

2021 UACD RESOLUTIONS

FOR THE UACD CONVENTION

NOVEMBER 2-3, 2021

ST. GEORGE, UTAH

**NEW AND SUNSET RESOLUTIONS OF THE
2021 UACD CONFERENCE
NOVEMBER 2-3, 2021
ST. GEORGE, UTAH**

NEW 2021 RESOLUTIONS (1):

2021 WR #1: Utah Watershed Councils Act

2021 SUNSET RESOLUTIONS (13):

STRENGTHENING DISTRICTS COMMITTEE

2021 SUNSET SD #1: Direct Funding to Conservation Districts

2021 SUNSET SD #2: Reinstate UACD President as a Member of the UCC

2021 SUNSET SD #3: District Supervisor Elections

LAND USE COMMITTEE

2021 SUNSET LU #1: Conservation Tree Planting Program

2021 SUNSET LU #2: Noxious Weed Control

2021 SUNSET LU #3: Wilderness Management

2021 SUNSET LU #4: City and County Planning Commission Involvement

2021 SUNSET LU #5: Predator/Raven Control

WATER RESOURCES COMMITTEE

2021 SUNSET WR #1: Zebra (*Dreissena bugensis*) and Quagga (*Dreissena polymorpha*) mussel

2021 SUNSET WR #2: Opposition to the Snake Valley Aquifer Pumping Agreement

2021 SUNSET WR #3: Due Process Requirement for Relinquishing Water Rights

2021 SUNSET WR #4: Support for the Central Utah Project

2021 SUNSET WR #5: Water Rights Ombudsman

2021 SUNSET WR #6: Water Banking

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: WR #1
TITLE: Watershed Councils Act
SPONSOR: Water Resources Standing Committee

BACKGROUND, The Utah Legislature passed The Watershed Council Act in 2020 to create a statewide council as well as twelve watershed councils throughout the state. The Act assigned the Utah Division of Water Resources to help organize and to provide administrative support to the state and local councils. Dan Adams of the Langdon Group and his team are helping the Division implement the Act.

WHEREAS, Conservation Districts are recognized in Utah Code as special service districts and;

WHEREAS, Conservations Districts represent all natural resource issues in their local jurisdiction including water;

THEREFORE, BE IT RESOLVED, that UACD and the local Districts lobby and work to place a district board member (supervisor) on each of the watershed councils including the statewide council.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET SD #1

TITLE: Direct Funding to Conservation Districts

SPONSOR: San Juan Conservation District and Utah Association of Conservation Districts' Board of Directors

RETIRE _____ **READOPT** _____ **READOPT W/CHANGES** X

WHEREAS, Conservation Districts are recognized in the Utah Code as special service districts and;

WHEREAS, Conservation Districts fall under the purview of the Utah State Auditor's Office and;

WHEREAS, Conservations Districts play a vital role in water, soil, land, and agriculture conservation in the State of Utah and represent issues which are on both private and public land and;

WHEREAS, Conservations Districts are run by ~~elected~~ appointed supervisors who live within the communities they represent and;

WHEREAS, each community is unique and varied in conservation needs and issues and;

WHEREAS, effectiveness of conservation districts relies on their ability to make decisions that are right for the communities they represent.

THEREFORE BE IT RESOLVED, that Conservation Districts should be funded directly by the state legislature which increases local control and effectiveness of conservation districts.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET SD #2
TITLE: Reinstate UACD President as a Member of the UCC
SPONSOR: Dixie Conservation District

RETIRE _____ **READOPT** X **READOPT**
W/CHANGES _____

BACKGROUND: It is understood that compromises were made in order to pass the amendment to the UCC Act, however the conservation districts disagree with the need for this compromise.

WHEREAS the 2017 HB130 removed the President of the Utah Association of Conservation Districts (UACD) as part of the Utah Conservation Commission (UCC) and;

WHEREAS UACD is the association and representation for all of Utah’s conservation districts, the President of UACD is in the best position to represent the entire state of Utah in the area of natural resources and;

WHEREAS the President of UACD is the center of communication of state wide issues in natural resources and;

WHEREAS the President of UACD has been a commission member since 1953.

THEREFORE BE IT RESOLVED that local CDs (Conservation Districts) would like a bill sponsored to reinstate the President of UACD as a member of the UCC.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SD #3

TITLE: District Supervisor Elections

SPONSOR: UACD Board of Directors

RETIRE X **READOPT** _____ **READOPT W/CHANGES** _____

WHEREAS the district supervisors have heretofore been elected in their local area by ballot according to state code

WHEREAS the Utah Conservation Commission currently follows the process designated in state code

WHEREAS precedence has been set

THEREFORE BE IT RESOLVED that the current state code continues to be followed as it refers to district supervisor elections.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET LU #1

TITLE: Conservation Tree Planting Program

SPONSOR: Land Use Committee

RETIRE _____ **READOPT** _____ **READOPT W/CHANGES** X

WHEREAS, the UACD, NRCS, Utah Division of Forestry, Fire and State Lands, have a common obligation to conserve and enhance the natural resources of the State of Utah, and,

WHEREAS, conservation tree plantings serve a multi-conservation purpose for erosion control, livestock, crop and farmstead protection, wildlife habitat, beautification, water quality, storm water control, timber, and,

WHEREAS, a conservation tree planting program benefits Utah’s conservation effort and enhances Conservation District’s (CD’s) visibility and involvement in the communities they serve, and,

WHEREAS, conservation tree plantings are an important part of the Conservation Reserve Program and other parts of the Conservation Titles of the 1990 Food Security Act,

BE IT THEREFORE RESOLVED that the UACD support the continuation of a conservation tree planting program for Utah by: substituting the MOU currently with the Water Quality Task Force MOU.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET LU #2
TITLE: Noxious Weed Control
SPONSOR: Land Use Committee

RETIRE _____ **READOPT** X **READOPT**
W/CHANGES _____

WHEREAS, the UACD is established to assist the Conservation Districts throughout the state, and,

WHEREAS, the CD's are charged with the stewardship for all land within their Districts, regardless of other administrative boundaries, and,

WHEREAS, the noxious weed control policy of the federal, state, county, and city lands management agencies directly affects conservation programs of CD cooperators,

BE IT THEREFORE RESOLVED THAT, the UACD supports the prudent use of chemical and biological weed control agents on federal, state, county, city, and private lands with landowner permission, ,

AND BE IT FURTHER RESOLVED THAT, the UACD supports the continued control of noxious weeds on federal, state, county, city and private lands in accordance with the Utah State Noxious Weed Law and wise and prudent practices and appropriate application rates.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET LU #3
TITLE: Wilderness Management
SPONSOR: Land Use Committee

RETIRE _____ **READOPT** X **READOPT**
W/CHANGES _____

WHEREAS, pressure from some special interest groups is being put on federal land management agencies in the State of Utah to manage non-wilderness lands as wilderness, and,

WHEREAS, such management prohibits the multiple use concept which is strongly supported by UACD,

BE IT THEREFORE RESOLVED, that UACD oppose the concept of wilderness management on non-wilderness lands and areas of critical environmental concern (ACEC) and strongly urge federal land management agencies to not adopt such management practices, and to maintain multiple use status.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET LU #4
TITLE: City and County Planning Commission Involvement
SPONSOR: Land Use Committee

RETIRE _____ **READOPT** **X** **READOPT**
W/CHANGES _____

BE IT RESOLVED, that the CD supervisors and UACD staff actively solicit representation and involvement on City and County Planning Commissions, and that UACD continue to update and distribute information for CD distribution to Planning and County Commissions/County Councils.

BE IT FURTHER RESOLVED, that the CD Boards offer assistance and expertise in urban development.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET LU #5
TITLE: Predator/Raven/Eurasian Dove Control
SPONSOR: San Juan Conservation District

RETIRE _____ **READOPT** _____ **READOPT W/CHANGES** X _____

WHEREAS, high numbers of predators especially ravens and Eurasian Dove, are having a negative impact on crops and sage grouse.

WHEREAS, raven numbers are excessive in many local areas.

WHEREAS, local farmers are seeing significant damage to statewide crops

WHEREAS, ravens are known to target and eat sage grouse eggs and are known by local land owners and operators to have a significant impact on sage grouse populations (No study required to see this).

WHEREAS, millions of dollars have been spent to create or improve sage grouse habitat and employ biologists to study the species.

WHEREAS, many areas have sufficient habitat, yet sage grouse numbers are declining or holding (despite the increase in the number of leks counted each year, the average number of males counted on the leks has shown a decline from 1967-2001. Sage-grouse nest success varies from 12 to 86%. *Source: Strategic Management Plan for Sage-Grouse 2002.* (Data to be updated with current statistics by next year)

WHEREAS, Utah Division of Wildlife Resources contracts with U.S.D.A Wildlife Services to control a specified number of ravens each year.

WHEREAS, a more cost effective way to control ravens is to allow public involvement.

THEREFORE BE IT RESOLVED that the Utah Association of Conservation Districts encourage and support efforts to reduce raven and predator numbers in the State of Utah.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET WR #1

TITLE: Zebra (*Dreissena bugensis*) and Quagga (*Dreissena polymorpha*) mussel ...

SPONSOR: Price River Watershed Conservation District, San Rafael Conservation District

RETIRE _____ **READOPT** X **READOPT**
W/CHANGES _____

WHEREAS, Zebra and Quagga mussels are invasive freshwater mollusks (clams) that infest water in large numbers, attaching to any hard surface;

WHEREAS, Zebra and Quagga mussel invasions have cost billions of dollars in damages by clogging water pipes, degrading water quality, and competing with fish populations in the eastern United States;

WHEREAS, Zebra and Quagga mussels have now been detected in Utah’s lakes, and if left uncontrolled will have a devastating impact on Utah’s water resource,

THEREFORE BE IT RESOLVED, that the Utah Association of Conservation Districts support the Utah Division of Wildlife Resources (UDWR) and its partners in working diligently to keep Zebra and Quagga mussels from spreading further into Utah’s waters, even to the point of closing streams, lakes and reservoirs to boating and other activities deemed contributing to the spread of these invasive species;

THEREFORE BE IT RESOLVED, that the Utah Association of Conservation Districts support efforts to control Zebra and Quagga mussels in lakes throughout the State of Utah.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET WR #2
TITLE: Opposition to the Snake Valley Aquifer Proposed Draft Agreement
SPONSOR: Juab and Millard CD Boards

RETIRE _____ **READOPT** X _____ **READOPT**
W/CHANGES _____

Whereas, the State of Utah has proposed to enter into an agreement with the State of Nevada and;

Whereas, the State Of Utah has held public meetings wherein the public, affected water rights holders and local agricultural interests, concerned conservation organizations, Wasatch Front governmental organizations and many others, have overwhelmingly voiced dissatisfaction and urged rejection of the proposed draft agreement and;

Whereas, the predicted drop in water table resulting from SNWA pumping will affect the fragile desert environment resulting in loss of vegetation, water sources for wetland, livestock and wildlife, economic devastation of the local residents, loss of protective ground cover, exposing the desert soils to wind erosion and resulting in negative effects to the air quality of populated areas and;

Whereas, there are minimal benefits to the State of Utah, its residents or its natural resources by the implementation of the agreement in the current form and;

Whereas, several threatened species are found in this area which have cost the citizens of the State of Utah vast monetary and other resources in efforts to protect and delay listing of these species as endangered and will surely be affected by dropping the water table and diminishing surface water supplies and;

Whereas, the primary impetus for the rushed implementation of this agreement is the current political climate.

Now therefore be it resolved, that the Utah Association of Conservation Districts (UACD) is adamantly opposed to the proposed draft agreement and the proposed Southern Nevada Water Authority (SNWA) pipeline project. The UACD encourages the State of Utah to include in the final agreement stronger measures with respect to mitigation, agricultural interests, social and economic impacts, as well as environmental protection measures to better protect the resources and citizens of the State of Utah.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET WR #3
TITLE: Due Process Requirement for Relinquishing Water Rights
SPONSOR: Water Resources Committee

RETIRE _____ **READOPT** X **READOPT**
W/CHANGES _____

WHEREAS, in the late ‘90’s when the State of Utah required that “Dam Safety” work be done on the Huntington Reservoir near the top of Huntington Canyon, the Huntington-Cleveland Irrigation Company, (HCIC), applied to the Forest Service for a “special use permit” to do the necessary work, and,

WHEREAS, the HCIC was informed that, in order to get the permit, they would have to set aside 900 acre feet of water as a conservation pool (“C-pool”), to remain year around in the reservoir for recreational purposes, and,

WHEREAS, the HCIC protested to the Forest Service and was told that either the “C-pool” was to set aside or they couldn’t do the work the State of Utah was demanding, and,

WHEREAS, the HCIC had no recourse but to establish the “C-pool” and implement the work required, and,

WHEREAS, during 2002 the HCIC applied to the Forest Service for “permanent easements” for our reservoirs, in order to do routine maintenance without having to continually apply for “special use permits”, and was told by the Forest Service that getting “permanent easements” would require even more water being put into the “C-pool”, and,

WHEREAS, all water from the Huntington Creek drainage is fully appropriated, which requires that all water set aside for a “C-pool” must be taken from HCIC shareholders, (i.e. local farmers, towns or industries), and,

WHEREAS, HCIC insists that any action to take water, without due process, is unethical and illegal,

BE IT THEREFORE RESOLVED, that no government agency, be it Federal, State or Local, shall demand that water right holders relinquish water or water rights, for any purpose, without due process and fair market value compensation.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET WR #4
TITLE: Support for the Central Utah Project
SPONSOR: Water Resources Committee

RETIRE _____ **READOPT** X **READOPT**
W/CHANGES _____

UACD supports the completion of the Central Utah Project Completion Act.

(If this resolution is passed it is recommended that a letter be sent to the Central Utah Water Conservancy District, with UACD president's signature, stating UACD's continued support for the C.U.P.)

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET WR #5

TITLE: Water Rights Ombudsman

SPONSOR: Grand Conservation District

RETIRE _____ **READOPT** X

READOPT

W/CHANGES _____

WHEREAS, individuals, farmers and ranchers often find themselves needing to defend their water rights in court with little funding to hire appropriate representation, and

WHEREAS, there is a need for individuals, small farmers and ranchers to have a means for assistance in finding information and guidance about water rights issues and

WHEREAS, there is a need to establish a Water Rights Ombudsman office or expand the current property rights ombudsman office to assist individuals, farmers and ranchers, and

WHEREAS, there appears to be support for an Ombudsman office from water attorneys in the State of Utah;

THEREFORE BE IT RESOLVED, that Utah Association of Conservation Districts support efforts to establish a new Water Rights Ombudsman office, or expand the current property rights ombudsman office as an effort to support individuals, farmers and ranchers needing assistance in obtaining information on water rights or defending their water rights in court.

UTAH ASSOCIATION OF CONSERVATION DISTRICTS

NUMBER: 2021 SUNSET WR #6
TITLE: Water Banking
SPONSOR: North Cache Conservation District

RETIRE _____ **READOPT** X **READOPT**
W/CHANGES _____

WHEREAS, Utah Code, 73-5-15, Groundwater management plan, defines a “Critical Management Area” as, “a groundwater basin in which the groundwater withdrawals consistently exceed the safe yield”.

WHEREAS, “Safe Yield” is further defined as, the amount of groundwater that can be withdrawn from a groundwater basin over a period of time without exceeding the long-term recharge of the basin or unseasonably affecting the basin’s physical and chemical integrity.

WHEREAS, the best scientific method must be used by the state engineer to determine; hydrology conditions including surface water connections, physical characteristics of basin, geographical spacing and locations of withdrawals, water quality, local well interference, and any other factors that can affect the safe yield for the groundwater management plan.

WHEREAS, the state engineer may regulate groundwater withdrawals within a specific groundwater basin by adopting a groundwater management plan, the plan limits groundwater withdrawal to safe yield to protect the integrity of the aquifer. If the groundwater withdrawal in a basin exceeds the safe yield the state engineer shall regulate groundwater rights; water users may agree to participate in a voluntary arrangement for managing water consistent with other law.

WHEREAS, a substantial amount if not all of the water in Utah is appropriated Utah code 17B-1-202 1,c,ii states; “[a] groundwater right held by a local district to satisfy the provisions of a groundwater management plan is not subject to the forfeiture provisions of Section [73-1-4](#)”.

WHEREAS, state statute empowers Conservation Districts to support local government in planning, adopting, and developing required data and acts as a moderator or contracting agent for local entities, a local District may acquire by any lawful means a groundwater right necessary or convenient to the full exercise of the district’s power, and the district may manage the groundwater rights it acquires under Subsection 17B-1-103 (2)(a)or(b) consistent with the provisions of a groundwater management plan described in Subsection (1)(c); now

THEREFORE BE IT RESOLVED, a groundwater management plan may include a voluntary water banking arrangement in consultation with the state engineer, with special considerations of the safe yield and groundwater rights. The Utah Association of Conservation Districts (UACD) supports the lawful use of voluntary water banking where “Water Banking” is defined as the managing of water rights by a local district created in Section 17B-1-202 to facilitate and coordinate the voluntary use, lease, or sale of water by water right holders and water users. Further, the UACD supports continued development of law that will promote conservation of water and the wise use under established water rights.