

MINUTES  
**SENATE RESOURCES & ENVIRONMENT COMMITTEE**

**DATE:** Wednesday, March 16, 2022

**TIME:** 1:00 P.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Chairman Vick, Vice Chairman Heider, and Senators VanOrden (Bair), Blair (Johnson), Patrick, Guthrie, Burtenshaw, Stennett, and Semmelroth

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Vick** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:00 p.m.

**MINUTES APPROVAL:** **Vice Chairman Heider** moved to approve the Minutes of March 2, 2022. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Guthrie** moved to approve the Minutes of March 7, 2022. **Senator Blair** seconded the motion. The motion carried by **voice vote**.

**UNANIMOUS CONSENT REQUEST:** **Chairman Vick** explained **RS 29657** and **RS 29530** required unanimous consent to be sent to a privileged committee for printing. Both pieces of legislation were granted a print hearing to allow public discussion of the proposed legislation, but they will not return to Committee this session.

**RS 29657** **Relating to Underground Facilities.** **Mike Hatchett**, Government Affairs and Community Relations Advisor, TC Energy, explained this legislation promoted collaboration between Idaho's two interstate pipeline companies and residential developers by requiring notification of encroachment at the front end of the development process. Currently, interstate pipeline companies are not notified until much later in the process.

**DISCUSSION:** In response to a question from **Vice Chairman Heider**, **Mr. Hatchett** explained that pipelines through Idaho benefit Idaho by delivering natural gas to utilities in the state, paying property taxes, and providing jobs. In response to a concern expressed by **Senator Patrick** about building homes on top of pipelines, **Mr. Hatchett** stated studies showed that it was safe to live within the right of way of a pipeline and millions of people already do. He added that a ban on building within the right of way of a pipeline would send the wrong message to developers and demonstrate a lack of interest in collaboration. **Senator Blair** asked why interstate pipeline companies were not working with local government entities in the development process. **Mr. Hatchett** responded that they do work with local authorities, but the notification process was informal, and this legislation allowed for formal notification at the first step in the development cycle. **Senator Blair** asked if interstate pipeline companies in Idaho had problems with lack of notification or changes in working relationships that caused informal agreements to be lost. **Mr. Hatchett** responded they had not had these issues in Idaho, but they have in Oregon.

**MOTION:** **Vice Chairman Heider** requested unanimous consent to send **RS 29657** to the Judiciary and Rules Committee for printing. There were no objections.

RS 29530

**Relating to Greater Sage Grouse. Representative Young** explained this legislation sought to amend Idaho Code § Title 36 by adding new Chapter 25. This chapter would provide for rulemaking, procedures, and permitting of a Greater Sage Grouse captive rearing program. She stated in current statute there was some ambiguity as to whether someone who purchased privately owned sage grouse could raise them in the state of Idaho. This legislation would outline the role of the Idaho Fish and Game Commission and the Department of Agriculture in the case that an individual wanted to raise sage grouse in captivity, it would allow someone to establish a captive brood flock with the possibility of researching and examining whether that could be a benefit to the state of Idaho, and it would include two potential options for the release of adult birds. **Representative Young** cited a study in Colorado that showed when they introduced baby chicks fewer than ten days old to a wild brood hen, they had a 98 percent success rate of the brood hen adopting those chicks. She noted the state of Wyoming had a flock of captive raised sage grouse, which began with eggs that they collected from the wild, and they now have upwards of 80 healthy adult birds.

**DISCUSSION:**

**Senator Stennett** asked why this legislation was needed. **Representative Young** answered there was a good chance that a private bird farmer that just wanted to have their own captive flock could do so under existing statute, but to explore potential benefits to Idaho, legislation was needed to address concerns about biosecurity and how state agencies would be involved. **Senator Stennett** asked about this legislation's lack of support from stakeholders, such as the Cattlemen's Association and the Idaho Department of Fish and Game who are opposed, and their concerns about weakening sage grouse stock. **Representative Young** stated some of the expressed concerns did not align with this legislation. She outlined the involvement of stakeholders, including the Cattlemen's Association, the Idaho Department of Fish and Game, the Office of Species Conservation, and the University of Idaho, over the last several years. She added that there continue to be questions and concerns, but printing this legislation and allowing it to be a public document would allow continued discussion to address those concerns. She emphasized that this is not a government run project, but privately driven.

**Senator Burtenshaw** expressed concerns with genetics and the chance that privately raised sage grouse would mix with the wild population and cause unforeseen issues. **Representative Young** replied she has many pages of studies on genetics in sage grouse and when discussing this legislation, they discussed genetics and they will continue to take genetics into consideration.

**MOTION:**

**Senator Stennett** stated she would not support unanimous consent.

**H 748**

**REAL PROPERTY - Adds to existing law to provide that certain appurtenant water rights and water entitlements and obligations shall pass with the transfer of real property.** **Paul Arrington**, Executive Director, Idaho Water User's Association explained this legislation created new Idaho Code § 55-616 to outline what happened with water rights and entitlements when property changed hands. This legislation codified existing common law and practice relating the conveyance of water rights and entitlements, including that all appurtenant water rights were conveyed unless expressly retained by the seller. In addition, all entitlements to receive water from an irrigation district, city irrigation system, or canal company were conveyed as were the obligations associated with membership in a ground water district. **Mr. Arrington** reviewed revisions made to this legislation since previously heard in this Committee.

- DISCUSSION:** **Senator Patrick** asked for clarification regarding notification when water did not go with the land. **Mr. Arrington** answered the presumption was that water rights will go with the land, unless there was a clear statement in the sales documents that the seller intended to keep them. **Senator Patrick** asked if this applied to water districts or canal companies or both. **Mr. Arrington** responded Subpart (1) concerned individuals, and Subparts (2) to (5) addressed the types of organizations, such as canal companies and irrigation districts, where water rights were represented by stock certificates.
- MOTION:** **Senator Guthrie** moved to send **H 748** to the floor with a **do pass** recommendation. **Senator Burtenshaw** seconded the motion. The motion carried by **voice vote**. Senator Vick will carry on the floor.
- ADJOURNED:** There being no further business as this time, **Chairman Vick** adjourned the meeting at 1:33 p.m.

---

Senator Vick  
Chair

---

Shelly Johnson  
Secretary