

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

Wednesday, October 15, 2014 – 8:40 a.m. – Room 30 House Building

Members Present:

Sen. Scott K. Jenkins, Senate Chair
Rep. Michael E. Noel, House Chair
Sen. Allen M. Christensen
Sen. Jim Dabakis
Sen. David P. Hinkins
Sen. Peter C. Knudson
Sen. Ralph Okerlund
Rep. Jerry B. Anderson
Rep. Roger E. Barrus
Rep. Melvin R. Brown
Rep. Brad L. Dee
Rep. Jack R. Draxler
Rep. Susan Duckworth
Rep. Stephen G. Handy

Rep. Ken Ivory
Rep. John G. Mathis
Rep. Mike K. McKell
Rep. Merrill F. Nelson
Rep. Marie H. Poulson
Rep. Douglas V. Sagers
Rep. R. Curt Webb
Rep. Larry B. Wiley

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. RuthAnne Frost, Associate General Counsel
Ms. Anna M. Allen, 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.leg.utah.gov.

1. Committee Business

Chair Jenkins called the meeting to order at 8:42 a.m.

MOTION: Rep. Noel moved to approve the minutes of the September 17, 2014, meeting. The motion passed unanimously.

2. Report on Consumer Electronic Device Recycling

Mr. Scott Anderson, Director, Division of Solid and Hazardous Waste, discussed "Recycling of Electronic Waste Annual Report." Mr. Anderson stated that the report is a collection of information from the required annual reports of Utah manufacturers of consumer electronic devices. He said that the report also includes a map of electronic waste recycling locations in the state.

3. Energy Report/Review of Energy Policy

Mr. Cody Stewart, Governor's Energy Advisor, said that the annual report, which is required under Utah Code Section 63M-4-201, covers three main topics: (1) the status of energy resources and development in Utah, (2) the activities that the Office of Energy Development is undertaking in support of those efforts, and (3) policy recommendations to improve/streamline state energy code. Mr. Stewart also introduced and distributed the "Utah Energy Primer," which provides a basic overview of energy resources in Utah.

Dr. Laura Nelson, Director, Utah Office of Energy Development, discussed the mission of the office, the benefits of energy production, and specific projects that the office is working on related to energy development. She also discussed some of the upcoming goals of the office for 2015.

4. Raw Milk

Commissioner Luann Adams, Department of Agriculture and Food, introduced the "Annual Report to the NRA&E Committee October 15, 2014."

Ms. Cindy Burnett, Lead Epidemiologist for Enteric Diseases, Bureau of Epidemiology, Utah Department of Health, talked about recent cases of Utahns testing positive for *Campylobacter* after drinking raw milk.

Mr. Travis Waller, Director, Regulatory Services, Department of Agriculture and Food, responded to a question from the committee regarding dairy farms keeping samples of their dairy products. He also talked about the cases of *Campylobacter* discussed by Ms. Burnett.

Commissioner Adams also talked about the current statute and regulations regarding raw milk. Commissioner Adams, Ms. Burnett, and Mr. Waller responded to questions from the committee.

5. Sage Grouse

Mr. Mike Styler, Executive Director, Department of Natural Resources, said that the goal of the Department of Natural Resources is to support a growing, vibrant population of sage grouse. He stated that the department has created a sage grouse coordinating committee, which utilizes the following efforts to address the issue of sage grouse in Utah:

- scientific research and data;
- administrative efforts, including the state sage grouse plan;
- conservation projects to create and protect habitats for sage grouse;
- legislative efforts, such as a year-long contract with Stag Consulting; and
- legal effort to show that the department is doing everything in its power to address the sage grouse issue.

Mr. Ryan Benson, Stag Consulting, presented "Report: Utah Contract 136039." He stated that the contract between Stag Consulting and the Department of Natural Resources is to form a greater sage grouse coordinated consulting team. He discussed how the team's purpose is to develop legal strategies, educate members of Congress, and engage the public regarding sage grouse issues.

6. Tier III Motor Fuel

Mr. Alan Matheson, State Planning Coordinator and Senior Environmental Advisor to the governor, introduced the study item and asked Mr. Bryce Bird, Director, Division of Air Quality, to discuss the issue in more depth.

Mr. Bird gave background information on the Tier III program and talked about the program's importance to Utah. He said that converting to Tier III fuels could improve air quality in an economical way. He specifically stated that Tier III fuels can be used by older vehicles, as well as new vehicles, which would further improve air quality.

Mr. Matheson discussed the regulatory challenges in converting to Tier III fuels. He said that the state cannot require the use of Tier III fuels. He also said that, although Tier III fuels would result in improved air quality overall, the production of Tier III fuels would cause an increase in refinery emissions, which may conflict with the established limit on industrial emissions. Mr. Matheson discussed how the state is

working to address these challenges. He stated that the governor is working with the refineries to voluntarily bring Tier III fuels to Utah sooner than required.

Mr. Lee Peacock, Utah Petroleum Association, representing Utah's petroleum refineries, expressed his appreciation for the committee's discussion of Tier III fuels. He talked about how companies are currently working to address this issue. Mr. Peacock also discussed the cost of using Tier III fuels. He stated that, although there are various cost estimates, the cost of using Tier III fuels is uncertain. However, he also said that adding to the process of removing sulfur from fuel is expensive.

7. State Fairpark

Mr. Michael Steele, Executive Director and CEO, Utah State Fair Corporation, discussed the success of the 2014 Utah State Fair. Mr. Steele stated that the fair made a profit; saw an increase in the number of sponsors; had an attendance of over 300,000; and generally seemed to receive a positive response. Mr. Steele also answered committee questions about possible coordination with Real Salt Lake for the addition of a soccer stadium at the fairpark.

Mr. Joshua Haines, Director, Division of Facilities Construction and Management, talked about the lease for the possible future stadium and said that the partnership is only one way to increase the fairpark's usability. He also discussed how the fair is trying to build partnerships with various entities throughout the city and that the fair should also be focused on improving the fairpark's infrastructure.

Commissioner Adams expressed her hope that as the fair moves forward, agriculture remains its primary focus.

8. Air Quality, Wildfires, Wildfire Reduction Strategies, and the Impact of Federal Land Ownership, Intervention, and Policies

Mr. Robert Grow, President and CEO, Envision Utah, presented "Clean Air Action Team Recommendations" and distributed a handout of the same title. Mr. Grow discussed the "Your Utah Your Future" effort. He also talked about the "Build Your Utah 2050" web app, Utahns' perception of air quality in the state, state air quality priorities, and various recommendations on how to improve air quality.

Mr. Brian Cottam, Director/State Forester, Utah Division of Forestry, Fire, and State Lands, presented "Catastrophic Wildfire Reduction Strategy" (a PowerPoint presentation), distributed "Catastrophic Wildfire Reduction in Utah" and "Catastrophic Wildfire Reduction Strategy Project Summary FY'15," and showed "Catastrophic Wildfire Reduction Strategy" (a Prezi video). Mr. Cottam discussed

- the 2014 wildfire season;
- the Catastrophic Wildfire Reduction Strategy, including the goals of the strategy;
- various fuels reduction projects in the state; and
- 2014 General Session S.C.R. 7, "Concurrent Resolution on Comprehensive Statewide Wildland Fire Prevention, Preparedness, and Suppression Policy."

Sen. Evan Vickers discussed the state's policy on fighting and mitigating wildfires. He emphasized the need for collaboration between different entities, such as municipalities; the federal government; the Division of Forestry, Fire, and State Lands; and firefighters. Sen. Vickers also discussed the importance of providing proper training for firefighters.

The panel of presenters responded to questions from the committee.

Rep. Noel talked about how, at times, bureaucratic processes and policies can make it difficult for local agencies to respond to wildfires.

Mr. Cottam responded to a question from Rep. Ivory about risk assessment models for wildfires.

Mr. Juan Palma, State Director, Bureau of Land Management, expressed appreciation for firefighters. He also stressed the importance of providing the necessary tools and training to ensure the safety of the firefighters.

Mr. Dave Whittekiend, Forest Supervisor, Uinta-Wasatch-Cache National Forest, added to Mr. Cottam's response to Rep. Ivory's previous question.

Mr. Mark Ward, Utah Association of Counties, discussed a public nuisance lawsuit regarding a waterway in Chicago. He said that the district court concluded that a litigant may bring a public nuisance claim against a federal agency. He continued to say that some county commissioners in Utah are so concerned about wildfires that they are considering filing public nuisance lawsuit claims.

Rep. Anderson talked about the consequences of a lack of collaboration between entities and a slow response time to put out wildfires.

Rep. Barrus asked about the plans of the forest service and the Bureau of Land Management to take the lead on various projects, such as mitigation projects and reclamation projects, and collaborative efforts with the state.

Mr. Palma and Mr. Whittekiend responded by giving specific examples of the work of the forest service and the Bureau of Land Management.

Rep. Noel asked about whether the forest service is effectively maintaining the forests in relation to timber produced and timber harvested.

Mr. Whittekiend responded to Rep. Noel's question.

9. Other Items/Adjourn

MOTION: Sen. Christensen moved to adjourn the meeting. The motion passed unanimously with Sen Dabakis, Sen. Hinkins, Sen. Knudson, Rep. Dee, Rep. Draxler, Rep. Mathis, Rep. McKell, Rep. Nelson, Rep. Poulson, Rep. Webb, and Rep. Wiley absent for the vote.

Chair Jenkins adjourned the meeting at 12:01 p.m.