

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, June 19, 2002 – 9:00 a.m. – Room 303 State Capitol

Members Present:

Sen. Parley G. Hellewell, Senate Chair
Rep. Bradley T. Johnson, House Chair
Sen. Leonard M. Blackham
Rep. Eli H. Anderson
Rep. Roger E. Barrus
Rep. Jackie Biskupski
Rep. Craig W. Butters
Rep. David N. Cox
Rep. Glenn A. Donnelson
Rep. Fred J. Fife III
Rep. James R. Gowans
Rep. Thomas Hatch
Rep. Michael R. Styler
Rep. Stephen H. Urquhart

Members Absent:

Sen. Mike Dmitrich
Sen. Bill Wright
Rep. Margaret Dayton
Rep. Darin G. Peterson

Staff Present:

Mr. Brian Allred, Research Analyst
Ms. Jeanenne B. Larson, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Joy Miller, at 538-1032.

1. Committee Business

Chair Johnson called the meeting to order at 9:15 a.m. Sen. Dmitrich was excused from the meeting.

MOTION: Sen. Blackham moved to approve the minutes of the May 22, 2002 meeting. The motion passed unanimously. Rep. Biskupski and Rep. Urquhart were absent for the vote.

2. Update on Drought Conditions in Utah

Commissioner Cary Peterson, UDAF (Utah Department of Agriculture and Food), distributed a copy of an Executive Order issued by the Governor regarding disaster relief for the state. He said they assist the Governor's office in obtaining the data that qualifies farmers, ranchers, and agricultural producers for disaster assistance and programs that are available under emergency funding through the U.S. Department of Agriculture. Attached to the Executive Order are copies of correspondence concerning the requested disaster designation. Commissioner Peterson indicated that all but two counties in the state qualify for drought disaster designation.

Mr. Boyd Critchfield, Farm Services Agency, reported that they have received approval on an emergency basis for livestock producers to use CRP grazing for all counties making the request. He stated that low interest loans are available for emergency conditions. They are anxious to receive approval from the Secretary of Agriculture that would include frost, hail, and high wind damage in addition to drought. He discussed the severity of the losses on grazing and crop destruction in 2001 in Utah. Mr. Critchfield observed that Utah needs a program to assist livestock producers who have suffered drought and have lost their normal grazing. USDA has a livestock assistance program that can be implemented on an emergency basis, but it has not been funded by Congress. There has been discussion at the national level about funding the program, but given the tremendous amount of money spent on the recently approved farm bill, funding

for western ranchers is not a priority.

Mr. Skip Nelson, NRCS (Natural Resources Conservation Service), discussed their Emergency Watershed Protection program which is to provide relief against imminent threat to life or property caused by natural conditions. Drought may apply if it creates the same conditions. He distributed a list of NRCS programs that can assist producers before, during, and after droughts. These include the Environmental Quality Control Program, Small Watershed Program, Agricultural Management Assistance, Resource Conservation and Development Program, and SNOTEL. He reviewed these programs with the committee.

3. Update on Cricket and Grasshopper Infestation in Utah

Mr. Dick Wilson, Division of Plant Industry, distributed a handout "Utah Department of Agriculture and Food Grasshopper/Mormon Cricket Report, June 19, 2002." Utah currently has 3.5 million acres infested. The UDAF has expended \$241,000 to control the insects. To date, 98,500 acres have been treated. USDA-APHIS and UDAF are cooperating to complete a comprehensive survey for both grasshoppers and Mormon crickets to help define infested areas and direct control efforts for the future. Mr. Wilson stated for 2003 the affected area is predicted to increase to approximately 5 million acres. Populations of crickets are pushing from the west central part of the state east and could impact the very central part more extensively in the coming year. Funding for control in 2002 will require an estimated \$350,000 to control grasshoppers and crickets on state lands and cost share control on private lands. Mr. Wilson reviewed the areas being aerially treated and distributed copies of letters from homeowners who continue to be plagued by the insects.

Mr. Robert King, USDA-APHIS gave an update on what has been accomplished on federal administered lands. The cricket baiting program began on April 10. As of June 17, approximately 47,000 pounds of bait has been used. They have treated 4,600 acres and estimate that for every acre treated, the bait manages approximately ten acres. The bait has primarily been placed on rangeland adjacent to cropland. About 67,000 acres of BLM (Bureau of Management) managed lands have been aerially treated with Demolin which is a growth regulator that prevents the grasshopper or cricket from molting.

4. Draft House Joint Resolution Approving the 2002 Utah State / Federal Land Consolidation Agreement

Governor Michael Leavitt announced an agreement for the exchange of lands between the school trust system and the federal government. The state will receive over 135,000 acres and the federal government will receive approximately 108,000 acres. The exchange is a benefit to both the United States and to Utah. The federal government gains unified management over lands with remarkable scenic, recreational, and conservation characteristics and Utah receives lands with greater economic opportunity. The parcels Utah is relinquishing are located in Emery, Grand, and Washington counties. The lands being received by Utah are located in Uintah, Emery, Utah, Washington, and Sevier counties. Each of them have opportunities for residential, commercial, oil and gas, and mineral development. Governor Leavitt stated that the lands acquired will generate revenues into the future. The transaction improves SITLA's (School and Institution Trust Lands Administration) ability to build the trust and will benefit the counties in their economic development activities.

Mr. Stephen Boyden, Director, SITLA, distributed a map of the proposed 2002 Federal-State Trust Lands Consolidation. Properties involve Forest Service lands as well as BLM lands. The agreement is now completed and awaits the necessary signatures. He reiterated that properties to be exchanged are in Emery, Grand, and Washington counties. He said they have traded Forest Service lands for lands in the North Horn area which will provide the necessary access to a coal mine area in Emery County. There are properties along Highway 10 that were acquired that will be put up for auction at the appropriate time to move them into the private sector. Parcels of land have been acquired in Utah County that have the potential for cabin sites. Mr. Boyden said in Washington County they have acquired properties with the potential for more residential improvement and the possibility of a dam site for a reservoir. He reviewed many other areas that are a part of the proposed exchange. He said they have earnestly sought to protect the interests of everyone through the process.

Commissioner Ira Hatch, Emery County, indicated Emery County is most heavily impacted in the agreement. He said the proposal does have merit and he generally supports it. However, Emery County has been left out of the process. Access to public lands is of major concern. He said he hoped SITLA would come back to the county prior to final consummation of the agreement in order to discuss the details of the land trade and access.

Ms. Paula Plant, Utah State Office of Education, distributed two letters from the Utah PTA and the Utah School Boards Association. She stated the first responsibility in the exchange is to make sure it will benefit the schools and school children of Utah. She believed the proposal has the potential to generate a great deal of revenue for the schools and she asked the committee to support it.

Mr. Don Peay, Sportsmen for Fish and Wildlife, indicated that 93,000 acres in the Bookcliffs is a popular free hunting area and is currently in BLM ownership. Through licensing fees the Division of Wildlife Resources pays SITLA \$220,000 per year to maintain access to the existing areas. He expressed concern that access to the area could possibly be prevented after the exchange. Mr. Peay said they feel there should be a good faith, fair market value attempt to allow the people to continue to access the area. Sportsmen would like a license increase and the license money to allow the Division of Wildlife Resources to acquire some SITLA lands as they are disposed of which are valuable wildlife lands.

Rep. Hatch suggested the committee take no action on the resolution until those affected have had the opportunity to review the exchange proposal.

5. Public Notice to Water Users

Mr. Jerry Olds, State Engineer, Division (Division of Water Rights), distributed a handout "Public Notice to Water Users." He stressed the importance of the public notice process. He indicated that they advertise in approximately 45 newspapers throughout the state and process 1,500 to 2,000 applications per year. Mr. Olds reviewed the existing statutes regarding public notice to water users. He pointed out that the average cost to advertise an application is \$20-\$180. The Division has taken a number of cost reduction measures within the last few months. Estimated public notice expenditures for 2002 are \$135,000-\$140,000. H.B. 340 which was passed during the 2002 general session gave them an additional \$30,000 and provided that they could use the filing fees as dedicated credits to cover public notice requirements. A cap of \$150,000 was established and the division gave up \$150,000 to General Fund money. He said they feel the applicant

should pay the cost of the public notice. He indicated that they would also like to have the cap removed. Mr. Olds reviewed the list of alternatives for consideration for public notice.

Mr. Joel Campbell, Utah Press Association, indicated they are studying the issue and would like to be involved in discussions as legislation is prepared. He pointed out that every notice that appears in a daily or weekly newspaper appears on the Internet.

Rep. Styler stated he would be willing to work with the division and interested parties to develop legislation that would meet the needs of those involved and streamline the public notice process.

6. Division of Wildlife Resources Certificates of Registration - Rights of Succession

Mr. Jeffrey Mitchell, RANA (Reptile Amphibian Negotiation Association), distributed a list of code changes they would like to have implemented. He said RANA represents business owners, collectors, breeders, and environmentally concerned individuals. He expressed his concern with R657-3: The Proclamation for Collection, Importation, Transportation and Collection of Zoological Animals. It provides that the COR (Certificate of Registration) which allows a person to hold live animals is not allowed to be transferred. He said state law expressly prohibits the transfer of any of these permits. RANA proposes to establish new legislation which will accommodate those who own wildlife as private property under a COR to be able to pass that wildlife to the estate of a deceased COR holder.

Mr. Kevin Conway, Division of Wildlife Resources, stated that the current statute should not be changed to allow the proposed succession. In many situations, the transfer would be inappropriate. He said he believed the issue is one that could be resolved by changing the rule to state that the division or the board would issue a COR to heirs if they meet the same criteria as the original owner of the certificate.

The committee recommended that Mr. Mitchell work with the division to change the rule to be amenable to both parties. If a resolution could not be reached through rule, the next step would be to draft legislation.

7. Other Items / Adjourn

Rep. Styler asked that the committee hear a report on chronic wasting disease in a future meeting.

MOTION: Rep. Donnelson moved to adjourn the meeting. The motion passed unanimously. Chair Johnson adjourned the meeting at 11:40 a.m.