

Dan Strauch

UAC Monthly Update

December 2024

There were no pertinent committee or departmental meetings this month.

First proposed bills were published. I have attached my current bill tracker separately.

November 2024

Legislative Meetings Attended

- Natural Resources, Agriculture and Environmental Quality Interim Session
- Legislative Water Development Commission
- Public Utilities, Energy and Technology Interim Committee
- Transportation Interim Committee
- Federalism Commission
- Executive Appropriations Committee

Departmental Meetings Attended

- Utah Water Task Force
- GSL Advisory Council

Legislation Presented/Reviewed:

- *SB34'23*: Use of Property Tax for Revenue for Water Infrastructure: report was completed and presented at NRAEQ Interim Committee. Key take aways, 1) tiered pricing critical for driving water conservation principles (report also specifically called out secondary water for tiered pricing) and 2) property taxes maintain consistent revenue for planning purposes. During committee presentation question was asked as to the balance of tiered rates and taxes, investigating firm stated 15-20% minimally to be variable to change behavior. Link to report ... <https://le.utah.gov/AgencyRP/reportingDetail.jsp?rid=731>

[I am hopeful to see legislation to this effect this session.]

- *HB280'24*: First study required by law, Existing Water Funds Study, completed and presented to NRAEQ Interim Committee. As final, this plan presented a new means for consolidating all existing water funds and a process that funnels all projects to a single decision making body, the Water Development Coordinating Council. There was minimal discussion in committee after presentation. Link to report <https://le.utah.gov/AgencyRP/reportingDetail.jsp?rid=186>

[Given that this is the first a several studies required by the legislation I do not see any action during this legislative session.]

- *HB433 Brine Mining Study:* As required by H.B. 433, the Division of Oil, Gas and Mining (OGM) was asked to study brine mining operations within the state to evaluate the current and potential regulation of brine mining operations. Primary report outcome was that the Board of Oil Gas and Mining should have authority to regulate all brine mining. This would seem to consolidate authority under one authority.

[I will have to follow to see how this study is implemented in legislation. It would seem preferable to keep authority somewhat dispersed.]

Draft Bills Presented/Reviewed:

Public Lands Watering Rights: In brief, this bill would give jurisdiction to all PWR 107 water rights decisions to the Utah state engineer and state courts. PWR 107 are water sources on public lands that were to be reserved for livestock. This bill would mean that if a federal authority wanted to remove a water source for livestock they would go through the state engineer and state courts.

[Per my investigation the PWR107 water sources already require federal authorities to follow local water rights processes, this would clarify that the state engineer is first layer of decision making.]

State Water Policy Amendments: this was for the most part a required annual review but Rep Jiminez proposed to strike the words that the policy would also, “balance social, economic and environmental” needs. The proposal did not pass unanimously therefore it will need to be introduced during the legislative session and debated. Rep. Jiminez will not be in the legislature in 2025 therefore so there may not be strong push to follow up.

Other Items:

Great Salt Lake Commissioner: report provided at GSL Advisory Committee and NRAEQ Interim committee. Major point was that the Commissioner is not fully funded and a funding source is needed. Other key points

- Proposing changes to HB453 (Mining Operations on the GSL)
- Work with DWRights to limit amount of water required for unit of growth in land development planning. Essentially would drive conservation for municipal water.
- Changes to procurement law allowing GSL Commissioner to procure leased water for the GSL.
- Create a tax credit for donated water.

State Resource Management Plan: In addition to the GSL Resource Management Plan the State Resource Management plan is out for public comment as well.

October 2024

Legislative Meetings Attended

- Natural Resources, Agriculture and Environmental Quality Interim Session
- Interim Natural Resources, Agriculture and Environmental Quality Appropriations Committee
- Legislative Water Development Commission
- Public Utilities, Energy and Technology Interim Committee
- Transportation Interim Committee

Departmental Meetings Attended

- Utah Water Task Force
- UIPA Board Meeting

Coalition Meetings Attended

- Tuesday ENVIRO
- Monday UIPA Wetlands

Legislation Presented/Reviewed:

SB34'23: Use of Property Tax for Revenue for Water Infrastructure: final report due end of October 2024.

HB280'24: First study required by law, Existing Water Funds Study, due end of October 2024. Second study, Water Fees Proposal, due October 2025. State Water Plan update required by December 2026.

Draft Bills Presented/Reviewed:

Division of Drinking Water Fee Authority: would allow increase in fees to offset additional water quality testing now required. Senator Sandall is sponsor, I expect to see this as a Bill File for 2025.

State Water Policy Amendments: amends existing state water policy to include groundwater in water quality monitoring, add the water plan required by statute and allow regionally appropriate water reuse. Representative Chew added additional language to monitor activities to protect water sheds. I expect this to become a Bill File for 2025 as well. I am cautious on Rep. Chew's added language, particularly what activities he would target.

Water Reporting: draft bill to require reporting on water optimization projects created in legislation. Received committee recommendation to move to Bill File. This was a bill proposed last year that did not make it through the House.

Other Items

Private Property Rights: Representative Chew offered witnesses and a resolution with respect to the enforcement of private property rights. This is focused on 1) access of public lands/waters through private passageways and 2) federal government failing to enclose grazing animals, particularly bison. I see this as another step to control land access for the public. Law agencies have not enforced as the law is unclear at this point.

Great Salt Lake Management Plan: I provided input to the plan, as an individual, with my primary point that ecology and environmental stability must remain the number one priority of the plan and any proposal that diminishes this must not be allowed.

Energy Policy: NRAEQ committee received a presentation from Office of energy Development on equivalent energy costs. Their presentation did not reflect the cost structure and benefits of renewables as presented in Bird and Bites by Logan Mitchell of Utah Clean Energy. Obvious, legislative interest remains strong for coal, fossil and now nuclear energy. I will contact Logan to get his thoughts on the OED presentation.

Audit of Mineral Rights Royalty Agreements: audit found significant gaps in royalty fees vs statute, allowable deductions vs those taken and internal department controls. From this, obvious conclusion is that mining companies are not aligned to the law and minimal department enforcement. I propose we take position that all new mining incentives should be halted, like big water bills, until laws are properly enforced and division (FFSL) demonstrates ability to maintain consistent monitoring.