

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, September 17, 2008 – 9:00 a.m. – Room W020 House Building

Members Present:

Sen. Margaret Dayton
Sen. Dennis E. Stowell
Sen. Michael G. Waddoups
Rep. Sylvia S. Andersen
Rep. Melvin R. Brown
Rep. Glenn A. Donnelson
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. Darin Peterson, Senate Chair
Rep. Roger E. Barrus, House Chair
Sen. Gene Davis

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 Waddoups called the meeting to order at 9:05 a.m. Rep. Barrus and Sen. Peterson were excused from the meeting.

MOTION: Rep. Draxler moved to approve the minutes of the August 20, 2008 meeting. The motion passed unanimously. Sen. Stowell, Rep. Brown, Rep. Gibson, Rep. Gowans, and Rep. Mathis were absent for the vote.

2. Funds Expedited for Species Protection

Mr. Reed Harris, Director, Recovery Programs, Department of Natural Resources (DNR), distributed and discussed "Endangered Species Mitigation Fund -- FY 2008." He noted fund expenditures for FY 2008 were \$3,034,600. He highlighted what has been accomplished through the Endangered Species Mitigation Fund and reviewed the status of current federal listing activities.

Mr. Mike Styler, Executive Director, DNR, distributed the booklet "2007-2008 Annual Report & Directory of Services" to the Committee.

3. Draft Legislation, "Water Rights - Informal Adjudication"

Rep. Kay McIff discussed 2009 General Session draft legislation, "Water Rights - Informal Adjudications," which was included in the supplemental mailing packet. He noted that the bill amends a section relating to the judicial review of a state engineer's decision in an informal adjudication that would allow the court to consider failure to prosecute a suit to final judgment within a certain time period lack of diligence, rather than requiring the court to dismiss the action.

MOTION: Rep. Winn moved to adopt 2009 General Session draft legislation, "Water Rights - Informal Adjudications" as a committee bill. The motion passed unanimously. Rep. Gibson was absent for the vote.

4. Draft Legislation, "Water Right Applications"

Rep. Painter discussed 2009 General Session draft legislation, "Water Right Applications." He stated that the bill changes the time limit on a water right appropriation for a public water supplier and authorizes the segregation of a water right held by a public water supplier.

Mr. Styler commented that the bill has been endorsed by the Executive Water Task Force.

MOTION: Sen. Dayton moved to adopt 2009 General Session draft legislation, "Water Rights Applications" as a committee bill. The motion passed unanimously. Rep. Gibson was absent for the vote.

5. Recodification of Natural Resources Section of the Utah Code

Ms. Brown distributed and discussed the amendments on pages 7-9 of the recodification legislation. She discussed the language regarding board members' conflict of interest that Rep. Brown, at the August meeting, requested be drafted and brought back before the Committee for further review.

6. Snake Valley Update

Mr. Terry Marasco, Snake Valley Citizens Alliance, distributed a copy of his presentation with supporting documentation to the Committee. He discussed the potential degradation of Wasatch Front air quality that would result from groundwater mining in Snake Valley that has been proposed by the Southern Nevada Water Authority. He said further studies are needed to determine the significant impacts of the proposed mining.

7. West Tavaputs Plateau Natural Gas Development

Rep. Painter introduced Mr. Duane Zavadil, Vice President of Government and Regulatory Affairs, Bill Barrett Corporation (BBC), to present the BBC's proposed development in Carbon County.

Mr. Zavadil explained that the BBC is proposing to drill 800 wells on the West Tavaputs Plateau in Carbon County and expects to produce 1 trillion standard cubic feet of natural gas. He outlined the project's many benefits and discussed the efforts the BBC is taking to address potential environmental impacts. Mr. Zavadil believes that the BBC has put in place the necessary measures to respect the existing resources.

Mr. Styler expressed that the greatest threat to Nine Mile Canyon is mother nature. He believes that the BBC is doing everything it can to be environmentally sensitive.

Mr. Kevin Carter, Director, School and Institutional Trust Lands Administration, expressed his support for the BBC and its efforts to try to do responsible natural resources development.

Mr. Jared Law, Utah Eagle Forum, questioned if there were some way to partner with production companies to provide a supply buffer to ensure Utah's prices don't rise when transporting these natural resources out of state.

Rep. Painter expressed Rep. King's and Sen. Dmitrich's support for the project.

MOTION: Rep. Painter moved to request staff to draft a letter from the committee cochaIRS to the Environmental Protection Agency and the Bureau of Land Management supporting the West Tavaputs project and providing encouragement to expedite the permitting process so that the project can move forward. A copy of the letter would be sent to the Utah Department of Natural Resources and Utah's Congressional delegation.

Rep. Gibson requested that the motion include the following: after the letter is prepared, it will be emailed to the committee members; if no concerns are raised within two days, the letter will be mailed; if there are suggestions to the letter, it will be sent to the Committee for review.

Rep. Painter agreed to amend his motion to include Rep. Gibson's suggestion.

The Committee voted on the motion, which passed unanimously. Rep. Donnelson and Rep. Riesen were absent for the vote.

8. Draft Legislation, "Protections for Agricultural Practices"

Rep. Morley discussed 2009 General Session draft legislation, "Protections for Agricultural Practices." The bill states that agricultural activity is not a nuisance if conducted in accordance with sound agricultural practices.

MOTION: Sen. Dayton moved the following amendment: on line 41, delete "nor" and insert "or". The motion passed unanimously. Rep. Donnelson and Rep. Riesen were absent for the vote.

MOTION: Rep. Noel moved to adopt 2009 General Session draft legislation, "Protections for Agricultural Practices" as a committee bill. The motion passed unanimously. Rep. Donnelson and Rep. Riesen were absent for the vote.

9. Other Business / Adjourn

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

Chair Waddoups adjourned the meeting at 10:50 a.m.