

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

Room W125, West Office Building, State Capitol Complex
February 15, 2005

Members Present: Rep. Roger E. Barrus, Chair
Rep. Michael E. Noel, Vice Chair
Rep. Craig W. Buttars
Rep. David N. Cox
Rep. Margaret Dayton
Rep. Carl W. Duckworth
Rep. James R. Gowans
Rep. Bradley T. Johnson
Rep. John G. Mathis
Rep. Patrick L. Painter
Rep. David Ure
Rep. Mark W. Walker
Rep. Mark A. Wheatley
Rep. Richard Wheeler

Members Absent: Rep. Jackie Biskupski

Staff Present: Brian Allred, Policy Analyst
Cindy Baker, Committee Secretary

Visitors List: List filed with Committee Minutes

Rep. Barrus called the meeting to order at 4:05 p.m.

MOTION: Rep. Noel moved to approve the minutes of February 10, 2005. The motion passed unanimously with Representatives Cox, Dayton, Gowans, Johnson and Ure absent for the vote.

H.B. 152 County Option Sales and Use Tax for Agricultural Land, Open Land and Recreational Facilities Act (C. Buttars)

Rep. Buttars explained that the bill modifies the Revenue and Taxation title to enact the County Option Sales and Use Tax for Agriculture Land, Open Land and Recreational Facilities Act.

MOTION: Rep. Buttars moved to delete in title and body H.B. 152 and adopt H.B. 152 2nd Substitute. The motion passed unanimously with Representatives Cox, Gowans, Johnson and Ure absent for the vote.

The following spoke in favor of the bill:

Dave Rayfield, Cache Trails, RMEF, Cache Land Preservation
Ray Winn, Mayor-Smithfield
Evan Olsen, Cache Farmers, past Representative
Jack Green, Quality Utah Air, Educator and Mayor Winn's neighbor
Todd Bingham, Farm Bureau
Joe Ferhriman, Cache County Agriculture Advisory Board

The following spoke against the bill:

Jim Olsen, Utah Retail Merchants

MOTION: Rep. Johnson moved to pass the bill out favorably. The motion passed with Representatives Dayton, Painter, Walker and Noel voting in opposition and Representative Ure absent for the vote.

H.B. 264 State Land Use Management Plans Amendments (M. Noel)

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

1. *Page 4, Lines 102 through 108:*

102 (c) assist city, county, metropolitan, and regional planning agencies in performing
103 local, metropolitan, and regional planning, provided that the state planning coordinator
and his
104 agents and designees:
105 (i) whenever possible, comply with and uphold the plans, policies, programs,
processes, and desired
106 outcomes of each planning agency; and
107 (ii) do not {interfere with,} undermine {,} or disrupt {, in any
way,} the plans, policies,
108 programs, processes, or desired outcomes of each planning agency.

2. *Page 4, Lines 112 through 114:*

112 (a) recognize, uphold, and promote, to the maximum extent {permitted
under-} consistent with state and
113 federal law, the plans, policies, programs, processes, and desired outcomes of the counties
114 where the federal lands or natural resources are located;

3. *Page 4, Lines 115 through 118:*

115 (b) develop, research, and use [of] factual information, legal analysis, and
statements of
116 desired future condition for the state, or subregion of the state, as [are] necessary to
support the
117 plans, policies, programs, processes, [or policies] and desired outcomes of **the state**
and counties where the
118 federal lands or natural resources are located;

4. *Page 5, Lines 146 through 149:*

146 (b) The state planning coordinator and any state planning agent shall **. to the**
maximum extent consistent with state and federal law, ensure that any
147 policies, plans, programs, processes, or desired outcomes developed under Subsection
(5)(a)
148 are consistent with the policies, plans, programs, processes, and desired outcomes of the
149 political subdivisions.

5. *Page 6, Lines 154 through 157:*

154 (a) (i) the citizens of the state are best served by [the application of] applying
155 multiple-use and sustained-yield principles {~~[when making decisions concerning the~~
156 **management and use of the] to all lands administered by the Bureau of Land**
Management and
157 **the U.S. Forest Service} **in public land use planning and management** ;**

6. *Page 6, Lines 163 through 168:*

163 (B) support valid existing transportation, mineral, and grazing rights at historic
levels **or higher** ;
164 (C) support the specific plans, programs, processes, and policies of state agencies
and
165 local governments [and which are];
166 (D) are designed to produce and provide the watersheds, food, fiber, livestock
forage, **wildlife forage,**
167 and minerals that are necessary to meet present needs and future economic growth
[needs,] and
168 community expansion[;]; and

7. Page 6, Lines 172 through 176:

172 (b) ~~{(i)}~~ managing public lands for "wilderness characteristics" **circumvents**
the statutory wilderness process and is inconsistent with the
173 multiple-use and sustained-yield management standard that applies to all public lands that
are
174 not wilderness areas or wilderness study areas;
175 ~~{(ii) the state does not support use of the term "wilderness characteristics~~
~~management"~~
176 ~~as a euphemism for an attempt to circumvent the statutory wilderness process; }~~

8. Page 6, Line 182 through Page 7, Line 183:

182 (d) the state has the right to develop and use its entitlement to interstate rivers {
without
183 interference from the federal government} ;

9. Page 7, Line 213 through Page 8, Line 227:

213 favor of conservation ~~{-use}~~ , wildlife, and other uses ; =
(iii) (A) the state favors practices that are jointly sponsored by cattlemen's,
sportsmen's, and wildlife management groups such as chaining, seeding, burning,
and other direct soil and vegetation prescriptions that are scientifically
demonstrated to restore rangeland health, increase forage, and improve watersheds
in grazing districts and allotments for the mutual benefit of domestic livestock and
wildlife;
(B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing
allotment's forage beyond the total permitted forage use that was allocated to that
allotment in the last federal land use plan or allotment management plan still in
existence as of January 1, 2005, a reasonable and fair portion of the increase in
forage beyond the previously allocated total permitted use should be allocated to
wildlife as recommended by a joint, evenly-balanced committee of livestock and
wildlife representatives that is appointed and constituted by the governor for that
purpose;
214 ~~{(iii)}~~ (iv) the state opposes as irrational, the transfer of grazing animal
unit months to
215 wildlife for supposed reasons of rangeland health;

216 ~~{(iv)}~~ (v) reductions in domestic livestock animal unit months must be
 temporary and
217 scientifically based upon rangeland conditions;
218 ~~{(v)}~~ (vi) policies, plans, programs, initiatives, resource management
 plans, and forest plans
219 may not allow the placement of grazing animal unit months in a suspended use category
 unless
220 there is a rational and scientific determination that the condition of the rangeland
 allotment or
221 district in question will not sustain the animal unit months sought to be placed in
 suspended
222 use;
223 ~~{(vi)}~~ (vii) any grazing animal unit months that are placed in a suspended
 use category should
224 be returned to active use when range conditions improve;
225 ~~{(vii)}~~ (viii) policies, plans, programs, and initiatives related to vegetation
 management should
226 recognize and uphold the preference for domestic grazing over alternate forage uses in
227 established grazing districts ~~{and should uphold the improvement of}~~ while
 upholding management practices that optimize and expand forage for grazing and
 wildlife in conjunction with state wildlife management plans and programs in order
 to provide maximum available forage for all uses; and

10. Page 8, Line 228:

228 ~~{(viii)}~~ (ix) in established grazing districts, animal unit months that have
 been reduced due to

11. Page 12, Lines 354 through 355:

354 (h) the state opposes ~~{the creation of}~~ **any additional evaluation of**
 national forest service lands as "roadless" or "unroaded" ~~{areas on forest~~
 lands} **beyond the forest service's second roadless area review evaluation** and
355 opposes efforts by agencies to specially manage those areas in a way that:

The motion passed unanimously with Representative Ure absent for the vote.

Rep. Noel explained that this bill modifies the duties of the state planning coordinator. He was

assisted by Mark Ward, Assistant Attorney General, Public Land, Natural Resources Office

The following spoke in favor of the bill:

Don Peay, Various Sporting and Hunting Organizations

David Litvin, President, Utah Mining

Brent Tanner, Vice President, Utah Cattlemen's Association

Mark Walsh, Counties in Uintah Basin

Randy Parker, Utah Farm Bureau Federation

Mike Peterson, Utah Ural Electric Association

Clark Willis, Utah Wool Growers

Arie Van de Graaff, Utah Association of Counties

MOTION: Rep. Buttars moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Duckworth and Wheeler absent for the vote.

MOTION: Rep. Cox moved to adjourn the meeting. The motion passed unanimously with Representatives Duckworth and Wheeler absent for the vote.

Rep. Barrus adjourned the meeting at 5:16 p.m.

Rep. Roger E. Barrus, Chair