

MINUTES OF THE  
SENATE NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT  
STANDING COMMITTEE  
Wednesday, January 24, 2007  
Utah State Capitol Complex, West Office Building, Suite W015

Members Present: Sen. Darin Peterson, Chair  
Sen. Allen Christensen  
Sen. Gene Davis  
Sen. Margaret Dayton  
Sen. Fred Fife  
Sen. Dennis Stowell  
Sen. Michael Waddoups

Staff Present: J Brian Allred, Policy Analyst  
Saundra Maeser, Secretary

Public Speakers Present: Timothy Hawkes, Attorney, Trout Unlimited  
Mike Canning, Habitat Chief, Wildlife Resources  
Carly Burton, Executive Director, Utah Water Users Association  
Todd Bingham, Vice President, Utah Farm Bureau  
Paul Dremann, Vice President Conservation, Trout Unlimited  
Ed Kent, Chair, Utah Anglers Coalition  
Mary Tullius, Director, State Parks and Recreation  
Tim Barney, Vice President Government Relations, Energy Solutions  
Randy Horiuchi, Studsvik, Inc.  
David Litvin, Presideent, Utah Mining Association  
Christopher Thomas, Policy Director, Heal Utah  
Colleen Johnson, Commissioner, Tooele County  
Patrick Cone, Board Member, Utah Radiation Control Board  
Tye Rogers, Regulatory Affairs, Energy Solutions

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Peterson called the meeting to order at 8:07 a.m.

**1. Approval of Minutes**

**MOTION:** Sen. Dayton moved to approve the minutes of January 19, 2007.

The motion passed unanimously with Sen. Davis and Sen. Waddoups absent at the time of voting.

**2. S.B. 29 Instream Flow to Protect Trout Habitat (Sen. P. Knudson)**

Sen. Peter Knudson introduced the bill. Timothy Hawkes, Attorney, Trout Unlimited, assisted in the presentation.

**MOTION:** Sen. Fife moved to adopt the following amendment:

1. Page 3, Lines 60 through 61:

60 (b) ~~[A]~~ Except as provided by Section 73-3-30, the state engineer may not authorize a  
61 change ~~[[+]]~~ may not be made ~~[[+]]~~ if it impairs ~~[any]~~ a vested water right without  
just compensation.

2. Page 12, Lines 348 through 349:

348 (c) "Fixed time change" means a change in a water right's point of diversion, place of  
349 use, or purpose of use for a fixed period of time ~~[[greater]]~~ longer than one year but  
~~[[less]]~~ not longer than ten years.

3. Page 14, Lines 403 through 405:

403 (g) (i) The water right ~~[[on]]~~ for which the ~~[[applicant filed]]~~ state engineer  
has approved a fixed time change application will  
404 automatically revert ~~[[back]]~~ to ~~[[its original]]~~ the point of diversion and place  
and purpose of use that existed before the approved fixed time change  
application when the fixed time change  
405 application expires or is terminated .

4. Page 15, Lines 456 through 459:

456 (b) Each person using water as an instream flow:  
457 (i) shall install and maintain a measuring device or stream gauging station in the  
458 section of the stream within which the instream flow is maintained; and  
459 (ii) is not required to install controlling works unless the state engineer's  
order approving the application requires the installation because controlling  
works are necessary to achieve the purpose of the application .

The motion passed with Sen. Davis and Sen. Waddoups absent at the time of voting.

Mike Canning, Habitat Chief, Wildlife Resources; Todd Bingham, Vice President, Utah Farm Bureau; Paul Dremann, Vice President Conservation, Trout Unlimited, and Ed Kent, Chair, Utah Anglers Coalition, spoke in support of the bill.

Carly Burton, Executive Director, Utah Water Users Association, spoke in opposition to the bill.

**MOTION:** Sen. Christensen moved to pass S.B. 29, Instream Flow to Protect Trout Habitat, out favorably as amended.

The motion passed unanimously.

**3. S.B. 148 Boat Registration Amendments (Sen. M. Waddoups)**

Sen. Waddoups introduced the bill

MOTION: Sen. Waddoups moved to adopt the following amendment:

*1. Page 2, Lines 51 through 53:*

51 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the  
52 current year.

(d) If the board modifies the fee under Subsection (2)(b), the modification shall take effect on July 1 if, prior to April 1, the State Tax Commission receives: (i) notice from the board stating that the board will modify the fee; and (ii) a copy of the fee modification.

The motion passed unanimously

Mary Tullius, Director, State Parks and Recreation, spoke in support of the bill.

**MOTION:** Sen. Davis moved to pass S.B. 148, Boat Registration Amendments, out favorably as amended.

The motion passed unanimously.

Sen. Waddoups assumed the committee chair.

**4. S.B. 155 Waste Amendments (Sen. D. Peterson)**

Sen. Peterson introduced the bill. Sen. Curtis Bramble, co-sponsor of the bill, and Tim Barney, Vice President Government Relations, Energy Solutions, assisted in the presentation.

Randy Horiuchi, Studsvik, Inc. spoke to the bill and distributed a handout.

David Litvin, President, Utah Mining Association; Colleen Johnson, Commissioner, Tooele County, and Tye Rogers, Regulatory Affairs, Energy Solutions, spoke in support of the bill.

Christopher Thomas, Policy Director, Heal Utah, spoke in opposition to the bill and distributed a handout. Patrick Cone, Board Member, Utah Radiation Control Board also spoke in opposition to the bill.

**MOTION:** Sen. Stowell moved to pass S.B. 155, Waste Amendments, out favorably.

The motion passed unanimously.

**MOTION:** Sen. Davis moved to adjourn.

Minutes of the Senate Natural Resources, Agriculture, and Environment Standing Committee  
Wednesday, January 24, 2007  
Page 4

The motion passed unanimously.

Acting Chair Waddoups adjourned the meeting at 9:30 a.m.

Minutes reported by Sandra Maeser, Secretary

---

Darin G. Peterson, Committee Chair