

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**  
Wednesday, November 14, 2007 – 2:00 p.m. – Room W125 House Building

**Members Present:**

Rep. Roger E. Barrus, House Chair  
Sen. Darin Peterson, Senate Chair  
Sen. Margaret Dayton  
Sen. Dennis E. Stowell  
Sen. Michael G. Waddoups  
Rep. Sylvia S. Andersen  
Rep. Melvin R. Brown  
Rep. Jack R. Draxler  
Rep. Carl W. Duckworth  
Rep. Kerry Gibson  
Rep. James R. Gowans  
Rep. Neal Hendrickson  
Rep. John G. Mathis

Rep. Michael E. Noel  
Rep. Patrick L. Painter  
Rep. Phil Riesen  
Rep. Stephen E. Sandstrom  
Rep. Bradley A. Winn

**Members Absent:**

Sen. Gene Davis  
Rep. Glenn A. Donnelson

**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 2:15 p.m.

**MOTION:** Sen. Dayton moved to approve the minutes of the October 17, 2007 meeting. The motion passed unanimously. Sen. Waddoups and Rep. Riesen were absent for the vote.

**2. Energy Advisor Report and Recommendations**

Mr. Ted McAleer, Executive Director, Utah Science Technology and Research, gave a presentation on Utah's conventional and unconventional energy resources. He noted that Utah has a unique opportunity because it is one of the leading states to explore unconventional resources.

Dr. Dianne Nielson, State Energy Advisor, distributed a copy of her presentation "State Energy Advisor's Annual Report 2007," an updated CD version of "Blue Ribbon Advisory Council on Climate Change Report to Governor Jon M. Huntsman, Jr.," and "Utah Renewable Energy Initiative Focus Group Final Report." She indicated the objectives of her report are to review Utah's energy resource production and consumption; identify actions and challenges to energy development, extraction, production/refining, and transportation in 2007; and consider the long-term issues and trends in Utah energy.

**3. Draft Legislation, "Underground Storage Tank Amendments"**

Mr. Allred explained that the bill was drafted as a result of a motion passed by the Committee earlier in the year during a sunset review of the program.

Rep. Andersen explained that the legislation corrects terminology and properly references the federal statute.

Mr. Brad Johnson, Director, Division of Environmental Response and Remediation, distributed an outline of the proposed legislation. He stated they are asking that the statute be changed to reference the

Solid Waste Disposal Act rather than the Resource Conservation and Recovery Act.

**MOTION:** Rep. Gibson moved to adopt 2008 General Session draft legislation, "Underground Storage Tank Amendments" with a favorable recommendation as a committee bill. The motion passed unanimously. Sen. Waddoups, Rep. Duckworth, and Rep. Riesen were absent for the vote.

#### **4. Draft Legislation, "Fire Management"**

Sen. Dayton expressed her appreciation for the work of the Division (Division of Forestry, Fire, and State Lands) and said adjustments need to be made to strengthen its authority.

Mr. Dick Buehler, Director, Division, explained 2008 General Session draft legislation, "Fire Management Areas," which would allow the Division to conduct a limited fire suppression strategy under certain circumstances and to enter into an agreement establishing a predetermined fire suppression plan for a specific fire management area. He noted that the potential exists to save money if some fires are allowed to burn.

**MOTION:** Rep. Gibson moved to adopt 2008 General Session draft legislation, "Fire Management Areas," as a committee bill. The motion passed unanimously. Sen. Waddoups, Rep. Duckworth, and Rep. Riesen were absent for the vote.

#### **5. Draft Legislation, "Water Right Forfeiture Protection"**

Rep. Painter discussed 2008 General Session draft legislation, "Water Right Forfeiture Protection," which protects specific entities from forfeiture of water rights for nonuse. He noted a conflict of interest as an irrigation shareholder. Rep. Painter distributed a folder of background information on the bill.

Ms. Brown briefly pointed out the differences between the current draft and the one that was mailed prior to the meeting.

Rep. Noel stated that he privately owns a water right and works for a water district that would be impacted by the legislation.

Mr. Jerry Olds, State Engineer, distributed an outline "The Proposed Water Right Forfeiture Protection Bill." He stated beneficial use is an important part of water law and any changes should be grounded in those principles. He noted the courts have struggled to define the current law, and he has been criticized for attempting to apply it.

Mayor Jerry Washburn, Orem City, commented that the bill is a compromise of many groups and does not exempt municipalities from forfeiture provisions but allows them to plan for future needs. He stated the bill does not protect cities with arbitrary or capricious need projections. He expressed his support for the legislation.

Mr. Paul Ashton, attorney for Holladay Water Company, explained that even if a private system were technically considered a public water system under the definition, it would have to prove its water need for the reasonable future demands of the public in a supply area for 30 years, which is a difficult burden to meet.

Mr. Fred Finlinson, Chairman, Utah Water Coalition, distributed a memorandum addressing the proposed forfeiture amendments. He spoke in support of the bill.

Mayor Ed Bentley, Green River, indicated the bill would allow the state to respect the forward thinking of all municipalities.

**MOTION:** Sen. Dayton moved to adopt 2008 General Session draft legislation, "Water Right Forfeiture Protection" with a favorable recommendation as a committee bill.

Some members of the Committee expressed concern with treating cities differently than individuals regarding water right forfeiture and with not having received input from the Utah Farm Bureau.

The Committee voted on the motion, which passed with Rep. Gibson and Rep. Mathis voting in opposition. Sen. Stowell, Sen. Waddoups, Rep. Draxler, Rep. Duckworth, Rep. Riesen, and Rep. Winn were absent for the vote.

#### **6. Other Committee Business / Adjourn**

Mr. Allred distributed the report "This is the Place Heritage Park" to the Committee at the request of the Legislative Management Committee.

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

Chair Barrus adjourned the meeting at 5:00 p.m.