

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**  
Wednesday, October 20, 2010 – 9:00 a.m. – Room 210 Senate Building

**Members Present:**

Sen. Dennis E. Stowell, Senate Chair  
Rep. Roger E. Barrus, House Chair  
Sen. Allen M. Christensen  
Sen. Margaret Dayton  
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 B. Hendrickson

Rep. Fred R Hunsaker  
Rep. Michael E. Noel  
Rep. Patrick L. Painter  
Rep. Phil Riesen  
Rep. Ryan D. Wilcox

**Members Absent:**

Rep. John G. Mathis  
Rep. Bill Wright

**Staff Present:**

Mr. J Brian Allred, Policy Analyst  
Mr. Christopher R. Parker 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.leg.utah.gov](http://www.leg.utah.gov).

**1. Committee Business**

Chair Stowell called the meeting to order at 9:15 a.m.

**MOTION:** Rep. Draxler moved to approve the minutes of the September 15, 2010 meeting. The motion passed unanimously. Rep. Dee, Rep. Gibson, Rep. Noel, and Rep. Painter were absent for the vote.

**2. Department of Environmental Quality Boards**

Sen. Dayton explained that during the last legislative session she proposed legislation that would change the size, focus, and membership of Department of Environmental Quality's (DEQ) advisory boards. She stated she wanted to create a more efficient and effective board structure but hoped that legislation would not be considered until the issue has been fully discussed.

Mr. Tom Bingham, President, Utah Manufacturers Association (UMA), said he is supportive of trying to make these boards work efficiently. He said UMA is attempting to apply the Lean Six Sigma principles used in manufacturing to this process. Mr. Bingham stated he believed that the process will establish a framework for what the boards should look like, who should serve on them, and what the boards' functions should be.

Mr. Steve Avery, Department of Workforce Services, discussed the results of a project he was requested to undertake by Ms. Amanda Smith, Executive Director, DEQ, that would consider how to improve certain processes within the Division of Radiation Control. Based on the outcome, the steering committee formed for the project made the recommendation to take a similar business process improvement approach to the structure, process, and measurement of how boards within DEQ work.

**3. Department of Natural Resources Water Rights Study**

Mr. Mike Styler, Executive Director, Department of Natural Resources, reported on the activities of the Governor's Executive Water Task Force. He discussed the many issues studied by the Task Force and

outlined those issues that will require legislation.

Mr. Boyd Clayton, Utah Division of Water Rights, gave a presentation on "Water Conservation, Sustainability and Beneficial Use Concepts." He stated that beneficial use is the measure and limit of a water right. He discussed irrigation efficiency improvements and water use concepts. He said that reducing waste to maximize benefit is encouraged and pointed out that reducing waste to increase use impairs other rights.

Mr. David Burton, private citizen, commented that water volume is what should be measured rather than acreage. He stated that a pivot system is a much more efficient and cost-effective system. He said that water users should be able to utilize their acre feet allotment of water in the way they feel is most beneficial.

Mr. Styler explained that a sprinkler irrigation system uses more water and is less efficient than flood irrigation. He noted that in the Carbon and Emery counties area water users have been shifting to the use of sprinkler irrigation systems. He discussed the affect that change has had on the Colorado River system.

Rep. Chavez-Houck asked that Mr. Styler send the Committee a list of the items studied by the Task Force.

#### **4. Uinta Basin Air Quality Standards Impact on the Petroleum Industry**

Ms. Kathleen Sgamma, Western Energy Alliance, distributed information and gave a presentation on the organization's role regarding air quality and energy development on Utah's public lands. She explained that projects, permits, and leases are being delayed indefinitely in the Uinta Basin because of concerns about air quality. Although there were high ozone readings last winter, the Basin remains in attainment for all national ambient air quality standards. She asked for the Committee's support to help encourage the Department of Interior to continue with oil and gas development in Utah and support DEQ taking on some minor source permitting on Indian lands in the Uinta Basin.

Ms. Smith indicated that DEQ is open to obtaining permitting authority on Indian lands in the Uinta Basin. She commented that the industry, as well as the Utah office of the Bureau of Land Management, has been very proactive in addressing the matter. She reviewed the short- and long-term strategies being considered.

#### **5. Energy Advisor Report / Legislative Review of State Energy Policy**

Ms. Dianne Nielson distributed and reviewed "Utah Energy, Energy Advisor's Annual Report 2010." She outlined Utah's energy strategy and discussed Utah's production and generation of fossil fuels, renewable fuels, and energy efficiency. Ms. Nielson reviewed the Governor's 10-year strategic energy plan and discussed the five subcommittees that have been established to implement the plan.

Mr. Ted Wilson, Governor's Balanced Resource Council, stated the issues outlined in the governor's energy plan are being addressed by Utah State University, University of Utah, Brigham Young University, and others. Private industry is also searching for ways to address the plan. He indicated the Council is the link between the research institutions and private industry.

#### **6. APPLE Initiative**

Rep. Barrus distributed and reviewed "APPLE Initiative," which was originally created in 2002 and is now being revisited. He noted that approximately 52 percent of the land mass in the western states is federally

owned. He summarized the impact of federal land ownership on Utah, which impacts the state's ability to generate additional revenue for public education through the Enabling Act, property taxes, natural resources royalties, and School and Institutional Trust Lands. He stressed the need for the western states to work together to provide the emphasis, education, and knowledge needed in Congress to make changes.

**7. Other Business / Adjourn**

Rep. Painter distributed a copy of the "Scofield Lands Transfer Act." He stated he is cautiously optimistic that the proposal will address the problems property owners along Scofield Reservoir are facing. He thanked the Committee for its support.

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

Chair Stowell adjourned the meeting at 12:05 p.m.