

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**  
Wednesday, June 17, 2009 – 2:00 p.m. – Room 210 Senate Building

**Members Present:**

Sen. Dennis E. Stowell, Senate Chair  
Rep. Roger E. Barrus, House Chair  
Sen. Allen M. Christensen  
Sen. Karen W. Morgan  
Rep. Melvin R. Brown  
Rep. Rebecca Chavez-Houck  
Rep. Brad L. Dee  
Rep. Jack R. Draxler  
Rep. Ben C. Ferry  
Rep. Kerry Gibson  
Rep. James R. Gowans  
Rep. Neal Hendrickson  
Rep. Fred R Hunsaker

Rep. John G. Mathis  
Rep. Michael E. Noel  
Rep. Patrick L. Painter  
Rep. Phil Riesen  
Rep. Ryan D. Wilcox

**Members Absent:**

Sen. Margaret Dayton  
Rep. Bradley A. Winn

**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 Stowell called the meeting to order at 2:15 p.m.

**MOTION:** Rep. Gibson moved to approve the minutes of the May 20, 2009 meeting. The motion passed unanimously. Rep. Dee, Rep. Draxler, Rep. Mathis, and Rep. Painter were absent for the vote.

**2. Coal Gasification**

Dr. L. Douglas Smoot, Senior Engineer, Combustion Resources, Inc., gave a presentation on coal gasification. He explained that coal gasification development has been ongoing since the 1940s and produces fuel-rich combustion. He discussed what is happening worldwide with gasification capacity and its potential.

**3. Water Requirements for Oil Shale Development and Nuclear Power Development**

Mr. Kent Jones, Director, Division of Water Rights, explained that any use of water for oil shale or nuclear development requires a water right in the state. He pointed out that an application has been filed for a nuclear power plant in the Green River area which requests moving 29,600 acre feet of water from Lake Powell to that area.

Mr. Dennis Strong, Director, Division of Water Resources, distributed and reviewed "Utah's Colorado River Allocation." He outlined Utah's allocation, current use, and projected use of the water. Mr. Strong stated water is available for energy projects, but some of it will have to move from one use to another if the demands are as great as what has been discussed.

Dr. Laura Nelson, Vice President, Energy and Environmental Development, Red Leaf Corporation, and Chair, Utah Mining Association Committee on Oil Shale and Oil Sands, gave a presentation to the Committee on "Utah Oil Shale and Oil Sands: Opportunities for Responsible Energy Development." She

distributed a copy of the Executive Summary to the Committee.

Dr. Gary Sandquist, Department of Mechanical Engineering, University of Utah, distributed "Data Sheet on Usage of US Water Resources." He noted the importance of the efficiency of water plants. He stated that hydroelectric is the largest consumer of fresh water of all electrical power generation sources due to evaporation of water from dam sites.

Mr. Aaron Tilton, CEO, Transition Power Development, LLC, distributed a copy of his presentation "Blue Castle Nuclear Project Water Use" to the Committee. He outlined the benefits of using water for nuclear power and explained that when the plant is done using the water rights for the project in about 70 years, the water will return to the lessor conservancy district for use as it sees fit.

Rep. Noel declared that he did not have a conflict of interest on this project.

#### **4. R.S. 2477 - State and Local Government Rights**

Ms. Brown gave a brief history of R.S. 2477. She discussed Utah Code Section 63C-4-104, which was included in the mailing packet. She said the statute requires the Constitutional Defense Council to approve a plan, which has been developed by the state and the counties, that outlines the framework for asserting, defending, and litigating R.S. 2477 rights-of-way.

Mr. John Harja, Public Lands Policy Coordination Office, distributed "Public Lands Policy Coordination Office Report on R.S. 2477 Efforts." He outlined the efforts currently being pursued by the office and discussed the amended plan and litigation involved in the process. He pointed out that they have recorded approximately 2200 B roads.

#### **5. Coal Mining and Reclamation Fees**

This item was not discussed.

#### **6. State Implementation Plan for New PM2.5 Air Quality Standards**

Ms. Cheryl Heying, Director, Division of Air Quality, distributed a copy of her presentation. She explained that the development of the State Implementation Plan is an open stakeholder process and work is already underway to develop the air quality model used to support it. She discussed some early results of the preliminary model.

The Committee took comment on Agenda Item 3 from Mr. Tim DeChristopher, Peaceful Uprising.

Mr. DeChristopher expressed concern with using water for oil shale development, which he felt would be sacrificing Utah's local agriculture. He stated that water uses in communities should be given priority over industrial uses. Mr. DeChristopher responded to questions from the Committee.

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

Chair Stowell adjourned the meeting at 5:05 p.m.