

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, November 16, 2011 – 2:00 p.m. – Room 210 Senate Building

Members Present:

Sen. Ralph Okerlund, Senate Chair
Rep. Roger E. Barrus, House Chair
Sen. Casey O. Anderson
Sen. Allen M. Christensen
Sen. Gene Davis
Sen. Margaret Dayton
Sen. David P. Hinkins
Rep. Joel K. Briscoe
Rep. Melvin R. Brown
Rep. Jack R. Draxler
Rep. Brad J. Galvez
Rep. Neal B. Hendrickson
Rep. John G. Mathis
Rep. Michael E. Noel

Rep. Douglas Sagers
Rep. Stephen E. Sandstrom
Rep. Evan J. Vickers
Rep. Christine F. Watkins
Rep. Ryan D. Wilcox

Members Absent:

Rep. Brad L. Dee
Rep. Bill Wright

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. Tracy J. Nuttall, Associate General Counsel
Ms. Kimberly A. Heiner, 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 Barrus called the meeting to order at 2:18 p.m.

MOTION: Rep. Draxler moved to approve the minutes of the October 19, 2011 meeting. The motion passed unanimously with Rep. Galvez absent for the vote.

2. Water Issues Task Force Report

Rep. Patrick Painter distributed and discussed "Statewide Water Needs and Future Estimated Costs: Report from the Water Issues Task Force." Rep. Painter responded to questions from the Committee.

Chair Barrus turned the chair over to Sen. Okerlund.

Mr. Terry Marasco, Utah Clean Air Alliance, said that Utah needs to emphasize water conservation more.

Mr. Zach Frankel, Director, Utah Rivers Council, said that many other states charge much more for water than Utah charges, and said that the Legislature should consider charging more.

Ms. Allison Rowland, Voices for Utah Children, discussed and distributed "Water Issues Task Force Proposal is Flawed: Utah's General Fund is Already Overstretched."

Dr. Sara Jones, Utah Education Association, said that she has concerns about developing policies that could reduce financial resources for education.

Rep. Painter responded to further questions from the Committee.

3. Agriculture Sustainability Task Force Report

Lt. Governor Greg Bell, chair, Agriculture Sustainability Task Force, discussed and distributed "State of Utah, Agriculture Sustainability in Utah." He said that the Agriculture Sustainability Task Force was created to look at agriculture issues and provide a voice for agriculture issues in the Legislature. Lt. Governor Bell gave an overview of the Task Force.

Commissioner Leonard Blackham, Commissioner, Utah Department of Agriculture and Food, discussed agriculture and irrigation concerns in Utah.

Lt. Governor Bell gave several recommendations to the Committee to improve agriculture in Utah and help Utah farmers succeed.

Lt. Governor Bell and Commissioner Blackham responded to questions from the Committee.

4. Draft Legislation "Department of Environmental Quality Board Revisions" - Sen. Margaret Dayton

Sen. Dayton distributed and discussed 2012 General Session draft legislation, "Department of Environmental Quality Boards Revisions" (2012FL-0255/007).

Mr. James A. Holtkamp, Utah Manufacturers Association, discussed the draft legislation and distributed "Environmental Boards Amendments," a talking points paper. He said that the objective of the bill is to enhance efficiencies.

Sen. Dayton and Mr. Holtkamp responded to questions from the Committee.

Mr. Matt Pacenza, Policy Director, Healthy Environment Alliance of Utah (HEAL), discussed and distributed the handout "DEQ - History of Challenges to Executive Secretary Permit Decisions," which shows the number of Department of Environmental Quality (DEQ) challenges to the Executive Secretary Permit Decisions in Utah in the past five years. He asked the Committee to not take any action on the draft legislation until the public has had time to look at the proposed bills.

Mr. Steve Erickson, Citizens Education Project, said that the Committee may want to replace the executive director as a member of the policy board with a member of the public, since the public no longer has a representative under the newly proposed board structure. He said this could reduce a conflict of interest the executive director could otherwise have.

Ms. Amanda Smith, Executive Director, DEQ, said that the DEQ created a group to look at their processes to find efficiencies and said that the Executive Director of HEAL Utah was part of the discussions to find these efficiencies. She explained that the reason that the group recommended moving the adjudicative role of the boards to the executive director was not because of the volume of DEQ challenges, but because of the conflict of interest that results from the boards current powers and duties. She responded to questions from the Committee.

MOTION: Sen. Dayton moved to adopt 2012 General Session draft legislation, "Department of Environmental Quality Boards Revisions" (2012FL-0255/007) as a committee bill. The motion passed with

Rep. Briscoe voting in opposition and Sen. Anderson, Sen. Davis, Rep. Galvez, and Rep. Vickers absent for the vote.

5. Draft Legislation "Department of Environmental Quality Boards Adjudicative Proceedings" - Sen. Margaret Dayton

Sen. Dayton introduced 2012 General Session draft legislation, "Department of Environmental Quality Boards Adjudicative Proceedings" (2012FL-0079/17), which was mailed to the Committee prior to the meeting.

Mr. Steven Christiansen, Utah Manufacturers Association, distributed and discussed "Department of Environmental Quality, Environmental Permit Review Procedures Bill" and an EPA Federal Register handout.

Ms. Kathy Van Dame, Wasatch Clean Air Coalition, stated that she supports the removal of the adjudicative responsibility from the board. She also said that she is concerned about the possibility of someone from the Attorney General's Office being appointed as the administrative law judge, and that the appearance of impartiality would be improved if the administrative law judge was not someone from the Attorney General's office.

MOTION: Sen. Dayton moved to adopt 2012 General Session draft legislation, "Department of Environmental Quality Boards Adjudicative Proceedings" (2012FL-0079/17) as a committee bill. The motion passed unanimously with Sen. Anderson, Sen. Davis, Rep. Galvez, Rep. Sandstrom, and Rep. Vickers absent for the vote.

6. Draft Legislation "Utah Lands Protection Act" - Rep. Fred Cox

Rep. Fred Cox discussed 2012 General Session draft legislation, "Utah Lands Protection Act" (2012FL-0068/013), which was mailed to the Committee prior to the meeting. He responded to questions from the Committee.

7. Draft legislation "Definition of Wolf in Wildlife Resources Code of Utah" - Sen. Allen Christensen

Sen. Christensen discussed 2012 General Session draft legislation, "Definition of Wolf in Wildlife Resources Code of Utah" (2012FL-0272/005), which was mailed to the Committee prior to the meeting. He responded to questions from the Committee.

Mr. James Karpowitz, Director, Utah Division of Wildlife Resources, said that the bill classifies wolves on the same level as bears and cougars, and said that he thinks it is an important step that needs to be taken to manage wolves in Utah.

Sen. Christensen and Mr. Karpowitz responded to questions from the Committee.

Mr. Ryan Benson, Sportsman for Fish and Wildlife in Utah, discussed the areas of Utah and surrounding states that are delisted for wolves. He also presented a map showing these areas. He encouraged the Legislature to continue to be proactive on this issue.

MOTION: Sen. Dayton moved to approve 2012 General Session draft legislation, "Definition of Wolf in Wildlife Resources Code of Utah" (2012FL-0272/005) as a committee bill. The motion passed with Rep. Briscoe voting in opposition and Sen. Anderson, Sen. Davis, Rep. Vickers, Rep. Mathis, Rep. Wilcox, and Rep. Sandstrom absent for the vote.

8. Adjourn

MOTION: Rep. Watkins moved to adjourn. The motion passed unanimously with Sen. Anderson, Sen. Davis, Rep. Vickers, Rep. Mathis, Rep. Wilcox, and Rep. Sandstrom absent for the vote.

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