

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM  
COMMITTEE**

Wednesday, April 19, 2006 – 9:00 a.m. – Room W125 House Building

**Members Present:**

Rep. Roger E. Barrus, House Chair  
Sen. Gene Davis  
Sen. Parley G. Hellewell  
Sen. Michael G. Waddoups  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. Margaret Dayton  
Rep. Carl W. Duckworth  
Rep. James R. Gowans  
Rep. Kory M. Holdaway  
Rep. Bradley T. Johnson  
Rep. John G. Mathis  
Rep. Ronda Rudd Menlove

Rep. Michael E. Noel  
Rep. David Ure  
Rep. Richard W. Wheeler  
Rep. Mark A. Wheatley

**Members Absent:**

Sen. Beverly Ann Evans  
Sen. Thomas V. Hatch, Senate Chair

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Ms. Emily Brown, Associate General Counsel  
Ms. Joy L. Miller, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Barrus called the meeting to order at 9:10 a.m.

**MOTION:** Sen. Hellewell moved to approve the minutes of the November 9, 2005 meeting. The motion passed unanimously. Sen. Davis and Rep. Dayton were absent for the vote.

**2. Utah Snowpack Conditions**

Mr. Tim Bardsley, Hydrologist, Natural Resources Conservation Service, discussed snowpack conditions throughout Utah. He noted that most areas of the state have an average snowpack. Bear Lake, Flaming Gorge, and Lake Powell will not be full this year due to the severe drought Utah has experienced.

**3. Southern Nevada Water Development - Water Resources Study**

Mr. Allred discussed "Public Law 108-424, 108th Congress." He explained that HR 4593 granted to the SNWA (Southern Nevada Water Authority) and Lincoln County Water District nonexclusive rights-of-way to federal land to build a water conveyance system. The project involves groundwater aquifers that are in both Utah and Nevada.

Mr. Mike Styler, Executive Director, Department of Natural Resources, said HR 4593 requires that both states reach an agreement regarding the diversion of water. Utah and Nevada are working on developing a MOU (Memorandum of Understanding) to determine how to reach that agreement.

Mr. Boyd Clayton, Division of Water Rights, explained that no precedent has been established for dividing groundwater. He noted that Nevada has the right to develop water in its state. Utah must protect its existing water rights, future water needs, and safe yield of groundwater flow system.

Mr. John Harja, Public Lands Policy Office, stated that he was asked to coordinate the state's efforts in the BLM's (Bureau of Land Management) Environmental Impact Statement process.

Mr. Jerald Anderson, Snake Valley resident, said the agreement should be subject to Utah legislative review. To allow the agreement to be negotiated and administered solely by the executive branch would deprive the citizens of Utah the public process to which they are entitled.

Ms. Kathy Hill, Snake Valley resident, said residents have met with SNWA representatives. She commented that the desert is very fragile and needs the water it has access to.

Mr. Ken Hill, Snake Valley resident, expressed concern with the lack of data. He stated that the effects of pumping must be addressed and stressed the need for citizen involvement prior to adoption of the MOU.

Mr. Cecil Garland, Snake Valley resident, indicated the SNWA believes it can take water from the Snake Valley based on two incorrect assumptions: that there is a surplus of water and that there is a deep carbonite aquifer of infinite amounts of water than can be pumped without consequences to other resources.

Mr. Warren Peterson, attorney, noted that it is projected that the SNWA project is needed by 2012. He pointed out that there is no satisfactory federal court jurisdiction or remedy for this issue. Utah's best hope is the Lincoln County land bill provision which refers to the agreement.

Mr. Terry Marasco, Snake Valley resident, expressed concern that residents are being rushed into a deal before the scientific questions have been addressed. He noted that many assets in the area will be lost if the water is taken.

#### **4. Boating Safety Education**

Ms. Brown briefly discussed the issues that remain to be addressed concerning H.B. 4, "Motorboat Driver Licensing and Boating Under the Influence Provisions."

Mr. Dave Harris, Division (Division of Parks and Recreation), distributed a copy of his comments with several supporting documents. He requested that the Legislature assist in reducing Utah's boating fatality and accident rates through boater education legislation.

Mr. Steve Roberts, Division, distributed "Strategies for Boating Operator Education." He outlined five specific options that could be adopted to address the issue. He also asked for the Committee's support in drafting legislation.

#### **5. Committee Letter to the Bureau of Land Management Regarding Private Fuel Storage's Proposed Transfer Facility**

Rep. Barrus reviewed the draft letter written to the BLM regarding the use of public land to facilitate and transfer the storage of spent nuclear fuel.

Ms. Denise Chancellor, Office of the Attorney General, explained that Private Fuel Storage is requesting a right-of-way over 21 acres of public land. If granted, it will cause overlength and overweight trucks to be put onto portions of the I-80 frontage road.

Ms. Dianne Nielson, Executive Director, Department of Environmental Quality, explained that the action of using the road will have impacts but the purpose of setting the land aside is to be able to facilitate the transfer.

Members of the Committee suggested the following points be included within the letter: 1) the possible impacts to the air force bombing range, and 2) the impeded use of the road by traffic going to and from Dugway Proving Ground.

**MOTION:** Rep. Buttars moved to adopt the letter with the proposed additions. The motion passed unanimously. Sen. Davis, Sen. Hellewell, and Rep. Ure were absent for the vote.

## **6. 2006 Interim Study**

Mr. Allred briefly reviewed reports required by 2006 General Session legislation, ongoing reports required by statute, and items referred by the Legislative Management Committee for possible study.

Members of the Committee suggested the following items be considered for interim study:

- proper and timely removal of wildlife killed on state roadways
- whirling disease
- recycling
- state parks maintenance
- impacts of grazing permits and permittees
- nonprofit corporation voting
- nonprofit water companies
- Petroleum Storage Tank Fund issues and Petroleum Storage Tank Trust Fund

## **7. Other Items / Adjourn**

Chair Barrus indicated that the Utah Farm Bureau Federation has invited the Committee to tour dairy, egg, and turkey farms within the state and to discuss conservation issues.

**MOTION:** Sen. Davis moved to adjourn. The motion passed unanimously.

Chair Barrus adjourned the meeting at 11:40 a.m.