

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

Wednesday, June 18, 2014 – 9:00 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. 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. Merrill F. Nelson
Rep. Marie H. Poulson
Rep. Douglas V. Sagers
Rep. R. Curt Webb
Rep. Larry B. Wiley

Members Absent:

Rep. Roger E. Barrus
Rep. Mike K. McKell

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 Noel called the meeting to order at 9:00 a.m. Rep. Barrus was excused from the meeting.

MOTION: Rep. Anderson moved to approve the minutes of the May 21, 2014, meeting. The motion passed unanimously with Sen. Christensen, Sen. Okerlund, Rep. Draxler, Rep. Handy, Rep. Ivory, Rep. Mathis, Rep. Nelson, and Rep. Sagers absent for the vote.

2. Water Quality Board TMDL Report

Mr. Walt Baker, Director, Division of Water Quality, presented "Echo Reservoir and Rockport Reservoir TMDLs" and distributed "Problem Statement." Mr. Baker discussed the background of water quality in Utah and described the relationship between water quality and Total Maximum Daily Loads (TMDLs). He explained why the division is required to report to the committee and talked about

- how the division is meeting state water quality standards and requirements,
- the division's success with certain local watersheds, and
- the long-term implications of not taking action on this issue.

Mr. Baker responded to questions from the committee.

Mr. Mike Luers, General Manager, Snyderville Basin Water Reclamation District, discussed how the district has worked with TMDLs in the past. He described how TMDLs can have a large financial impact on water districts, such as the Snyderville Basin Water Reclamation District, and their customers. Mr. Luers stated that, accordingly, the water district has tried to participate in the Echo Reservoir and Rockport Reservoir TMDL process and ensure the quality of the study. He also stated that the water district helped fund the TMDL and described the cost to the district.

Mr. Scott Paxman, Assistant General Manager, Weber Basin Water Conservancy District, described the role of the Weber Basin Water Conservancy District. He discussed the challenges in managing reservoirs and expressed his support for the Division of Water Quality's work on the Echo Reservoir and Rockport Reservoir TMDL.

Mr. Richard Bullough, Health Director, Summit County, discussed the county's efforts to improve nonpoint source pollution in the county. He specifically mentioned stricter provisions regarding septic systems.

3. Impact of Federal Land Ownership, Intervention, and Policies

Mr. Juan Palma, State Director, Bureau of Land Management (BLM), gave opening comments on the first panel discussion topic of the impact of federal land ownership, intervention, and policies on grazing rights. Mr. Palma shared some general information with the committee about the BLM in Utah and the bureau's grazing program.

Mr. Chris Iverson, Deputy Regional Forester, United States Forest Service, introduced himself and participated in the panel discussion.

Mr. Allen Rowley, Forest Supervisor, Fishlake National Forest, gave a brief history of the national forest system. He talked about the current challenge of maintaining multiple use and lumber production while preserving long-term natural resource sustainability.

Mr. Randy Parker, Chief Executive Officer, Utah Farm Bureau Federation, distributed "Impact of Federal Land Ownership, Intervention, and Policies" and discussed how ranchers represented by the federation are very dependent upon grazing access and policies. He stated that the number of animal unit months, or AUMs, has significantly decreased in the past 70 years and that there is currently a high number of suspended-use AUMs.

Mr. Greg Sheehan, Director, Division of Wildlife Resources, presented and discussed "Division of Wildlife Resources Tenets of Public Land Use." He also distributed a handout of the same title.

Commissioner Dirk Clayson, Kane County, discussed the environmental impact study currently being conducted regarding grazing in the Grand Staircase-Escalante National Park. Commissioner Clayson expressed concern about the study because of the possibility of certain areas being removed as grazing areas. He emphasized the importance of grazing to the economies and heritage of rural communities. He also discussed concerns in Kane County, including the uncertain future of livestock grazing, which can be difficult economically and psychologically for communities.

The panel of presenters responded to questions from the committee. The committee and panel discussed the following issues:

- the balance between protecting natural resources and accommodating grazing rights;
- a lack of understanding on the federal level of Utah's specific grazing issues;
- conflicting data about grazing rights; and
- the cost of defending challenges to the management positions of the forest service.

Rep. Noel introduced the second panel discussion topic of state and federal law enforcement jurisdiction. He directed the committee's attention toward a letter dated April 14, 2014, from Lieutenant Governor Spencer J. Cox to Mr. Dan Love, Special Agent In Charge, Bureau of Land Management.

Lieutenant Governor Cox discussed contracts, which were cancelled and declared unlawful, between the BLM and county law enforcement agencies. He described a meeting between the forest service, the BLM, county sheriffs, county commissioners, and legislators to discuss these contracts and law enforcement issues in general. He summarized the BLM's reason for declaring the contracts unlawful, and he talked about why the contracts are important to the state.

Mr. Palma responded to Lieutenant Governor Cox's comments by describing the makeup of the BLM, which consists of two parts: (1) the uniform rangers, and (2) the law enforcement investigations office in Washington, DC. Mr. Palma stated that because of the organization of the BLM, the Washington, DC office would be the branch that approves contracts, not the local branch of the BLM. He also described why the BLM has not moved forward with the contracts mentioned by Lieutenant Governor Cox:

- The contracts were lacking in specific deliverables.
- The contracts need to be approved by the Washington, DC office of the BLM.

Mr. Tracy Glover, Chief Deputy Sheriff, Kane County, discussed proprietary jurisdiction, which is the type of jurisdiction under which federal agencies operate in Utah. Mr. Glover explained that proprietary jurisdiction allows federal agencies to manage property differently than a typical owner could. He also commented on how each federal agency is separate and has different rules and legislation to follow.

Mr. Kevin Rice, Special Agent In Charge, United States Forest Service, Law Enforcement, described the goal of the forest service to improve its relationship with the state and with local sheriffs. He described how each agency, although different, has the same objective of protecting citizens, the agency's employees, and the land's natural resources.

The panel of presenters responded to questions from the committee and discussed the following issues:

- the rights and jurisdictions of local sheriffs and BLM agents;
- what the state and the federal government are doing to address law enforcement jurisdiction issues; and
- the need for the state and the federal government to communicate and continue working together to solve these issues.

Mr. Eric Houston, Deputy Sheriff, Garfield County, echoed Mr. Glover's comments and briefly described his work with federal agencies.

4. Report on State Fairpark Master Plan

Ms. Kathy Wheadon, President, CRSA Architecture, presented a report on the State Fairpark Master Plan. She said that the most recent stage of CRSA's work involved a large amount of public outreach. She stated that local respondents to a survey regarding the future of the fairpark preferred that the fair stay in its current location, but that the property be used for other purposes as well. She added that nonlocal respondents to the survey wanted to make sure that the fair is well attended, even if it moves from its current site. Ms. Wheadon also discussed possible changes that could make the state fair more successful, including the following options:

- the fairpark could partner with county fairs and travel to different counties in the state; or
- the fairpark could stay in its current location and the property could be utilized in other ways during the fair's off-season, such as to provide office space or to host farmers markets or entertainment events.

Ms. Wheadon discussed CRSA's research about other state fairs and gave specific examples of other state fairs that have successfully switched locations.

Mr. Kelly Gillman, CRSA Architecture, discussed three possible scenarios of how the fair could move forward. He stated that the first scenario would be for the park to stay in its current location and complete updates to certain features of the property. He continued to say that the second and third scenarios would involve moving the fair, leasing the facilities, and adding various updates to the property.

Ms. Wheadon and Mr. Gillman responded to questions from the committee.

5. Public Lands Policy Coordination Office Activities and Expenditures

Ms. Kathleen Clarke, Coordinator, Public Lands Policy Coordination Office, presented "2014 PLPCO Activities." Ms. Clarke first discussed the office's R.S. 2477 roads litigation. She talked about the structure of the litigation, including preservation depositions, and discussed why preservation depositions are important. She also mentioned the office's accomplishments thus far in its R.S. 2477 efforts. Ms. Clarke further discussed the filming of R.S. 2477 roads.

Mr. Harry Souvall, Assistant Attorney General, Office of the Attorney General, Public Lands Section, described active R.S. 2477 cases and assisted Ms. Clarke in responding to questions from the committee.

Due to a lack of time, the committee did not complete its discussion, and Chair Noel stated that the committee would continue its discussion of this and the remaining Public Lands Policy Coordination Office issues on the agenda in the July meeting.

6. R.S. 2477 Report

The committee did not discuss this agenda item.

7. Report on Utah-Specific Data from Nevada Public Land Management Task Force

The committee did not discuss this agenda item.

8. Other Items/Adjourn

MOTION: Sen. Knudson moved to adjourn the meeting. The motion passed unanimously with Sen. Christensen, Sen. Dabakis, Sen. Jenkins, Sen. Okerlund, Rep. Dee, Rep. Draxler, Rep. Poulson, and Rep. Webb absent for the vote.

Chair Noel adjourned the meeting at noon.