

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

Wednesday, November 19, 2003 – 10:30 a.m. – Room 303 State Capitol

**Members Present:**

Sen. Beverly Evans, Senate Chair  
Rep. Craig W. Buttars, House Chair  
Sen. Gene Davis  
Sen. Thomas Hatch  
Sen. Parley G. Hellewell  
Sen. Bill Wright  
Rep. Eli Anderson  
Rep. Roger E. Barrus  
Rep. Jackie Biskupski  
Rep. Margaret Dayton  
Rep. Glenn A. Donnelson  
Rep. James R. Gowans

Rep. Bradley T. Johnson  
Rep. Michael E. Noel  
Rep. Loraine T. Pace  
Rep. Darin G. Peterson  
Rep. Michael R. Styler  
Rep. David Ure  
Rep. Stephen H. Urquhart

**Staff Present:**

Mr. Brian Allred, Policy 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 [www.le.utah.gov](http://www.le.utah.gov) or by contacting the committee secretary, Joy Miller, at 538-1032.

**1. Committee Business**

Sen. Evans called the meeting to order at 10:45 a.m.

**2. County Land Use Management Plan**

Rep. Johnson distributed and discussed handouts "Selected Portion of the Federal Land Policy and Management Act of 1976" and "State Planning Coordinator Amendments." He stated that he wanted to create in statute the principles that are important for a state land plan and some direction towards the state planning of the use of federal lands. He welcomed input from the Committee.

Commissioner Dave Haslem, Uintah County, asked that the counties involved be allowed to participate in the planning process.

The Committee returned to discussion of the minutes of the October 15, 2003 meeting under agenda item 1. Rep. Buttars indicated that the first paragraph under agenda item 4 should read "Rep. Buttars briefly discussed H.B. 17, Agricultural Products Dealer's Act Amendments, which was passed during the 2003 General Session."

**MOTION:** Sen. Hellewell moved to approve the minutes of the October 15, 2003 meeting with the change noted by Rep. Buttars. The motion passed unanimously.

**3. Gubernatorial and Legislative Task Force on Alternative Revenue Sources for Water Funding Report**

Sen. Hatch and Rep. Ure reviewed the report of the Task Force which was mailed to the Committee.

The Task Force rejected eliminating the sales tax currently dedicated to water in the state. Sen. Hatch noted that the present funding mechanisms are equitable and well suited to the needs, however, it is not enough. Growth will create new challenges in the state.

Rep. Peterson indicated that the tax in question was a new tax created for a specific purpose and should continue to hold to that same purpose.

Sen. Evans thanked the Task Force for their efforts in developing the report.

#### **4. Hazardous Waste Regulation and Tax Policy Task Force Preliminary Report**

Rep. Urquhart distributed and discussed the preliminary report of the Task Force. He noted that based on information received and visits to waste facilities, the Task Force concluded that waste facilities regulated by the DEQ (Department of Environmental Quality) appear to be in substantial compliance with DEQ regulations. He reviewed the recommendations of the Task Force as outlined. Rep. Urquhart distributed draft legislation, "Hazardous Waste and NonHazardous Solid Waste Fee and Tax Amendments."

Sen. Evans acknowledged the work of the task force.

#### **5. Impacts of Gravel Pits Task Force**

Sen. Knudson and Rep. Ferry distributed and briefed the Committee on the final report of the Impacts of Gravel Pits Task Force. They indicated that they were unable to develop legislation that would meet the needs of the cities. Credit was given to operators and municipalities for being open and willing to discuss the challenges concerning gravel pits.

Sen. Evans thanked Sen. Knudson and Rep. Ferry for the hard work done by the Task Force.

The Committee returned to agenda item 1. Mr. Allred discussed the reports to the Committee that are required by statute. He distributed "Rural Electronic Commerce Communications Systems Fund" which was mailed but was incomplete.

#### **6. Dam Safety**

Rep. Styler indicated that following the 1989 failure of the Quail Creek Dike, the Dam Safety Act of 1990 was enacted. Additional legislation has been passed since that time. Owners feel they are being required to build the dams to a level of safety that is beyond what is reasonable.

Mr. Jerry Olds, State Engineer, distributed and reviewed "Dam Safety Report." He reviewed the studies that have been done regarding dam safety. He said every effort has been made to incorporate the results of the studies into the minimum standards. Mr. Olds discussed the dam rehabilitation priority listing.

Mr. Richard Hall, State Engineer's Office, reviewed the proposed changes in rulemaking to the minimum standard requirements for existing high hazard dams.

**MOTION:** Rep. Johnson moved to endorse the proposed changes to rulemaking. The motion passed unanimously. Sen. Davis, Sen. Hatch, Rep. Anderson, and Rep. Biskupski were absent for the vote.

## **7. Instream Flow**

Rep. Styler gave a brief history of the legislation which allows political subdivisions and charitable organizations to hold certain water rights and allows change applications to be filed for additional purposes.

Mr. Alan Matheson, Trout Unlimited, commented that the organization recognizes there is a connection between healthy fisheries and good fishing. He explained that the legislation outlines that participation is voluntary. There are built in protections for existing water right holders. He stated that entities can not obtain an instream flow right through condemnation or eminent domain.

Mr. Lee Kapaloski, attorney, indicated the bill is not a regulatory imposition on a water right user. It is designed to allow the marketplace to work. The bill is not an appropriations bill and is initiated by those who own the water right.

The Committee discussed the issue at length. It was suggested that the legislation be considered by a task force. No action was taken.

## **8. Other Items / Adjourn**

**MOTION:** Rep. Dayton moved to adjourn the meeting. The motion passed unanimously. Chair Evans adjourned the meeting at 12:50 p.m.