

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, September 20, 2006 – 9:00 a.m. – Room W125 House Building

Members Present:

Sen. Thomas V. Hatch, Senate Chair
Rep. Roger E. Barrus, House Chair
Sen. Beverly Ann Evans
Sen. Michael G. Waddoups
Rep. Jackie Biskupski
Rep. Craig W. Buttars
Sen. Gene Davis
Rep. Margaret Dayton
Rep. Carl W. Duckworth
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. David Ure
Rep. Richard W. Wheeler
Rep. Mark A. Wheatley

Members Absent:

Sen. Parley G. Hellewell

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.

1. Committee Business

Chair Hatch called the meeting to order at 9:15 a.m. Sen. Hellewell was excused from the meeting.

MOTION: Rep. Gowans moved to approve the minutes of the July 19, 2006 meeting. The motion passed unanimously. Sen. Davis, Rep. Ure, and Rep. Wheatley were absent for the vote.

MOTION: Rep. Buttars moved to approve the minutes of the August 28-29, 2006 Snake Valley site visit. The motion passed unanimously. Sen. Davis, Rep. Ure, and Rep. Wheatley were absent for the vote.

2. Testing for Whirling Disease

Rep. Noel explained that whirling disease was discovered about 15 years ago. He expressed concern that there are two sets of standards – one for state-owned fisheries and one for private industry.

Sen. Peterson asked the Committee to consider if the testing standards of the American Fisheries Society Blue Book (blue book), which has been adopted by several states, should be followed.

Mr. Tom Baldwin, Director, Veterinary Diagnostic Laboratory, Utah State University, distributed and discussed "Life cycle of Myxobolus cerebralis, the agent of Whirling Disease." He reviewed the testing methodologies that are used. He noted that the blue book outlines all three testing methodologies.

Mr. Leonard Blackham, Commissioner, Department of Agriculture and Food, stated that the private sector can eliminate the disease; however, the process is very expensive. Unless facilities implement new management practices, there will be whirling disease.

Mr. Chris Wilson, Fish Pathologist, Division of Wildlife Resources, distributed two brochures "Whirling Disease and Utah Trout" and "Wildlife Review." He said the disease affects only members of the trout family, not humans. He discussed the state fish hatcheries that have been infected.

Mr. Dennis Blackburn, Pine Creek Trout, Inc., said that after 23 years in the aquaculture business, he received an official quarantine from the state even though his fish have never tested positive in Utah. He noted that if the disease is a public concern, funds should be provided to help the private growers.

Mr. Randy Parker, CEO, Bureau (Utah Farm Bureau), distributed written comments from the Bureau. He said that state facilities infected by the disease received millions of taxpayer dollars to address the problem. He asked that the Legislature consider aquaculture testing based on blue book standards.

Mr. Robert Jeffs, representing independent fish growers, explained that virtually all the contamination likely comes from the wild waters within the state. He expressed concern that there is a substantial risk of cross contamination within the sampling and testing process.

Mr. Mark West, West Haven Fish Ranch, distributed a packet of information titled "Whirling Disease - Facts and Opinions from the Growers' Perspective." He expressed concern that there is no appeal process to dispute the actions of the Department of Agriculture and Food.

Mr. Paul Dremann, Trout Unlimited, said they are opposed to planting diseased fish in public waters. He said they empathize with aquaculture, however, a study by the Fish and Wildlife Service has shown that the economic impact to the state from sport fishing is approximately \$400 million.

3. Transbasin Transfer of Snake Valley Groundwater

Mr. Mike Styler, Executive Director, Department of Natural Resources, updated the Committee on developments in Snake Valley and said the Department of Interior has withdrawn its protests on Spring Valley.

Mr. Boyd Clayton, Assistant State Engineer, gave a presentation on "Utah/Nevada Agreement." He indicated that required elements in the agreement are protection of existing water rights, water division methodology, administration by each state, and use accounting.

Rep. Wheeler distributed and reviewed 2007 General Session draft legislation, "Joint Resolution Regarding Action on Groundwater in Snake Valley."

MOTION: Sen. Davis moved to add the required elements outlined by Mr. Clayton to the resolution.

SUBSTITUTE MOTION: Rep Dayton moved to insert after line 44 "Whereas, the Governor has assured the citizens of western Utah that he would not approve a project that would compromise peoples' lives and livelihoods, and there would be some continuity to their quality of life." The motion passed unanimously. Sen. Evans and Rep. Menlove were absent for the vote.

MOTION: Rep. Johnson moved to adopt the resolution as amended.

SUBSTITUTE MOTION: Rep. Holdaway moved to adopt the resolution and to send a copy of it with a letter, under the signatures of the cochairs, to the recipients listed on the resolution, indicating the Committee's support. The motion passed unanimously. Sen. Evans was absent for the vote.

4. Other Items / Adjourn

MOTION: Rep. Wheeler moved to send a letter to the Waddingham family from the Committee expressing its sympathy with the passing of Mr. Thorpe Waddingham. The motion passed unanimously. Sen. Evans was absent for the vote.

Rep. Gowans asked that written comments from the Utah Farm Bureau regarding Snake Valley groundwater pumping be distributed to the Committee.

MOTION: Rep. Gowans moved to adjourn. The motion passed unanimously.

Chair Hatch adjourned the meeting at 12:10 p.m.