

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

Wednesday, June 21, 2006 – 9:00 a.m. – Room W125 House Building

**Members Present:**

Rep. Roger E. Barrus, House Chair  
Sen. Beverly Ann Evans  
Sen. Parley G. Hellewell  
Sen. Michael G. Waddoups  
Rep. Jackie Biskupski  
Rep. Craig W. Butters  
Rep. Margaret Dayton  
Rep. Bradley T. Johnson  
Rep. James R. Gowans  
Rep. Kory M. Holdaway  
Rep. John G. Mathis  
Rep. Ronda Rudd Menlove  
Rep. Michael E. Noel  
Rep. Richard W. Wheeler  
Rep. Mark A. Wheatley

**Members Absent:**

Sen. Thomas V. Hatch, Senate Chair  
Sen. Gene Davis  
Rep. Carl W. Duckworth  
Rep. David Ure

**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. Sen. Hatch and Rep. Duckworth were excused from the meeting.

**MOTION:** Sen. Waddoups moved to approve the minutes of the April 19 and May 17, 2006 meetings. The motion passed unanimously. Sen. Evans, Rep. Biskupski, Rep. Butters, Rep. Dayton, Rep. Wheatley, and Rep. Wheeler were absent for the vote.

**2. Financing State Parks**

Ms. Mary Tullius, Director, DPR (Division of Parks and Recreation), stated there is a need to develop an ongoing, dedicated, and continual source of funding for existing state park facilities. Renovation and capital development are the primary challenges facing state parks. Many areas of the state are losing customers due to the lack of basic facilities.

Mr. Steve Roberts, Deputy Director, DPR, distributed and reviewed "Funding for State Parks in the Future." He outlined alternative funding sources used in other states. DPR recommends a combination of one-time funding for the payment of bond balances at Wasatch Mountain State Park, removal of the registration fee restrictions on boats, and removal of motor fuel tax limitations for off-highway vehicles.

Sen. Waddoups expressed interest in looking further at registration fees on boats.

Rep. Menlove indicated she would be interested in sponsoring legislation to develop a more stable funding structure for parks and recreation.

### **3. Oil and Gas Company Access to Private Land**

Mr. Spencer Walsh, Law Clerk, Office of Legislative Research and General Counsel, distributed and discussed "A Survey of Selected States' Surface Owner Protection and Damage Compensation Laws." He focused his remarks on what is being done in Montana, Wyoming, and New Mexico.

Rep. Mathis distributed 2007 General Session draft legislation, "Surface Owner Protection Act." The bill requires an operator to give sufficient notice to the surface owner regarding an oil or gas operation and to compensate them for use of the property and for any damages sustained as a result of the operation. The operator must also enter into a surface use and compensation agreement with the surface owner.

Mr. John Baza, Director, Division of Oil, Gas and Mining, distributed a written copy of his comments. He noted that if a specific surface protection law is pursued, it should be narrowly focused, especially with regard to damages considered. Increasing compensation or protection for surface owners would come at a cost that would impact other legislative constituents.

### **4. Removal of Dead Animals from State Highways**

Mr. Tracy Conti, UDOT (Utah Department of Transportation), distributed and reviewed "Removal of Dead Animals from State Highways." Strategies and projects employed by UDOT to prevent this problem include wildlife escape ramps, underpasses, special wildlife fencing, and an Interagency Strategy Study. Roadside vegetation is managed to limit forage plants that will attract browsing animals. He distributed "Wildlife and Domestic Animal Hits in the State of Utah" for the Committee to review.

Mr. Jim Karpowitz, Director, DWR (Division of Wildlife Resources), distributed "Big Game Highway Mortality." He said that over 2,300 road killed deer, elk, and moose were picked up by DWR employees in the past year at an expense of approximately \$156,000. DWR is working closely with UDOT on highway fencing and bypass design projects to reduce road kills.

Rep. Buttars stated that since DWR claims ownership of the wildlife, the main responsibility for removal should lie with DWR. He noted that if one of his animals is killed on the highway, it is his responsibility to remove it. Rep. Buttars suggested there be a more formal correlation between DWR, UDOT, and local law enforcement agencies.

Sen. Waddoups suggested UDOT post signs giving a phone number for motorists to call and notify them of the location of an animal carcass.

Chair Barrus requested that DWR and UDOT develop a process for removing animal carcasses, decide which agency will have primacy, and establish a plan to inform the public. He asked that the agencies report to the Committee later in the year on efforts taken to address the issue.

**5. Other Items / Adjourn**

**MOTION:** Rep. Holdaway moved to adjourn. The motion passed unanimously.

Chair Barrus adjourned the meeting at 11:35 a.m.