The following inputs were used for the calculations using the P-M-M method:

- Daily maximum, minimum, and average air temperature at Lehi, Utah from UDWR
- Relative humidity, air pressure, and air temperature at 9 am on each day from Provo Airport. These data were used because hourly data were not available at Lehi. These data were also used to calculate Dew Point and Wet Bulb temperature at Provo at 9 am on each day.
- Average daily wind speed at Provo Airport
- Average daily water depth using daily water level measurements from UDWR and assuming an average depth of 9 feet at compromise elevation.
- Daily average solar radiation data from I-15 at Provo

Results

Figure 2 shows a comparison of monthly evaporation (in mm) between the P-M-M and Blaney Criddle models for 2017-2021. The figure indicates that the models agree closely in winter months and that the P-M-M model tends to predict higher evaporation for May-October. The Blaney-Criddle model uses only the air temperature and percentage of daylight hours, so it represents a much simpler calculation. Overall, for the indicated five-year period, the P-M-M model predicts 10.5% more evaporation than the Blaney-Criddle method, approximately consistent with the anecdotal information provided in the UDWR notes discussed above.

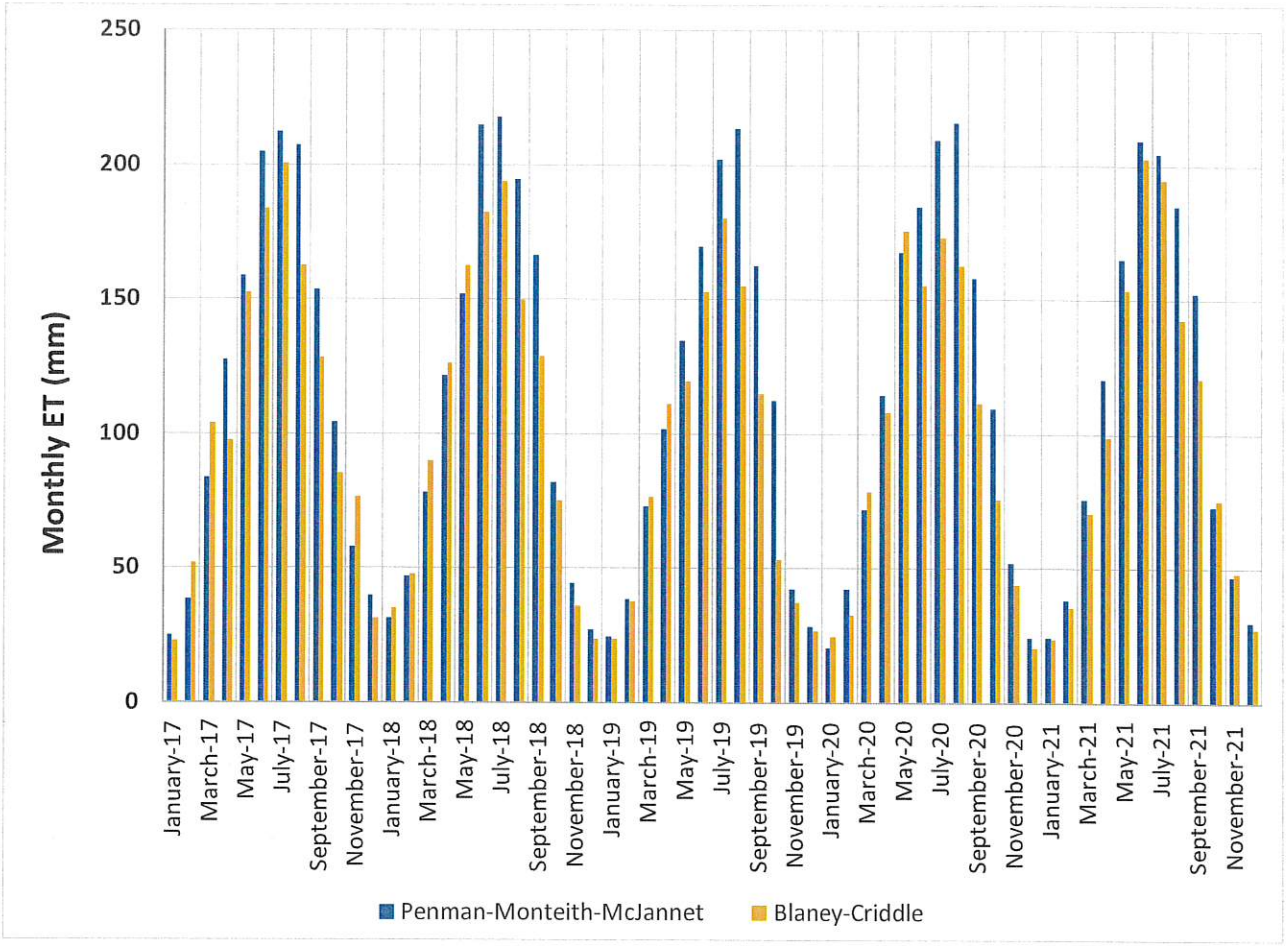

Figure 2. Monthly evaporation in millimeters at Utah Lake based on the P-M-M (blue) and Blaney Criddle (orange) models.

Figure 3 shows the results on an annual basis.

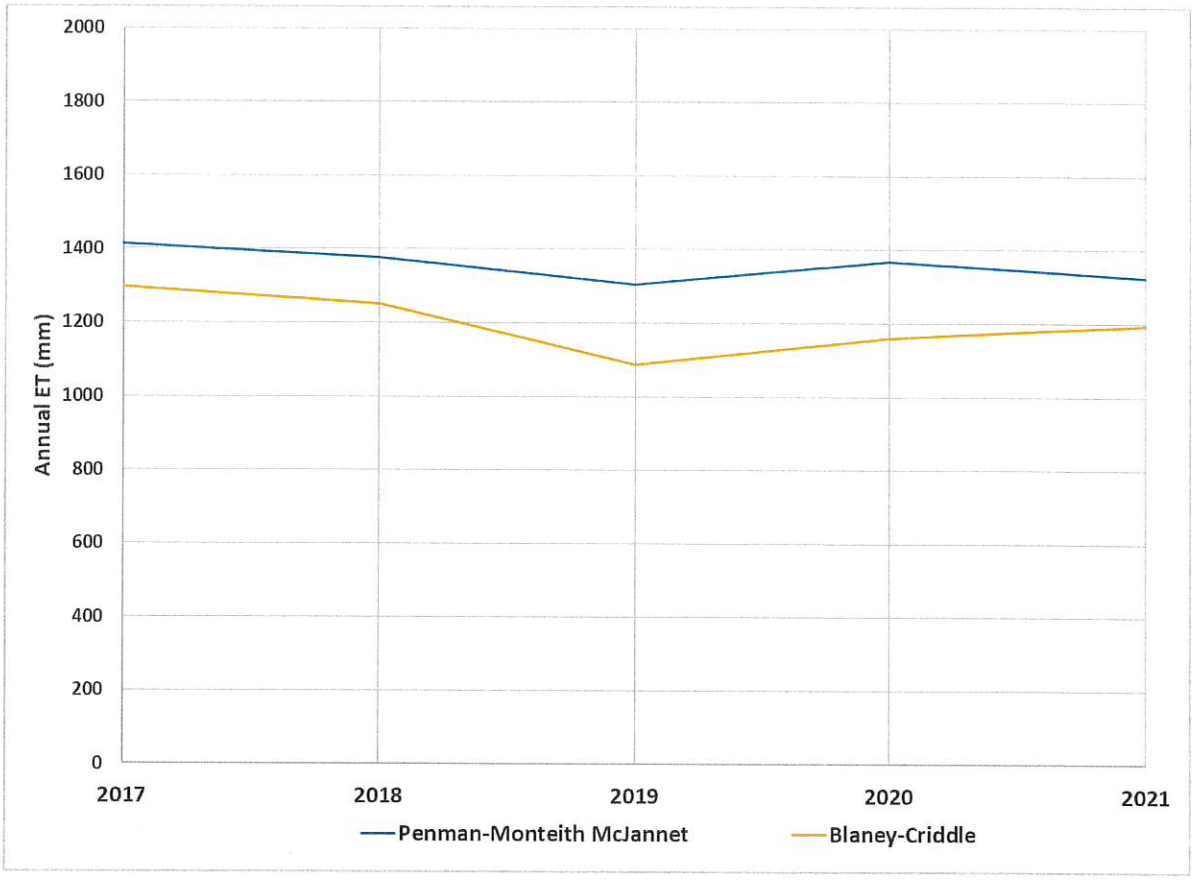

Figure 3. Annual evaporation in millimeters at Utah Lake based on the P-M-M (blue) and Blaney Criddle (orange) models.

The evaporation estimates can be converted from millimeter to acre-feet by multiplying each daily value by the surface area of the lake on that day. This was done using a regression equation for the surface area of the lake as a function of daily water surface elevation. When applying this conversion, the following annual values were obtained for evaporation using the P-M-M model. Also presented are the annual totals from the Utah Lake Commissioner's Report (Larson et. al, 2021)[1]. As mentioned previously, the Commissioner's report values have been based on the

[1] The Utah Lake Commissioner's Report presents annual totals from November-October. In other words, the evaporation reported for 2021 would be from November 2020-October 2021. Here, monthly values are used to compare totals from January-December (i.e., for the calendar year).

Blaney-Criddle model since 2014, and the conversion to acre-feet would have used a slightly different regression for the lake surface areas as a function of water surface elevation. Table 1 shows a comparison of estimated evaporation using the P-M-M model and the Commissioner's Report. The table indicates that, in general, the P-M-M estimates of evaporation are higher than the values presented in the commissioner's reports, by approximately 10%, which is consistent with the notes suggesting that the Blaney-Criddle method estimates are too low (UDWR, 2022).

Table 1.Comparison of Evaporation estimates using the P-M-M model and found in the Utah Lake Commissioner's Report (Larson et. al, 2021).

Year	P-M-M Evaporation (Acre-Feet)	Utah Lake Commissioner's Report (Acre-Feet)	P-M-M Value as a Percent of Commissioner's Report Value
2017	384,615	361,467	106.4%
2018	371,883	343,148	108.4%
2019	374,935	321,913	116.5%
2020	396,183	348,597	113.7%
2021	358,480	331,117[2]	108.3%
2017-2021 Average	**377,220**	**341,248**	**110.5%**

WATER SAVINGS FROM REDUCED EVAPORATION

The maximum water savings from reduced evaporation due to island creation and corresponding reduction of lake surface area is equivalent to the percentage by which the surface area of the lake

[2] The Utah Lake Commissioner's Report for 2021 does not include values for November and December 2021. This annual total assumes the values for November and December 2021 are the same as the values for November and December 2020.

is decreased (e.g., if islands cover 20% of the lake surface area, evaporation from the lake surface would be reduced by 20%). This high-end calculation implicitly assumes that no evapotranspiration will occur on the islands—this is a simplifying assumption that will be addressed later in this memorandum.

The average annual evaporation in millimeters for 2017-2021 using the P-M-M model was 1,357.3. Using this value, for every acre of island construction, the maximum annual water savings would be 1,357.3 mm * 0.00328 foot/mm * 1 acre = **4.453 acre-feet of water savings per acre**.

If 18,000 acres of islands were created, the maximum water savings would be 4.453 acre/feet (per acre) * 18,000 acres = **80,150** acre-feet per year of water savings.

As previously stated, this calculation implicitly assumes that none of the precipitation on the islands is lost—rather, that all this precipitation would be captured and used, or would return to the lake through runoff or groundwater infiltration. In reality, some amount of this water would be lost to evapotranspiration, and this is discussed later in this memorandum.

WATER SAVINGS FROM PHRAGMITES REMOVAL

Another aspect of water savings associated with the Project is savings due to removal of the invasive plant phragmites, which take up more water than native shoreline vegetation.

Approximately 8,300 acres of phragmites existed in wetlands surrounding Utah Lake as of 2012, according to the Utah Division of Forestry Fire and State Lands (FFSL) (FFSL, 2022). The water usage for phragmites has been estimated at 32 inches/year (2 2/3 feet per year). Removing 8,000 acres of phragmites would therefore yield about 21,300 acre-feet of water savings annually. Substantial efforts to treat phragmites have been conducted since 2014, resulting in approximately a 70% reduction in phragmites (FFSL, 2022). Since native riparian vegetation uses less than half of the water as phragmites, full replacement of 8,000 acres of phragmites with native vegetation would save approximately 12,000 acre-feet per year according to a project summary report from the Utah Watershed Restoration Initiative (Utah WRI, 2021). Realizing the full water savings requires both full removal and replacement of 8,000 acres, and ongoing maintenance to ensure that phragmites do not return. LRS has committed to funding phragmites removal efforts and continued maintenance.

EVAPOTRANSPIRATION (ET) FROM ISLANDS

The design of the islands is still being refined and a precise calculation of ET on the islands is not possible at this time. For example, types of vegetation on specific areas of the islands. However, efforts will be made to beneficially use precipitation on the islands and water savings considerations will be considered when planning types of vegetation to be planted on the islands.

High level calculations taking into account ET occurring on the islands can be performed using some basic assumptions. Assuming 15 inches of annual precipitation on the islands (typical for Cities surrounding the lake), the total precipitation would be 1.25 acre-feet per acre of islands. If 40-50% of this precipitation was lost to evapotranspiration, this would mean between 0.5 and 0.625 acre-feet per acre of islands, reducing the net water savings by approximately 9,000 to 11,250 acre-feet if 18,000 acres of islands were constructed.

SUMMARY

Estimates of evaporation at Utah Lake vary widely due to the difficulty in direct measurement, the variety of empirical equations, and seasonal and interannual fluctuations. In this memorandum, we present the results of a calculation using a detailed model which takes into account air temperature, air pressure, relative humidity, wind speed, water temperature, water depth, and solar radiation. The estimates fall near the high end of the literature range, 377,220 acre-feet per year for 2017-2021.

If all precipitation falling on the islands were captured and either used beneficially or returned to the lake, there would be an annual water savings of **4.453 acre-feet per year per acre of islands built due to reduced evaporation. This would mean a water savings of 80,150 acre-feet per year if 18,000 acres of islands were built**.

Replacing 8,000 acres of invasive phragmites with more water-wise native vegetation coupled with a long-term maintenance program would yield approximately an additional 12,000 acre-feet of water savings annually, bringing the **gross evapotranspiration savings to 92,150 acre-feet, or just over 30 billion gallons of water saved every year.**

Assuming 40-50% of the precipitation on the islands would be lost to evapotranspiration, the gross evapotranspiration savings would be reduced by approximately 0.5 to 0.625 acre-feet per year annually per acre of islands, or about 9,000 to 11,250 acre-feet of water savings per year if 18,000

acres of islands were built. This would mean a **total net water savings of between 80,900 to 83,150 acre-feet per year.**

A future memorandum will address questions relating to tracking and accounting of water savings.

REFERENCES

Geosyntec Consultants, 2021. Permit Application. Utah Lake Restoration Project. Prepared for Lake Restorations Solutions. December. Available at: https://www.spk.usace.army.mil/Portals/12/documents/regulatory/FOIA/2022/2022.01.06-ULR-Application-201800503.pdf

Geosyntec Consultants, 2022. Research Memo on Synoptic Weather Patterns, Precipitation Patterns, and Potential Climate Impacts in the Utah Valley and the Wasatch Mountains. Memorandum to Jon Benson, Lake Restoration Solutions, LLC. May 23.

Larsen, J., Smith, P., Rindlisbach, B., and Lewis, G. 2022. Annual Report. Utah Lake & Jordan River Distribution for Year 2021. Report to Teresa Wilhelmsen, State Engineer. January. https://waterrights.utah.gov/docImport/0640/06408661.pdf

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NOTICE TO PERMITEES/LESSEES/ ADJACENT LANDOWNERS

Notice of Record of Decision

Re: Lake Restoration Solutions, Inc.
Application Cancellation
Utah Lake

Dear Landowner of Record/Lessee/Permittee;

You are receiving this notice pursuant to Utah Admin. Code R652-9-200 and Division of Forestry, Fire and State Lands (Division) Policy, which requires the Division to notify permittees/lessees of record, adjoining permittees/lessees, and adjoining landowners of Division action on adjacent land or land that they may have real property interest in the form of a lease, permit, or easement. A copy of the Record of Decision (ROD) documenting the Division's cancellation of the Lake Restoration Solutions, Inc. application can be found at:

http://ffsl.link/UtahLakeROD

The narrative record of decision serves two purposes. The first is to ensure a complete explication of the facts and standards on which a decision is based, and the second is to give notice to a party of the opportunity for additional review of the Division's decision by the Executive Director of the Department of Natural Resources, or the courts. Please pay particular attention to the ADMINISTRATIVE APPEALS section in the Record of Decision, and note that **petitions for appeal** must be received in our office **no later than** 5:00 pm on November 17, 2022.

Division of Forestry, Fire & State Lands/ 1594 West North Temple, STE 3520/ Salt Lake City, UT 84114-5703

American Fork City
31 North Church Street
American Fork Utah 84003

Windsor Development, LLC
3355 N University Ave Ste 250
Provo Utah 84604

Provo City Corporation
351 West Center
Provo Utah 84603

Timothy Ross
3737 N 970 E
Provo Utah 84604

Ron Parker
4434 N Bedford
Provo Utah 84604

Utah Lake Commission PFD Stations
51 S University Ave Suite 109
Provo Utah 84601

Wardley Mclachlen Development
5296 S Commerce Dr Ste 202
Murray Utah 84107

Thom Heppler
533 N 1230 E
Orem Utah 84057

Kearns Improvement District
5350 West 5400 South
Kearns Utah 84118

Scott Kirkland
65 N 920 E
Orem Utah 84097

El Nautica
6742 S Balfour Lane
Murray Utah 84123

Lane Willson
732 E 380 N
American Fork Utah 84003

El Nautica
826 East 9630 South
Sandy Utah 84094

Homesteads Acquisition
9537 South 700 East
Sandy Utah 84070

Jeff Stubbs
964 S 1600 W
Provo Utah 84601

Utah National Guard
PO Box 1776
Draper Utah 84020

Timp Marina Club
PO Box 5
American Fork Utah 84003

Mountain Island Ranch
PO Box 57
Glade Park Colorado 81523

South Valley Sewer District
PO Box 908
Draper Utah 84020

SULA
Utah

Mosida Farms
Utah

Matthew J. Pottenger
Utah

Anderson Geneva, LLC
Utah

North Shore Sewer Line Timpanogos Special Services District
Utah

Vineyard Edge Homes North Outfall

Vineyard Edge Homes South Outfall

Vineyard City Downtown Lakeside Trail and Vegetation
Vineyard Utah

Mosida Farms

CMC Rock LLC
897 West Baxter Drive
South Jordan Utah 84095

Lawrence Lavery
2969 North Lake Rd Genola, UT 84655
Utah United States

OLD TOWNE SQUARE LC
935 W CENTER ST
LINDON, UT 84042-1738

OREM CITY
955 N 900 W
OREM, UT 84057

PACIFICORP
825 NE MULTNOMAH ST # 1900
PORTLAND, OR 97232-2151

PATEL, BANKIMCHANDRA M
655 S 700 E
OREM, UT 84097

PBRD LLC
1483 E SPRINDELL DR
PROVO, UT 84604

PELICAN BAY PLAT A HOMEOWNERS ASSOCIATION INC
173 E SANDPIPER LN
SARATOGA SPRINGS, UT 84045

PHELON LAKELAND LLC
731 N COULSON DR
LINDON, UT 84042

PREMIER REALTY INVESTMENTS LLC
1480 S STATE ST
PROVO, UT 84606-6406

PROVO CITY
PO BOX 1849
PROVO, UT 84603-1849

PUGH, PAULINE G
PO BOX 1244
AMERICAN FORK, UT 84003-6244

R&J PARKER PROPERTIES LLC
974 PLOMMON CIR
IDAHO FALLS, ID 83402-5149

RIDGELINE CAPITAL LC
PO BOX 420
SPRINGVILLE, UT 84663-0420

RIDINGWEST LLC
2068 S MOUNTAIN VISTA LN
PROVO, UT 84606

ROACH, VERLA A
3642 S 2000 W
SPANISH FORK, UT 84660-5257

ROBERTS, JOHN GREG
2705 N 550 E
PROVO, UT 84604-5939

ROGERS, ROBERT D & V DENISE
232 E 1500 S
AMERICAN FORK, UT 84003

ROTH, JAMES M & MARLENE
272 SUNRISE CIR
SARATOGA SPRINGS, UT 84045-8128

S L NERDHERDER LC (ET AL)
4250 S ROWLAND DR
SALT LAKE CITY, UT 84124

SALT LAKE CITY
1530 S WEST TEMPLE
SALT LAKE CITY, UT 84115

SARATOGA SPRINGS
2015 S REDWOOD RD
SARATOGA SPRINGS, UT 84045

SARATOGA SPRINGS HOMEOWNERS ASSOCIATION INC
PO BOX 35
LEHI, UT 84043-0035

SEALE, DOUGLAS ALAN & CAROLYN (ET AL)
1633 N 680 W
OREM, UT 84057-2534

SES 108 LLC
16009 DUNBAR PL EL
CAJON, CA 92021

SILCOX LC (ET AL)
3206 E LANTERN HILL CT
COTTONWOOD HEIGHTS, UT 84093

SIMONSEN, ANTOINETTE YOUNG & MARK STEVEN
888 S ISLAND RD
SARATOGA SPRINGS, UT 84045

SMITH, A DOYLE & REVA
10453 W 2400 S
SARATOGA SPRINGS, UT 84045

SOUTH POINT DEVELOPMENT LLC
405 S MAIN ST STE 800
SALT LAKE CITY, UT 84111

SOUTH SHORE FARMS
5625 W 12000 S
PAYSON, UT 84651-9695

SOUTH SIDE PROPERTIES LLC
6499 W AVERY AVE
HIGHLAND, UT 84003

SPRINGVILLE CITY
110 S MAIN
SPRINGVILLE, UT 84663

KAOPUA, SHANE & NEDRA
1845 W 525 S
OREM, UT 84058

KENDELL, KRISTIN SPENCER
268 RIVER VIEW DR
ALPINE, UT 84004-1352

KUMP, IRMA Y
411 CATTAIL CT
SARATOGA SPRINGS, UT 84045-8119

KUNZE, KYLE S & DIANA M
289 ISLAND RD
SARATOGA SPRINGS, UT 84045-8115

L H PERRY INVESTMENTS LLC
17 E WINCHESTER ST
MURRAY, UT 84107-5611

LAKEFRONT TOWNHOMES ASSOCIATION
12227 BUSINESS PARK DR STE 200
DRAPER, UT 84020

LAKEPORT BUSINESS PARK LLC
791 N 100 E # 100
LEHI, UT 84043

LAKESIDE STORAGE LLC
4095 W CENTER
PROVO, UT 84601

LANDYN, CAROLE
3595 OLD CONEJO RD UNIT B
NEWBURY PARK, CA 91320-2122

LARSON, MARTIN & BELINDA
165 E 800 N
GENOLA, UT 84655-5037

LEE, JEFFREY SCOTT & DEBRA DAWN (ET AL)
PO BOX 2113
PROVO, UT 84603-2113

LEFLER, RANDY R & LORELIE N
866 E ISLAND RD
SARATOGA SPRINGS, UT 84045

LEHI CITY CORPORATION
153 N 100 E
LEHI, UT 84043-1852

LEONARD AND SWANNY SIMPSON TRUST 04-29-2017 THE (ET AL)
3149 N 980 W
LEHI, UT 84043-6512

LEWIS, STEPHANIE
263 N 350 W
VINEYARD, UT 84059

LIEBER, CONSTANCE L & WILFORD K (ET AL)
931 S DIESTEL RD
SALT LAKE CITY, UT 84105

LIEBER, WILFORD & MARY JEAN
1360 E BRYAN AVE
SALT LAKE CITY, UT 84105

LIEBER, WILFORD K
1455 S 1100 E
SALT LAKE CITY, UT 84105

LOWERY, THOMAS GRAY JR & LISA
598 REDWOOD RD
SARATOGA SPRINGS, UT 84045

M MORENO ROBINS PROPERTIES LC
3373 N 175 E
PROVO, UT 84604-4506

MALLARD BAY HOMEOWNERS ASSOCIATION
2940 W MAPLE LOOP DR # 101
LEHI, UT 84043

MARKHAM, DON C & LUANNE
4196 S PELICAN LN
SARATOGA SPRINGS, UT 84045

MCGHIE, PAULETTE & VON
416 E CATTAIL CT
SARATOGA SPRINGS, UT 84045

MCLACHLAN, SCOTT
PO BOX 37
LEHI, UT 84043-0037

MERRILL, SETH L & BROOKE
249 N BAY DR
VINEYARD, UT 84059

MONEY, BRENT E & KRIS (ET AL)
1176 PALMYRA DR
SPANISH FORK, UT 84660-5035

MONK, KEVIN JOHN & BRENDA F
4468 S 1750 W
SPANISH FORK, UT 84660-5244

MOSIDA HOLDING LLC
704 N 1890 W
PROVO, UT 84601-1331

NIELSEN VALVE & SUP (ET AL)
PO BOX 981014
PARK CITY, UT 84098-1014

OBERHANSLY, DON SCOTT & BRENDA
8955 ARROWHEAD TRL
SALEM, UT 84653

AC COX LC
1344 S 1100 W
Provo UT 84601

ACJ INVESTMENTS LLC
407 N MAIN ST
Springville UT 84663

AFCC LIMITED
2733 E PARLEYS WY
STE 300
Salt Lake City UT 84109

ALLEN, BENJAMIN
3606 W CENTER ST
Provo UT 84601

AMBRO & SON LLP
2500 COUNTRY ROAD 42 W
BURNSVILLE MN 55337

AMERICAN FORK CITY
51 E MAIN ST
American Fork UT 84003

AMERICAN FORK CITY CORPORATION
31 N CHURCH
American Fork UT 84003

ANDERSON GENEVA LLC
300 S 1350 EAST
F12
Lehi UT 84043

BILL ANDERSON
4068 N CANYON RD
Provo UT 84604

ARCHAEOLOGICAL CONSERVACY THE
1717 GIRARD BLVD NE
ALBUQUERQUE NM 87106

SANFORD SCOTT & PAMMY J ARGYLE
763 W 1560 S
Provo UT 84601

MARK BALLARD
1030 S WATERSIDE DR
Saratoga Springs UT 84045

SHAWN BASSIR
263 SUNRISE CIR
Saratoga Springs UT 84045

BATEMAN LAND AND LIVESTOCK LLC
6725 S 13650 W
Elberta UT 84626

BAYSIDE SHORES LLC
PO BOX 971421
Orem UT 84097

BAYVIEW SUBDIVISION PLAT A HOMEOWNERS ASSOCIATION INC
679 W 650 S
Lehi UT 84043

BEDDOES, DAN E & PAMELA
427 S 340 W
Spanish Fork UT 84660

BENNETT, STEVEN MARK & JOANNE
858 S ISLAND RD
Saratoga Springs UT 84045

BILLS, ALLISON (ET AL)
65 WESTNORWAY MAPLE DR
Vineyard UT 84059

BILLS, DARREN L & DEBRA G
19921 SE 242ND PL
Maple Valley WA 98038

BIRCH, LELAND JAY & SHARALYN (ET AL)
1572 E 350 S
Springville UT 84663

BUFFO, ZOLA JOANN (ET AL)
PO BOX 207
Springville UT 84663

BUNNELL FEED INC
1666 N GENEVA RD
Provo UT 84601

CALIBUSO, KRISTIAN & MELISSA
293 N BAY DR
Vineyard UT 84059

CASUTT, BRYANT L (ET AL)
221 W ARROWHEAD TRAIL RD
Spanish Fork UT 84660

CHERRY HILL DAIRY FARM LLC
1785 S GENEVA RD
Orem UT 84058

CHRISTENSEN LAKESHORE PROPERTIES LLC
19 N 900 E
American Fork UT 84003

CHRISTENSEN, JONATHAN
998 N 1200 W
Orem UT 84057

CHUN, PETER G & CHRISTINE
696 S 5 W
Vineyard UT 84059

CITY OF LINDON
100 N STATE ST
Lindon UT 84042

CITY OF OREM
56 N STATE ST
Orem UT 84057

CITY OF SARATOGA SPRINGS
1307 N COMMERCE DR
STE 200
Saratoga Springs UT 84045

CLARK, JULIA A (ET AL)
4105 N TIMPVIEW DR
Provo UT 84604

CLEARWATER HOLDINGS LLC
PO BOX 420
Springville UT 84663

CLEGG, DARREL L
4844 N 300 W
STE 300
Provo UT 84604

CLEGG, PATRICIA B (ET AL)
345 S HOLDAWAY RD
Vineyard UT 84059

CLINGER FAMILY PARTNERSHIP
1511 S GENEVA RD
Orem UT 84058

CMC WEST MOUNTAIN LLC
515 SHEFFIELD DR
Provo UT 84604

COLEMAN, DAN JARED & JANA RANAE
832 S SONGBIRD LN
Saratoga Springs UT 84045

COOK, RANDALL & SHERI
260 E SUNRISE CIR
Saratoga Springs UT 84045

CORP OF PRES BISHOP CHURCH OF JESUS CHRIST OF LDS
PO BOX 511196
Salt Lake City UT 84151

COWDEN, CHRIS M
2473 S COLT DR
Saratoga Springs UT 84045

CRANDALL PROPERTIES LTD
1034 S MAIN ST
Springville UT 84663

DAVIS, EDDIE
PO BOX 147
Goshen UT 84633

DELTA V TECHNOLOGY INC
416 COMMERCE RD
Orem UT 84058

DESPAIN RANCH LC
1185 E 2080 N
Provo UT 84604

DKJN LTD
2837 W 7300 S
Spanish Fork UT 84660

DRAPER, BRYAN K & CAROL J
151 S MAIN ST
Genola UT 84655

ECHO RIDGE LC (ET AL)
210 N PRESTON DR
Alpine UT 84004

EL NAUTICA CORP
6742 S BALFOUR LN
Murray UT 84123

ELLIOTT, BERT ARNOLD (ET AL)
PO BOX 217
Payson UT 84651

ENSIGN, DONALD F & PHYLLIS B (ET AL)
2848 E 3335 S
Salt Lake City UT 84109

EVANS, JAMES S & SUSAN S
497 N MAIN ST
Salem UT 84653

FALLER, JASON & ELIZABETH
34 E 1430 N
Orem UT 84057

FLAGBOROUGH LLC
2733 E PARLEYS WAY
STE 300
Salt Lake City UT 84109

FLAGSHIP GENEVA PARK LLC
300 S 1350 E
FL 2
Lehi UT 84043

FOBAIR, BARTA
802 SONGBIRD LA
Saratoga Springs UT 84045

FOWERS FRUIT RANCH LC
215 S 800 E
GENOLA, UT 84655-6024

FRANCOM, DARIN L & FELICIA
414 E CATTAIL CT
SARATOGA SPRINGS, UT 84045

GALICIA-CASTILLO, JEZER (ET AL)
810 S SONGBIRD LN
SARATOGA SPRINGS, UT 84045

GASSAWAY, TERRANCE L JR & MARIA H (ET AL)
818 S SONGBIRD LN
SARATOGA SPRINGS, UT 84045

GLEAVE, KAREN & WINSTON (ET AL)
9695 N 6530 W
HIGHLAND, UT 84003-9232

GRAHAM, CARILYN
3591 N 2550 W
FARR WEST, UT 84404

GREATER STOCK COMPANY OF UTAH LLC
560 S STATE ST # B1
OREM, UT 84058-6331

GREEN, DARRYL
1008 S ALTAVILLE DR
SANDY, UT 84092

GROVES, EUNICE A
874 ISLAND RD
SARATOGA SPRINGS, UT 84045-8117

GT MEDICAL HOLDINGS LLC
545 W 500 S STE 120
BOUNTIFUL, UT 84010

H-5 VENTURES LLC (ET AL)
PO BOX 970310
OREM, UT 84097-0310

HAERING, ROBERT LEWIS & DOROTHY JEAN (ET AL)
238 VISTA CT
SARATOGA SPRINGS, UT 84045-8114

HAILES, PAULINE P & JOHN M
5056 BLACK TWIG DR
SOUTH JORDAN, UT 84009

HALES, LYNN RAY & SHARON H
763 W 6400 S
SPANISH FORK, UT 84660-9640

HALL, TRAVIS R
824 SONGBIRD LA
SARATOGA SPRINGS, UT 84045-8143

HANSEN, ANTHONY
341 E SONGBIRD LN
SARATOGA SPRINGS, UT 84045

HANSON, LA RENE B (ET AL)
1833 E 600 S
SPANISH FORK, UT 84660-2762

HCTS PROPERTY LLC
5513 W 11000 N # 513
HIGHLAND, UT 84003

HENRY JAMES CONSORTIUM LLC
724 N 1890 W
PROVO, UT 84601-1322

HERITAGE CUSTOM HOMES LLC
6 SHADOW WOOD LN
SANDY, UT 84092

HERON HILLS HOME OWNERS, LLC
935 W CENTER STREET LINDON
LINDON, UT 84042

HFT LAKSHORE LLC
520 S 850 E STE A4
LEHI, UT 84043

HINCKLEY, G MARION & NITA J (ET AL)
285 S 3110 W
PROVO, UT 84601-3647

HOLDAWAY, KEITH R & JONI V
367 S HOLDAWAY RD
VINEYARD, UT 84059-2625

HORTON, FRANK ARNOLD (ET AL)
1101 E CHEVY CHASE CIR
SALT LAKE CITY, UT 84117

HUBBARD, JEFFREY D & LYNETTE M
239 E VISTA CT
SARATOGA SPRINGS, UT 84045

IVORY TEGUAYO HOLDINGS LLC (ET AL)
978 WOODOAK LN
SALT LAKE CITY, UT 84117

J & K - UTAH LLC
1117 S WASHINGTON AV
SAGINAW, MI 48601

J LAWRENCE LAVERY FAMILY TRUST 09-30-2017 (ET AL)
2969 N LAKE RD
GENOLA, UT 84655-5080

JDH SPRINGVILLE LLC
1450 W 1850 N
LEHI, UT 84043-5652

JOHNSON, NATHAN B & DONNA S
1356 S GENEVA RD OREM, UT 84058-2206
OREM, UT 84058-2206

JOHNSON, WANDA L
1269 S GENEVA RD
OREM, UT 84058-2205

K&L HOMES LLC (ET AL)
1016 S CINNAMON HILLS DR
PROVO, UT 84606

SSUT LLC
17 KIEL AVE # 1
KINNELON, NJ 07405

STEELE, DELRAY (ET AL)
PO 664
SANTAQUIN, UT 84655

STILL SURFACE LLC
401 E 10230 S
SANDY, UT 84070

STUBBS, JEFFERY LEON
964 S 1600 W
PROVO, UT 84601-5420

SUMSION, ELVIN GENE & THOMAS CRAIG
1590 W 4000 S
PALMYRA, UT 84660

SWENSON PROPERTIES LLC
2210 E 2200 S
SPANISH FORK, UT 84660-5547

TAM, ALEXANDER & JANETTE
55-220 KULANUI ST BLDG 5 # 2001
LAIE, HI 96762

TAYLOR, MAE MENDENHALL
2954 E MARLEY PL
SALT LAKE CITY, UT 84109

THAYN, PAUL H & DORTHEA
1048 WATERSIDE DR
SARATOGA SPRINGS, UT 84045-8152

THE NATURE CONSERVANCY
559 E SOUTH TEMPLE
SALT LAKE CITY, UT 84102-1004

THOMAS, KAREN KAY HANSEN ARGYLE
5649 S RIVER LN
SPANISH FORK, UT 84660

TIMP MARINA CLUB
PO BOX 5
AMERICAN FORK, UT 84003-0005

TIMPANOGOS SPECIAL SERVICE DIST
6400 N 5050 W
AMERICAN FORK, UT 84003

TIMPANOGOS SPECIAL SERVICE DISTRICT
PO BOX 923
AMERICAN FORK, UT 84003

TOWN OF SARATOGA SPRINGS
9484 7350 N
SARATOGA SPRINGS, UT 84045

TOWN OF VINEYARD
240 E GAMMON RD
OREM, UT 84058

TRIPLE B INVESTMENT GROUP LLC
651 W 2100 N
LEHI, UT 84043-2889

ULUAVE, PETER S & SHERYL D
789 W 1560 S
PROVO, UT 84601-5562

UNITED STATES OF AMERICA
125 S STATE ST # 8107
SALT LAKE CITY, UT 84138

UNITED STATES OF AMERICA
2370 S 2300 W
SALT LAKE CITY, UT 84119-2022

UNITED STATES OF AMERICA
800 W 1200 S
OREM, UT 84058-5999

UNITED STATES OF AMERICA
2370 S 2300 W
SALT LAKE CITY, UT 84119-2022

UNITED STATES OF AMERICA (ET AL)
230 S 500 E # 230
SALT LAKE CITY, UT 84102

USA
491 JOHN GLENN RD
SALT LAKE CITY, UT 84116

UTAH COUNTY
100 E CENTER STE 2300
PROVO, UT 84601

UTAH COUNTY SOLID WASTE AND SPECIAL SERVICE DISTRICT
2000 W 200 S
LINDON, UT 84042

UTAH DEPARTMENT OF TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119-5977

UTAH DEPARTMENT OF TRANSPORTATION
PO BOX 140857
SALT LAKE CITY, UT 84114-0857

UTAH LAKE DEVELOPMENT PROPERTIES LLC
4962 S 1150 W
SPANISH FORK, UT 84660-5139

UTAH LAKE PROPERTY LLC
6320 MAPLEWOOD CIR
SALT LAKE CITY, UT 84121-1911

UTAH LAKE WATER USERS ASSOCIATION INC
175 S MAIN # 1330
SALT LAKE CITY, UT 84111

UTAH STATE DEPT OF NATURAL RESOURCES
1636 W NORTH TEMPLE
SALT LAKE CITY, UT 84116

UTAH TRANSIT AUTHORITY
669 W 200 S
SALT LAKE CITY, UT 84101

VINEYARD CITY
385 N 300 W
VINEYARD, UT 84059

VINEYARD CITY CORPORATION
125 S MAIN ST
VINEYARD, UT 84059

VINEYARD TOWN CENTER MASTER ASSOCIATION
PO BOX 5555
DRAPER, UT 84020-2055

WALDO CO (SOUTH) LP
1468 N 450 E
PLEASANT GROVE, UT 84062-1857

WALDO CO SOUTH LP
2296 N 180 W
PLEASANT GROVE, UT 84062-9091

WALKER, DELL B & JO ANN H
1730 STONEBRIDGE DR UNIT 64
SAINT GEORGE, UT 84770

WHEELER, JAMES B & ROSALIE M
1488 S SAGE VIEW CT
SARATOGA SPRINGS, UT 84045

WHITE EAGLE FARMS LLC (ET AL)
560 S STATE ST CASCADE PLAZA STE B-1
OREM, UT 84058

WILLIAMS, TRAVIS FELT & RACHEL
157 N 590 E
VINEYARD, UT 84059

WINDER, CLAY
998 N 1200 W
OREM, UT 84057

WOODSIDE HOMES OF UTAH LLC
460 W 50 N STE 300
SALT LAKE CITY, UT 84101

YOUD, JOHN D & JANET B
5411 S 3200 W
SPANISH FORK, UT 84660-4324

GPM Enviro Project Manager, LLC Settling Pond
10 South Geneva Rd
Vineyard Utah 84058

Falula Farm Inc.
1031 N Falula Road
Laketown Utah 84038

Lindon Marina
112 S Main Street
Alpine Utah 84004

Utah Waterski Club
11351 Alisa Meadow Dr.
South Jordan Utah 84095

Dave Hatton
1177 E Aspen Ridge Ln
Provo Utah 84604

City of Saratoga Springs
1307 North Commerce Drive, Suite 200
Saratoga Springs Utah 84045

Lehi City
153 North 100 East
Lehi Utah 84043

Eagle Mountain Town
1680 E Heritage Dr
Eagle Mountain Utah 84043

Camp W.G. Williams
17800 S Camp Williams Rd
Riverton Utah 84065-4999

Taylorsville Bennion Improvement
1800 West 4700 South
Taylorsville Utah 84118

Ron Lindorf
182 S 280 W
Orem Utah 84058

Dyno Nobel, Inc
2650 So Decker Lake Blvd #300
Salt Lake City Utah 84119

Utah County Public Works
2855 South State
Provo Utah 84606

Hill Bros Farm
290 N Angel
Kaysville Utah 84037

Thanksgiving Point
3003 North Thanksgiving Way
Lehi Utah 84043