

**Subject:** Expert letter of opposition to Utah Lake Restoration project

Dear USACE,

On behalf of 119 expert signatories, I am sending the attached letter of concern about the Utah Lake Restoration Project.

We find there are fundamental deficiencies in the project, which are not resolved or even addressed in the application. Despite clear requirements from USACE to describe the nature of the activity in adequate detail for public and agency evaluation, the application does not describe the full nature of the proposed activities. Among other problems, nearly no details about the restoration methods or developments on the islands are included, and safety, environmental, and financial risks to the public are not fully explored or mitigated.

Additionally, the applicant has repeatedly misrepresented their own proposal (including after submission of their application) and discouraged public discussion of the project. The content of the proposal and the approach of the applicant undermine the mission of the USACE and defy the statutory requirements of NEPA. Given that this application describes the largest freshwater dredging project in U.S. history, it is especially important that a rigorous, compliant, and transparent process be used to evaluate it.

In this context, we urge you to reject this application until adequate details are provided for a transparent and fulsome scoping process.

Will you please ensure that this email and the attached letter are recorded as part of the public record concerning the application?

Thank you for your service,

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**Ben Abbott**

Assistant Professor of Ecosystem Ecology  
Department of Plant and Wildlife Sciences  
Brigham Young University  
4105 LSB, 701 E. University Parkway  
Provo, UT 84602  
Wednesday, March 30, 2022

As independent scientists, engineers, natural resource managers, recreation managers, and environmental lawyers, we feel compelled to raise a voice of warning about a proposal that could severely damage Utah Lake.

Utah Lake is the largest freshwater lake in Utah and a keystone ecosystem in western North America. The lake creates billions of dollars of value by providing world-class recreational opportunities, water rights, enhanced property values, pollution removal, local precipitation, and habitat for 50 million birds, fish, and other wildlife. Utah Lake has great historical and cultural significance as the homeland of the Timpanogos Nation and the source of food that saved the Mormon Pioneers during crop failures in 1854 and 1855. Decades of local, state, and federal restoration efforts within and around Utah Lake have resulted in ecological recovery, including declining algal blooms, removal of invasive species, recovery of the endangered June Sucker fish (downlisted in 2021), healthy sediments, and establishment of senior water rights protecting the lake level despite the ongoing megadrought.

In 2018, the *Utah Lake Amendments* (HB 272) weakened constitutional protection for Utah Lake, opening the lakebed to possible development. Since then, a company called Lake Restoration Solutions (LRS) has been seeking support for a proposal to build 20,000 acres of artificial islands on Utah Lake (1/5th of the lake's surface). Here is the project [website](#) and [proposal](#). LRS claims their project will provide "comprehensive restoration" of the lake ecosystem at no cost to the people of Utah, referencing \$6.4 billion in undisclosed investments and connections with artificial islands built in Dubai. In 2021, LRS requested and received \$10 million in loan guarantees from the Utah Legislature. In August of 2021, they requested \$893 million in federal loans through the Environmental Protection Agency (EPA) Water Infrastructure Finance and Innovation Act (WIFIA) program, but they were not invited to submit a proposal.

As a group of experts, we have serious concerns about the viability of the LRS proposal, including:

1. ***Intentional disregard of available science about the lake's history, status, and trajectory:*** LRS falsely claims that Utah Lake used to be deep and clear, that waves and evaporation are damaging, that sediment is heavily polluted, that algal blooms are worsening, and that the lake is deteriorating. These claims contradict virtually all [scientific evidence](#), including the state's ongoing [Utah Lake Water Quality Study](#), which has been presented at events attended by LRS.
2. ***Departure from the principles and methods of ecological restoration:*** LRS proposes to dredge the entire lakebed, create artificial islands to house 500,000 people, split the lake into dozens of small and deep impoundments, kill all 10 million fish with rotenone, and then use mechanical water circulators to prevent thermal stratification and dead zones. These efforts do not align with restoration best practices and are likely to reverse the lake's recovery.
3. ***Unprecedented size and scope:*** LRS claims that similar projects have been successfully completed elsewhere. In fact, the proposed islands would be 8-times larger than the world's biggest dredged island (Kansai Airport), and the dredging would be 370-times larger than the largest freshwater dredging project ever completed (Hudson River Cleanup).
4. ***Inadequate expertise:*** Large restoration projects in sensitive ecological areas typically involve teams of researchers, engineers, legal experts, local stakeholders, and government oversight. On the ecological side, LRS has no Ph.D. scientists on their team. On the engineering and legal sides, no project of this scope has been completed anywhere in the world.
5. ***False claims of endorsement and permitting:*** To reassure local and state leaders, LRS has claimed to have endorsement, permitting, or financing from the EPA, Army Corps of Engineers, FFSL, Utah Governor's Office, Utah Legislature, and the Utah Lake Commission. We have heard from most of these entities, none of which have endorsed the project.
6. ***Flawed model:*** LRS' chief design director Robert Scott designed the failed "Palm Deira" in Dubai, which appears to be the inspiration for this project. Even with nearly unlimited money from the Sheikh of Dubai, the island developer Nakheel incurred tens of billions of dollars in debt, only completing 1 of 4

planned archipelagos. Even the partial construction of those islands created massive ecological damage including creation of algal blooms, degradation of water quality, erosion of coastlines, and asphyxiation of sea life. The proposed Utah Lake islands would be 14-times larger than the only completed island project in Dubai (Palm Jumeirah).

7. **Legal and permitting barriers:** The LRS proposal depends on the largest privatization of sovereign state land in Utah history. While the 2018 *Utah Lake Amendments* make this theoretically possible, the transfer would likely result in judicial challenges based on the [public trust doctrine](#). Utah courts have policed this doctrine strictly, including a 2019 clarification by the Utah Supreme Court ([USAC v. VR Acquisitions](#)). At the federal level, this project would be the largest destruction of lake and wetland habitat in modern U.S. history. The islands would cover 1/5<sup>th</sup> of the lake area, and the dredging to build them would impact the entire lake and surrounding shoreline (at least 150 square miles). [The Environmental Impact Statement](#) would likely take more than a decade before being rejected given the requirements of the National Environmental Policy Act, Clean Water Act, and the Rivers and Harbors Appropriation Act.
8. **Shifting liability:** The LRS proposal imposes enormous economic and environmental risk on the citizens of Utah while providing no opportunity for reward. Project failure during design or permitting would leave the state with loan guarantees and reduced credibility regarding management of sovereign state lands. Project failure during construction or development would leave the people of Utah with a multi-billion-dollar cleanup and decades of lost restoration and recreation potential. Even the unlikely prospect of project completion would create a permanently diminished lake stripped of the natural characteristics that have sustained its ongoing recovery.

We urge local, state, and federal leaders to oppose this project and make whatever changes are necessary to prevent similar projects in the future. The 2018 *Utah Lake Amendments* and continued state support of this project damage Utah's credibility and amplify LRS' efforts to spread misinformation about the status and recovery of Utah Lake. Their claims have influenced public perception and shaped the political debate over Utah Lake, undermining legitimate restoration and education efforts.

In this time of dramatic change, we need evidence-based management and legislation to protect this unique, beautiful, and dynamic lake. Utah Lake has sustained our predecessors and ancestors for thousands of years. It is now our opportunity and responsibility to sustain Utah Lake for future generations.

Sincerely,

The undersigned

<b>Benjamin W. Abbott</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Byron Adams</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Kurt Anderson</b>	Ph.D., University of California, Riverside, Ecology/environmental science
<b>Michelle Baker</b>	Ph.D., Utah State University, Ecology/environmental science
<b>Mark C. Belk</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Patrick Belmont</b>	Ph.D., Utah State University, Ecology/environmental science
<b>Peter Billman</b>	M.S., University of Connecticut, Ecology/environmental science
<b>Cassandra Bingham</b>	M.S. candidate, Utah Valley University, social impact
<b>Maria Blevins</b>	Ph.D., Utah Valley University, Recreation/community design
<b>Stephen Bloch</b>	J.D., Legal director for the Southern Utah Wilderness Alliance, Policy/law
<b>Hope Braithwaite</b>	M.S., Utah State University, Ecology/environmental science
<b>M. Syndonia Bret-Harte</b>	Ph.D., University of Alaska Fairbanks, Ecology/environmental science
<b>Brook B. Britt</b>	Ph.D., Brigham Young University, Geology/physical science
<b>Rachel Buck</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Eddy Cadet</b>	Ph.D., Utah Valley University, NEHA, Ecology/environmental science
<b>Greg Carling</b>	Ph.D., Brigham Young University, Geology/physical science
<b>Katrina Catalano</b>	Ph.D. candidate, Rutgers University, Ecology/environmental science
<b>Chad Chorniak</b>	Owner/Operator Timpanogos Yacht Club, Recreation/community design

<b>Jon Chorover</b>	Ph.D., University of Arizona, Ecology/environmental science
<b>Charles Andrew Cole</b>	Ph.D., Penn State, Ecology/environmental science
<b>Marc Coles-Ritchie</b>	Ph.D., Mormon Environmental Stewardship Alliance, botany
<b>Marilee Coles-Ritchie</b>	Ph. D., Westminster College, Indigenous/traditional ecological knowledge
<b>Norman Jesse Cone IV</b>	M.S., Great Basin Institute, Ecology/environmental science
<b>Lafe Conner</b>	Ph.D., Wasatch High School, Ecology/environmental science
<b>Brigham Daniels</b>	J.D., Ph.D., Brigham Young University Law School, Policy/law
<b>Madison Drew Daniels</b>	B.A., Southern Utah Wilderness Alliance, Worked for the Utah Lake Commission
<b>Paula Dean</b>	B.A., Restoration Ecology, Ecology/environmental science
<b>Tim Demko</b>	Ph.D., Arizona State Land Department (retired), Geology/physical science
<b>Steven H. Emerman</b>	Ph.D., Owner, Malach Consulting, LLC, Geology/physical science
<b>Katherine M. Enberg</b>	M.S., Natural Resource Management Wildlife Biology
<b>Dr. Joanna Endter-Wada</b>	Ph.D., Utah State University, Policy/law
<b>Isabella M. Errigo</b>	M.S. candidate, Brigham Young University, Ecology/environmental science
<b>Courtney Flint</b>	Ph.D., Utah State University, Natural Resource Social Science
<b>Andrew P. Follett</b>	J.D. candidate, Yale Law School, Policy/law
<b>Paul Frandsen</b>	Ph.D., Brigham Young University, Molecular ecology
<b>Rebecca Frei</b>	B.S., University of Alberta, Ecology/environmental science
<b>Dawson Furner</b>	B.S., UVU Outdoor Adventure Center, Ecology/environmental science
<b>Mehran Ghandehari</b>	Ph.D., Engineering
<b>Gordon Gianniny</b>	M.S. candidate, Utah State University, Ecology/environmental science
<b>Richard Gill</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Dr. Fredric R. Govedich</b>	Ph.D., Southern Utah University, Ecology/environmental science
<b>Amelia Grose</b>	Ph.D. candidate, Michigan State University, Ecology/environmental science
<b>Emma Haines</b>	M.S., California State University, Monterey Bay, Geology/physical science
<b>Dr Neil C Hansen</b>	PhD, Brigham Young University, Ecology/environmental science
<b>James G. Harris</b>	Ph.D., Professor Emeritus, Utah Valley University, Ecology/environmental science
<b>William Heyborne</b>	Ph.D., Southern Utah University, Ecology/environmental science
<b>Katelyn Hickman</b>	B.S., Utah Valley University, Ecology/environmental science
<b>Sophie Hill</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Sarah Hinnert</b>	Ph.D., University of Utah, Ecology/environmental science
<b>Daniel Horns</b>	Ph.D., Utah Valley University, Geology/physical science
<b>Heidi M Hoven</b>	Ph.D., Non-profit conservation organization, Ecology/environmental science
<b>Joel C. Janetski</b>	Ph.D., Brigham Young University, History/culture
<b>Karl Jarvis</b>	Ph.D., Southern Utah University, Ecology/environmental science
<b>Jerry Johnson</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Erin Fleming Jones</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Amber Jones</b>	M.S., Utah State University, Engineering
<b>Cami Kenworthy</b>	B.S., Ecology/environmental science
<b>Karin M Kettenring</b>	Ph.D., Utah State University, Ecology/environmental science
<b>Roger T. Koide</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Kelly Kopp</b>	Ph.D., Utah State University, Ecology/environmental science
<b>Kevin Landom</b>	M.S., Utah State University, Ecology/environmental science
<b>Gabriella Lawson</b>	M.S., Ecology/environmental science
<b>Bremen Leak</b>	M.B.A., Brigham Young University, Change management/communications
<b>Raymond Mark Lee</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Josh LeMonte</b>	Ph.D., Brigham Young University, Geology/physical science
<b>Audrey McCombs</b>	Ph.D. candidate, Iowa State University, Ecology/environmental science
<b>John McLaren</b>	M.S., Utah State University, Ecology/environmental science
<b>LaVere Merritt</b>	Ph.D., Brigham Young University, Engineering
<b>Nancy O Mesner</b>	M.S.E., M.S., Utah State University, Policy/law
<b>Jessica Murray</b>	Ph.D. candidate, Utah State University, Ecology/environmental science

<b>Stephen T. Nelson</b>	Ph.D., Brigham Young University, Geology/physical science
<b>Daren T Nelson</b>	Ph.D., Utah Valley University, Geology/physical science
<b>C. Riley Nelson</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Sarah Null</b>	PhD, Utah State University, Ecology/environmental science
<b>Jonathan O'Donnell</b>	Ph.D., Ecology/environmental science
<b>Elizabeth Perkin</b>	Ph.D., Ecology/environmental science
<b>Kara Kawakami Petty</b>	B.S., Contractor, Archaeology
<b>Joel Podgorski</b>	Ph.D., Swiss Federal Institute of Aquatic Science and Technology, Ecology
<b>Thomas M. Power</b>	Ph.D., Economics Department, University of Montana, Economics/financing/business
<b>Dr. Jani Radebaugh</b>	Ph.D., Brigham Young University, Geology/physical science
<b>Dr. Russell Rader</b>	Ph.D., Brigham Young University, Aquatic Ecology
<b>Dustin Ranglack</b>	Ph.D., University of Nebraska at Kearney, Ecology/environmental science
<b>Lis Regula</b>	Ph.D., Ecological Society of America, Ecology/environmental science
<b>Kimberly Reynolds</b>	B.S., UVU OAC Program Director, Recreation/community design
<b>David C. Richards</b>	Ph.D., OreoHelix Ecological, Ecology/environmental science
<b>Donna Rizzo</b>	Ph.D., University of Vermont, Engineering
<b>Keryn Ross</b>	M.S., Brigham Young University, Geology/physical science
<b>Joshua Roundy</b>	Ph.D., University of Kansas, Geology/physical science
<b>Sam Rushforth</b>	Ph.D., Owner, Manager, Rushforth Phycology, Ecology/environmental science
<b>John C Schmidt</b>	Ph.D., Utah State University, Geology/physical science
<b>Michael T. Searcy</b>	Ph.D., Brigham Young University, Indigenous/traditional ecological knowledge
<b>Jake M. Serago, P.E.</b>	M.S., Professional Engineer, Engineering
<b>Erin C. Seybold</b>	Ph.D., University of Kansas, Ecology/environmental science
<b>Kevin Shurtleff</b>	Ph.D., Utah Valley University, Ecology/environmental science
<b>Andrew South</b>	Ph.D., Brigham Young University, Engineering
<b>John R. Spear</b>	Ph.D., Colorado School of Mines, Ecology/environmental science
<b>Lee Stanish</b>	Ph.D., University of Colorado, Ecology/environmental science
<b>Sam StClair</b>	Ph.D., Brigham Young University, Ecological Society of America, Ecology
<b>Dan Stephen</b>	Ph.D., Utah Valley University, Geology/physical science
<b>Ryan Stewart</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Alyssa J Traughber</b>	B.S., Ecology/environmental science
<b>Nancy Van Wagoner</b>	PhD, Thompson Rivers University, Geology/physical science
<b>Kathryn Ellen Van Wagoner</b>	Ph.D., Weber State University, Recreation/community design
<b>Sara Wall</b>	M.S., Utah State University, Geology/physical science
<b>Weihong Wang</b>	Ph.D., Utah Valley University, Ecology/environmental science
<b>Samuel A Wells</b>	Ph.D., Southern Utah University, Freshwater Biologist
<b>Clayton White</b>	Ph.D., Brigham Young University, Ecology/environmental science
<b>Dr. C. David Whiteman</b>	Ph.D., University of Utah, Geology/physical science
<b>Dr. Peter R Wilcock</b>	Ph.D., Utah State University, Geology/physical science
<b>Dr. Wayne Wurtsbaugh</b>	Ph.D., Professor Emeritus, Utah State University, Ecology/environmental science
<b>Jay Zarnetske</b>	Ph.D., Michigan State University, Geology/physical science

In addition to these 111 public signatories, 8 additional experts in lake ecology, water resources, recreation management, or atmospheric science signed anonymously because of employer restrictions or political considerations.