

**MINUTES OF THE HOUSE  
NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENT  
STANDING COMMITTEE**

Room C445, State Capitol, State Capitol Complex  
February 20, 2009

**Members Present:** Rep. Roger E. Barrus, Chair  
Rep. John Mathis, Vice Chair  
Rep. Mel Brown  
Rep. Brad Dee  
Rep. Jack Draxler  
Rep. Kerry Gibson  
Rep. James Gowans  
Rep. Neal Hendrickson  
Rep. Mike Noel  
Rep. Patrick Painter  
Rep. Phil Riesen  
Rep. Christine Watkins  
Rep. Ryan D. Wilcox  
Rep. Brad Winn

**Staff Present:** Brian Allred, Policy Analyst  
Carrie Griffith, Committee Secretary

Note: List of visitors and a copy of handouts are filed with committee minutes

Rep. Barrus called the meeting to order at 2:03 p.m.

**MOTION:** Rep. Hendrickson moved to approve the minutes of the February 18, 2009 meeting. The motion passed unanimously with Rep. Brown, Rep. Dee, Rep. Gowans and Rep. Winn absent for the vote.

**H.B. 164** **Migratory Bird Production Areas** (*Rep. C. Oda*)

**MOTION:** Rep Gibson moved to delete **H.B. 164** and replace it with **1st Sub. H.B. 164**. The motion passed unanimously with Rep. Brown, Rep. Dee, Rep. Gowans and Rep. Winn absent for the vote.

Rep. Oda explained the bill to the committee.

Spoke for the bill: Scott Sabey, Attorney--South Shore Duck Clubs  
Robin Thomas, Division of Wildlife Resources  
Carlos Buceros, Utah Department of Transportation  
Bill Fenimore, Utah Audubon Council

Ed Kent, Utah Wildlife and Habitat Coalition  
Rob Jensen, State Chairman Ducks Unlimited

MOTION: Rep. Riesen moved to pass **1st Sub H.B. 164** out favorably.

SUBSTITUTE

MOTION: Rep. Gibson moved to proceed to the next item on the agenda. The motion failed with Rep. Barrus, Rep. Brown, Rep. Gibson, Rep. Hendrickson, Rep. Mathis, Rep. Noel, and Rep. Winn voting in the affirmative.

The original motion to pass **1st Sub H.B. 164** out favorably passed with Rep. Brown, Rep. Gibson, Rep. Hendrickson, Rep. Mathis and Rep. Noel voting in opposition.

**1st Sub. H.B. 187            Recreational Use of Public Waters on Private Property (Rep. B. Ferry)**

Rep. Ferry explained the bill to the committee.

MOTION: Rep. Painter moved to amend the bill as follows:

*1. Page 7, Line 192:*

192            (5) ~~{(a)}~~ A person may not fish:

The motion passed unanimously.

Spoke for the bill:            Randy Sessions, citizen  
   Tom Bingham, Utah Farm Bureau

MOTION: Rep. Brown moved to amend the bill as follows:

*1. Page 7, Lines 192 through 199:*

192            (5) (a) A person may not ~~{fish}~~ **engage in a recreational activity** ;  
193            ~~{(a)}~~ **(i)** in a public water:  
194            ~~{(i)}~~ **(A)** listed in Section 73-6a-202; and  
195            ~~{(ii)}~~ **(B)** located on or adjacent to property to which access is restricted;  
                 and  
196            ~~{(b)}~~ **(ii)** within ~~{500}~~ **300** feet **or within view, whichever is**  
**closer,** of a single family dwelling that is built before May 12, 2009, and

- 197 qualifies for the residential exemption under Section 59-2-103 if the owner of the single  
198 family  
198 dwelling posts a notice visible from the bed indicating the segment of public water in  
199 which  
199 {~~—fishing~~} a recreational activity is prohibited by this section.  
(b)Notwithstanding Subsection (5)(a), a person may walk within the bed of a  
public water described by Subsection (5)(a) from an entrance to the bed described in  
Subsection (4) to a segment of the public water in which a recreational activity is  
allowed by this part.

SUBSTITUTE

MOTION: Rep. Draxler moved to amend the bill as follows:

1. Page 6, Line 173:

173 (2) {~~Except as provided by Subsection (5), a~~} A person may engage in a  
recreational

2. Page 7, Lines 192 through 200:

192 {~~(5)(a) A person may not fish:~~  
193 ~~—(a) in a public water;~~  
194 ~~—(i) listed in Section 73-6a-202; and~~  
195 ~~—(ii) located on or adjacent to property to which access is restricted; and~~  
196 ~~—(b) within 500 feet of a single family dwelling that is built before May 12, 2009;~~  
and  
197 qualifies for the residential exemption under Section 59-2-103 if the owner of the  
single family  
198 dwelling posts a notice visible from the bed indicating the segment of public water in  
which  
199 fishing is prohibited by this section.}  
200 {~~(6)~~} (5) A person may not engage in a recreational activity authorized by  
Subsection (2) if

The motion failed with Rep. Dee, Rep. Draxler, Rep. Riesen, Rep. Watkins and Rep. Wilcox voting in the affirmative.

SUBSTITUTE

MOTION: Rep. Noel moved to accept Rep. Brown's amendment with the following changes:

*1. Page 7, Line 196:*

196            ~~{(b)}~~    (ii)    within    ~~{500}~~    150    feet

The motion passed unanimously.

Rep. McIff responded to property rights questions relating to Lines 327 and 328 of the bill.

Spoke against the bill:    Paul Dremann, Blue Ribbon Fisheries Advisory Council (handout)  
   Rob Hughes, Resident South Jordan  
   Jeff Donovan, concerned citizen  
   Randall Peterson, concerned citizen  
   Byron Gunderson, commercial anglers  
   Bob Dibblee, President Utah council of Trout Unlimited  
   Jim Carter, Anglers Coalition  
   Jeff Salt, recreational boating

Spoke for the bill:            Chris Sloan, Utah Association of Realtors  
   Dan Massey, land owner Weber River  
   Kathleen Clarke, Utah Department of Agriculture and Food and in  
   behalf of Utah Association of Conservation Districts  
   Eve Furse, resident Weber River  
   Brent Bowman, cattle rancher  
   Arthur Douglas, Utah Farmers Union  
   Brent Tanner, Utah Cattlemen's Association  
   Mike Kohler, Dairy Farmers of Utah  
   Rusty Dassing, river guide

Rep. McIff further explained the bill to the committee and the public.

MOTION: Rep. Draxler moved to amend the bill as follows:

*1. Page 9, Lines 248 through 250:*

248            (16) Lower Sevier River from the Yuba dam downstream to Sevier Lake; ~~{and}~~  
249            (17) White River from the Colorado state line in Uintah County downstream to the  
250            confluence with the Green River    ~~{.}~~    =

(18) Blacksmith Fork River from the State Road 165 bridge upstream to Lions Hollow; and  
(19) Logan River from the Red Banks Campground to the Idaho state line.

Rep. Gibson declared a conflict of interest because he owns property on the Weber River. The motion passed unanimously.

MOTION: Rep. Noel moved to pass **1st Sub. H.B. 187** out favorably as amended. The motion passed with Rep. Dee, rep. Riesen, Rep Watkins and Rep. Wilcox voting in opposition.

Due to time restraints, the following bills were not heard:

**H.C.R. 7**      **Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape Conservation System** (*Rep. M. Brown*)

and

**H.B. 143**      **Vehicle Inspection and Emission Testing Exemptions** (*Rep. K. Sumsion*)

MOTION: Rep. Brown moved to adjourn. The motion passed unanimously.

Rep. Barrus adjourned the meeting at 4:43 p.m.

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Rep. Roger E. Barrus, Chair