



MINUTES

HOUSE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT STANDING COMMITTEE

Friday, February 18, 2022 | 7:59 a.m. | 120 Senate Building

Members Present:

Rep. Keven J. Stratton, Chair
Rep. Michael L. Kohler, Vice Chair
Rep. Carl R. Albrecht
Rep. Gay Lynn Bennion
Rep. Joel K. Briscoe
Rep. Scott H. Chew
Rep. Stephen G. Handy
Rep. Timothy D. Hawkes
Rep. Phil Lyman

Rep. Douglas V. Sagers
Rep. Rex P. Shipp
Rep. Casey Snider
Rep. Christine F. Watkins

Members Absent:

Rep. Mike Schultz

Staff Present:

Nathan W. Brady, Policy Analyst
Makelle Winger, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Stratton called the meeting to order at 8:01:19 AM.

MOTION: Rep. Albrecht moved to approve the minutes for February 14th and 16th, 2022. The motion passed with a vote of 8 - 0 - 6.

Yeas - 8

Rep. C. Albrecht
Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Kohler
Rep. K. Stratton

Nays - 0

Absent - 6

Rep. P. Lyman
Rep. D. Sagers
Rep. M. Schultz
Rep. R. Shipp
Rep. C. Snider
Rep. C. Watkins

1. H.B. 410 Great Salt Lake Watershed Enhancement (Wilson, B.)

Rep. Brad Wilson presented the bill with assistance of Brian Steed, Executive Director, Department of Natural Resources. They responded to questions from the committee.

Rep. Wilson referenced "The Great Great Salt Lake", By Peter G. Czerny.

Nathan Brady helped clarify a question from the committee in relation to the language of the bill.

Lynn de Freitas, Executive Director, Friends of Great Salt Lake, spoke in favor of the bill.

Megan Nelson, Government Relations Director, Nature Conservancy in Utah, spoke in favor of the bill.

Lindsey Hutchison, Water Policy Associate, Utah Rivers Council, commented on the bill.

Marcelle Shoop, Saline Lakes Program Director, National Audubon Society, spoke in favor of the bill and responded to questions from the committee.

Jack Ray, President, Utah Water Fowl Association, spoke in favor of the bill.

Soren Simonson, Executive Director, Jordan River Commission, commented on the bill.

Randy Elliot, Commissioner, Davis County, spoke in favor of the bill.

Gwen Christopherson, student, commented on the bill.

MOTION: Rep. Hawkes moved to amend H.B. 410 with Amendment #2. The motion passed with a vote of 12 - 0 - 2.

Amendment 2
H.B. 410

1. Page 10, Lines 279 through 288:

279 (b) At least one of the advisory councils shall consist of ~~{eight}~~ nine members with a
280 representative from the following:

281 (i) agriculture;

282 (ii) a private land owner adjacent to the Great Salt Lake;

283 (iii) a conservation organization dedicated to the preservation of migratory waterfowl;

284 (iv) a conservation organization dedicated to the protection of non-game avian species;

285 (v) another conservation organization working on Great Salt Lake issues;

286 (vi) aquaculture;

287 (vii) mineral extraction; ~~{and}~~

288 (viii) a water conservancy district~~{.}~~; and

(ix) wastewater treatment facilities.

2. Page 10, Lines 299 through 302:

299 To Department of Natural Resources -- Forestry, Fire, and State Lands

300 From General Fund, One-time

\$40,000,000

301 Schedule of Programs:

302 ~~{Forestry, Fire, and State Lands}~~ Project Management \$40,000,000

Yeas - 12

Rep. G. Bennion

Rep. J. Briscoe

Rep. S. Chew

Rep. S. Handy

Rep. T. Hawkes

Rep. M. Kohler

Rep. P. Lyman

Rep. D. Sagers

Rep. R. Shipp

Rep. C. Snider

Rep. K. Stratton

Rep. C. Watkins

Nays - 0

Absent - 2

Rep. C. Albrecht

Rep. M. Schultz

MOTION: Rep. Briscoe moved to pass H.B. 410 out favorably with further discussion from the committee. The motion passed with a vote of 12 - 0 - 2.

Yeas - 12

Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Kohler
Rep. P. Lyman
Rep. D. Sagers
Rep. R. Shipp
Rep. C. Snider
Rep. K. Stratton
Rep. C. Watkins

Nays - 0

Absent - 2

Rep. C. Albrecht
Rep. M. Schultz

2. 2nd Sub. H.B. 305 Natural Resources Revisions (Ferry, J.)

Rep. Joel Ferry presented the bill, shared a handout, and responded to questions from the committee.

[HB305S02 Natural Resources Revisions](#)

Amber Brown, Policy Analyst, Utah Department of Agriculture and Food, spoke in favor of the bill.

Jack Ray spoke in favor of the bill.

Brian Allen, Lobbyist, Cottonwood Heights City, spoke in favor of the bill.

Mike Larsen, Vice President, Utah Association of Conservation Districts, spoke in favor of the bill.

Brian Steed spoke in favor of the bill.

Wade Garret, Vice President of Public Policy, Utah Farm Bureau, spoke in favor of the bill.

MOTION: Rep. Lyman moved to amend 2nd Substitute H.B. 305 with Amendment #2. The motion passed with a vote of 12 - 0 - 2.

Amendment 2 2nd Sub. H.B. 305

1. Page 2, Lines 45 through 46:

45 ▸ modifies the LeRay McAllister Critical Land Conservation Program, including
46 addressing ~~{county}~~ local action in some circumstances;

2. Page 3, Lines 59 through 74:

59 Money Appropriated in this Bill:

60 This bill appropriates in fiscal year 2023:

61 ▸ to the Department of Natural Resources – ~~{Conservation}~~ Pass Through, as an ongoing
62 appropriation:

63 ● from General Fund, \$130,000;

64 ▸ to the Department of Natural Resources – ~~{Outdoor Recreation}~~ Recreation Management, as an
ongoing

65 appropriation:

66 ● from General Fund, \$150,000;

67 ▸ to the Department of Agriculture and Food – Conservation, as an ongoing

68 appropriation:

69 ● from General Fund, \$120,000;

70 ▸ to the Governor's Office of Economic Opportunity, as an ongoing appropriation:

71 ● from General Fund, (\$338,700); and

72 ▸ to the Department of Natural Resources – ~~{Outdoor Recreation}~~ Recreation Management, as an
ongoing

73 appropriation:
74 • from General Fund, \$338,700.

3. Page 14, Lines 424 through 428:

424 ~~{(5) "County land use authority" means a land use authority, as defined in Section~~
425 ~~17-27a-103, of a county.}~~

426 ~~{(6)}~~ (5) "Director" means the director of the Division of Conservation.

427 ~~{(7)}~~ (6) "Division" means the Division of Conservation created in Section 4-46-401.

(7) "Land use authority" means:

(a) a land use authority, as defined in Section 10-9a-103, of a municipality; or

(b) a land use authority, as defined in Section 17-27a-103, of a county.

428 ~~[(6)]~~ (8) "Local entity" means a county, city, or town.

4. Page 17, Lines 498 through 515:

498 (e) seven persons from the profit and nonprofit private sector:

499 (i) two of whom may not be residents of a county of the first or second class:

500 ~~{(ii) no more than three of whom may be from the same political party;}~~

501 ~~{(iii)}~~ (ii) one of whom shall be from the residential construction industry, nominated by an
502 association representing Utah home builders;

503 ~~{(iv)}~~ (iii) one of whom shall be from the real estate industry, nominated by an association
504 representing Utah realtors;

505 ~~{(v)}~~ (iv) one representative of an association representing farmers, selected from a list of
506 nominees submitted by at least one association representing farmers;

507 ~~{(vi)}~~ (v) one representative of an association representing cattlemen, selected from a list of
508 nominees submitted by at least one association representing cattlemen;

509 ~~{(vii)}~~ (vi) one representative of an association representing wool growers, selected from a
510 list of nominees submitted by at least one association representing wool growers;

511 ~~{(viii)}~~ (vii) one representative of land trusts; and

512 ~~{(ix)}~~ (viii) one representative of an association representing conservation districts created
513 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees
514 submitted by at least one association representing conservation districts.

515 (2) (a) The governor shall appoint a board member under Subsection (1)(d) or (e) with

5. Page 18, Lines 532 through 533:

532 (5) ~~{Board}~~ (a) Subject to Subsection (5)(b), board members shall elect a chair from their number and
establish rules for the

533 organization and operation of the board.

(b) The board member who is chair may not vote during the board member's tenure as chair, except the chair may
vote if there is a tie vote of board members.

6. Page 22, Lines 647 through 658:

647 (6) (a) The board may not authorize the use of money under this section for a project
648 unless the ~~{county}~~ land use authority for the ~~{county}~~ land in which the project is located consents to
649 the project.

650 (b) To obtain consent to a project, the person who is seeking money from the program
651 shall submit a request for consent to a project with the applicable ~~{county}~~ land use authority.
652 The ~~{county}~~ land use authority may grant or deny consent. If the ~~{county}~~ land use authority does
653 not take action within 30 days from the day on which the request for consent is filed with the
654 ~~{county}~~ land use authority under this Subsection (6), the board shall treat the project as having
655 the consent of the ~~{county}~~ land use authority.

656 (c) An action of a ~~{county}~~ land use authority under this Subsection (6) is not a land use
657 decision subject to:

(i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

(ii) Title 17, Chapter 27a, County Land Use, Development, and Management

658 Act.

Yeas - 12

Rep. C. Albrecht
Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. M. Kohler
Rep. P. Lyman
Rep. D. Sagers
Rep. R. Shipp
Rep. C. Snider
Rep. K. Stratton
Rep. C. Watkins

Nays - 0

Absent - 2

Rep. T. Hawkes
Rep. M. Schultz

MOTION: Rep. Shipp moved to pass 2nd Substitute H.B. 305 out favorably with further discussion from the committee. The motion passed with a vote of 9 - 3 - 2.

Yeas - 9

Rep. C. Albrecht
Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Kohler
Rep. D. Sagers
Rep. R. Shipp
Rep. C. Snider

Nays - 3

Rep. S. Chew
Rep. P. Lyman
Rep. C. Watkins

Absent - 2

Rep. M. Schultz
Rep. K. Stratton

Vice Chair Kohler assumed the chair.

3. S.B. 116 State Bird of Prey Designation (McKell, M.)

Sen. Michael McKell presented the bill with assistance of Jeremy Hanks, Hawk Watch International.

[SB116 Bird of Prey Talking Points](#)

Rep. Stratton resumed the chair.

MOTION: Rep. Lyman moved to pass S.B. 116 out favorably. The motion passed with a vote of 11 - 0 - 3.

Yeas - 11

Rep. C. Albrecht
Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. M. Kohler
Rep. P. Lyman
Rep. D. Sagers
Rep. R. Shipp
Rep. K. Stratton
Rep. C. Watkins

Nays - 0

Absent - 3

Rep. T. Hawkes
Rep. M. Schultz
Rep. C. Snider

4. 1st Sub. S.B. 110 Water as Part of General Plan (McKell, M.)

Sen. McKell presented the bill with assistance of Mark Stratford, General Council, Jordan Valley Water. They responded to questions from the committee.

Dale Pierson, Executive Director, Rural Water Association of Utah and Utah Water Task Force, spoke in favor of the bill.

Soren Simonson, member of the public, spoke in favor of the bill.

Heather Anderson, Government Affairs Director, Utah Association of Special Districts, spoke in favor of the bill.

Hayley Alberts, Councilwoman, South Weber City, spoke in favor of the bill.

MOTION: Rep. Watkins moved to pass 1st Substitute S.B. 110 out favorably. The motion passed with a vote of 12 - 0 - 2.

Yeas - 12

Rep. C. Albrecht
Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Kohler
Rep. P. Lyman
Rep. D. Sagers
Rep. R. Shipp
Rep. K. Stratton
Rep. C. Watkins

Nays - 0

Absent - 2

Rep. M. Schultz
Rep. C. Snider

5. S.B. 89 Water Amendments (Iwamoto, J.)

Sen. Jani Iwamoto presented the bill with assistance of Candice Hasenyager, Director, Division of Water Resources.

Nathan Bracken, Attorney, Utah Association of Special Districts and Rural Water Association of Utah, spoke in favor of the bill.

Zachary Frankel, Executive Director, Utah Rivers Council, commented the bill.

MOTION: Rep. Handy moved to pass S.B. 89 out favorably. The motion passed with a vote of 11 - 0 - 3.

Yeas - 11

Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Kohler
Rep. P. Lyman
Rep. D. Sagers
Rep. R. Shipp
Rep. K. Stratton
Rep. C. Watkins

Nays - 0

Absent - 3

Rep. C. Albrecht
Rep. M. Schultz
Rep. C. Snider

MOTION: Rep. Chew moved to adjourn. The motion passed with a vote of 11 - 0 - 3.



Yeas - 11

Rep. G. Bennion
Rep. J. Briscoe
Rep. S. Chew
Rep. S. Handy
Rep. T. Hawkes
Rep. M. Kohler
Rep. P. Lyman
Rep. D. Sagers
Rep. R. Shipp
Rep. K. Stratton
Rep. C. Watkins

Nays - 0

Absent - 3

Rep. C. Albrecht
Rep. M. Schultz
Rep. C. Snider

Chair Stratton adjourned the meeting 10:03:52 AM.

Chair Stratton allowed public comment to continue on the bill.

NOTE: H.B. 0377 was not discussed in the meeting.