

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 07, 2018

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Raybould, Shepherd, Wood, Boyle, Vander Woude, Miller, Burtenshaw, Mendive, Youngblood, Kauffman, Giddings, Blanksma, Erpelding, Rubel, Jordan

**ABSENT/
EXCUSED:** Representative(s) Erpelding, Jordan

GUESTS: Jon Kittell and Roy Akins, Downstream Clean Water Coalition; Neil Colwell, Avista Corporation; Russell Westerberg, Rocky Mountain Power; Sharon Kiefer, Idaho Department of Fish and Game; Kathleen Trever, Attorney General for Idaho Department of Fish and Game; Ben Davenport, Idaho Mining Association; Daniel Luker, Idaho Trial Lawyers Association; Lori Den Hartog, Idaho State Senate; Andy Brunelle, U.S. Forest Service; Brian Brooks, Idaho Wildlife Federation; Jonathan Oppenheimer, Idaho Conservation League; Rialin Flores, Conservation Voters of Idaho; Mckinsey Lyon, Midas Gold Idaho; Paul Arrington, Idaho Water Users Association; Norm Semanko, Parsons Behle and Latimer

Chairman Gibbs called the meeting to order at 2:00pm.

MOTION: **Rep. Kauffman** made a motion to approve the minutes of the January 31, 2018 meeting. **Motion carried by voice vote.**

Chairman Gibbs reminded everyone that in the January 23, 2018 committee meeting, there was a motion to **HOLD H 373** for time certain, February 7, 2018. Since that time both sides of the issue have met and are making good progress. The decision from both sides is to return **H 373** to the sponsor and rewrite new legislation next year.

Chairman Gibbs announced that due to the late start of this meeting and scheduling conflicts, he will be moving around agenda items.

RS 26055: **Rep. Moyle**, District 14, stated this proposed legislation would prohibit waterfowl hunting from flooded fields with standing crops. He stated that although federal law allows for this, he doesn't believe it is an ethical way to hunt.

MOTION: **Rep. Wood** made a motion to introduce **RS 26055**. **Motion carried by voice vote.**

H 476: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, stated this bill will provide protections from recreational liability to parties, such as the Department, who fund, maintain, improve, or hold conservation easements on lands made available for public recreational uses without a direct charge to individuals for access. This is similar to the protections from recreational liability currently provided to any landowner who does not charge individuals for recreational access. Ms. Kiefer stated without these protections, the Department would be exposed to recreational liability at potentially significant cost for supporting hunting, fishing, and trapping through actions such as funding access and providing infrastructure such as docks, on lands the Department doesn't own.

In response to questions, **Ms. Kiefer** stated because the landowner's liability is limited to premises liability, they are not required to keep their land safe for entry for recreational purposes when there is no direct charge, nor is the landowner required to post signs of any dangerous conditions. However, the landowner is not free from liability if injuries are caused by the landowner's intentional or reckless actions when they know, or should have known, that their action created unreasonable risk of harm to another with a high degree of probability such harm would actually happen. **H 476** would put those who fund, reasonably maintain, or otherwise reasonably make or support recreational improvements, such as the Department, on the same footing as landowners where no fees are charged.

Neil Colwell, representing Avista Corporation, stated because some of their utility company lands are open to public recreational activities and they do contract with other landowners to develop additional recreational opportunities, they are **in support** of this bill.

Daniel Luker, representing Idaho Trial Lawyers Association, stated as a result of meetings with the Department regarding concerns they had with the original language in this bill and the subsequent changes that were made, are now **in support** of this bill.

MOTION: **Rep. Blanksma** made a motion to send **H 476** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mendive** will sponsor the bill on the floor.

HCR 33: **Rep. Gestrin**, District 8, stated this Concurrent Resolution is to reject **Subsection 02** of **Section 421** of the pending rule found in **Docket No. 13-0108-1706** from the Idaho Department of Fish and Game regarding the mandatory reporting of taking of big game. The Senate concurred.

MOTION: **Rep. Wood** made a motion to send **HCR 33** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

HJM 10: **Rep. Gestrin**, District 8, stated this Joint Memorial to the President of the United States, the Secretaries of Agriculture and Interior, the administrators of the Environmental Protection Agency, and the Idaho Congressional Delegation demonstrates the importance of Midas Gold's Stibnite Gold Project to the state of Idaho, and that the Idaho Legislature supports this project and encourages a positive outcome of the permitting process.

Jon Kittell, representing the Downstream Clean Water Coalition, Riggins, Idaho, stated their community is tied to the health of the Salmon River. Although they know there is huge support from the Legislature for the Stibnite Gold Project, and the Joint Memorial expresses the need for responsible mining, they would feel a lot more confident if there was specific language in the Joint Memorial ensuring Midas Gold will do everything in its power to prevent any downstream pollution, or worse, to occur in order to protect the livelihood, families, and communities most at risk by this mining project. In summary, Mr. Kittell expressed the need to explicitly recognize the downstream families and communities in this Joint Memorial.

Jonathan Oppenheimer, representing the Idaho Conservation League, expressed concern that this Joint Memorial is putting the cart before the horse. They understand there is much support for the Stibnite Gold Project, but since the Forest Service is only at the scoping stage for the Environmental Impact Statement, they feel this is much too early to be requesting the Forest Service approve the project. Additionally, they have concerns with the bonding process, specifically on private patented lands, where the Idaho Department of Lands does not have the authority to bond in perpetuity, which he stated is what would be needed in this project.

- MOTION:** **Rep. Burtenshaw** made a motion to send **HJM 10** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.
- RS 26112:** **Senator Den Hartog**, District 22, stated this proposed legislation reduces the archery permit fee and the muzzleloader permit fee for Disabled American Veterans to \$2.00 per permit in alignment with the current hunting license discounted fee for Disabled American Veterans. Senator Den Hartog noted she received updated permit information from the Idaho Department of Fish and Game, and will be correcting the Fiscal Note to reflect the impact to the Department would be less than \$13,000 rather than less than \$8,000.
- MOTION:** **Rep. Boyle** made a motion to introduce **RS 26112.** **Motion carried by voice vote.**
- RS 26036:** **Paul Arrington**, Executive Director and General Counsel, Idaho Water Users Association, stated this proposed legislation updates **HJM 10** passed in 2014, specifically regarding negotiations with Canada and future implementation of the Columbia River Treaty.
- MOTION:** **Rep. Blanksma** made a motion to introduce **RS 26036.** **Motion carried by voice vote.**
- Chairman Gibbs** turned the gavel over to **Vice Chairman Gestrin.**
- RS 26097:** **Rep. Gibbs** stated due to the late start of this meeting, a scheduling conflict, and the RS introduction deadline, he will be presenting **RS 26097** on behalf of **Rep. Erpelding.** He stated this proposed legislation would change the name of the White Clouds Wilderness Area to the **Cecil D. Andrus** White Clouds Wilderness Area. This change recognizes and honors Cecil D. Andrus for his work in protecting Idaho's natural resources and supports the effort being put forward in the U.S. House of Representatives by **Congressman Simpson.**
- MOTION:** **Rep. Rubel** made a motion to introduce **RS 26097.** **Motion carried by voice vote.**
- Vice Chairman Gestrin** turned the gavel over to **Chairman Gibbs.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:51pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary