

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Monday, January 17, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

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SUBJECT	DESCRIPTION	PRESENTER
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Organizational Meeting

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, January 17, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Boyle, Blanksma, Okuniewicz

**GUESTS:** None

**Chairman Gibbs** called the meeting to order at 1:31pm.

**Chairman Gibbs** welcomed back the committee members and the Secretary, and welcomed new committee member **Rep. Burns** and committee Page **Hope Alles**. He assigned **Reps. Manwaring and Mathias** as proofreaders. Chairman Gibbs announced the committee would utilize the new remote testimony program and asked everyone to be patient as they learn to navigate through the complexities of the new system.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:40pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Wednesday, January 19, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">15-0301-2100F</a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule	Jennifer Okerlund, Idaho Forest Products Commission
<a href="#">37-0000-2100</a>	Notice of Omnibus Rulemaking - Proposed Rule	Mat Weaver, Idaho Department of Water Resources
<a href="#">37-0000-2100F</a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule	Mat Weaver
<a href="#">37-0307-2101</a>	Stream Channel Alteration Rules (New Chapter, Fee Rule) - Proposed Rule	Mat Weaver
<a href="#">37-0101-2101</a>	Rules of Procedure of the Idaho Department of Water Resources and Idaho Water Resource Board (New Chapter, Fee Rule) - Proposed Rule	Peter Anderson, Idaho Department of Water Resources

**Public Testimony Will Be Taken by Registering Through the Following Link:**  
[Registry to Testify](#)

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

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Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
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Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, January 19, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Chairman Gibbs, Representative(s) Wood, Gestrin, Blanksma, Burns

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Lickley** called the meeting to order at 1:30pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the January 17, 2022 meeting. **Motion carried by voice vote.**

**DOCKET NO. 15-0301-2100F:** **Jennifer Okerlund**, Director, Idaho Forest Products Commission, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. She indicated no changes were made from what the committee reviewed and approved last Session.

**MOTION:** **Rep. Manwaring** made a motion to approve **Docket No. 15-0301-2100F**. **Motion carried by voice vote.**

**DOCKET NO. 37-0000-2100:** **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, stated this omnibus pending non-fee rule as written was before the committee during the 2021 Session. He indicated with one exception, there were no changes made from what the committee reviewed and approved last Session. He stated the rule chapter that did change from 2021 is **IDAPA 37-02.01**, Comprehensive State Water Plan Rules, which governs the designation of waterways as interim protected rivers and includes processes for adopting and amending the Comprehensive State Water Plan to make temporary interim protected river designations permanent.

**Mr. Weaver** explained, after a thorough review by Department staff and the Office of the Attorney General, they determined there was no current need to substantively amend or add to the rule, that some of the rule described outdated processes that were no longer needed, and three large portions of the rule were restating Idaho Code. As a result, the Water Resource Board chose to terminate the rulemaking associated with the Comprehensive State Water Plan Rule, and instead, eliminated those sections of the rule that were not needed resulting in an 80% reduction from over 3,200 words to 611 words.

**MOTION:** **Rep. Addis** made a motion to approve **Docket No. 37-0000-2100**. **Motion carried by voice vote.**

**DOCKET NO. 37-0000-2100F:** **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

**MOTION:** **Rep. Manwaring** made a motion to approve **Docket No. 37-0000-2100F**. **Motion carried by voice vote.**

**DOCKET NO.  
37-0307-2101:**

**Mat Weaver**, Deputy Director, Idaho Department of Water Resources, stated this fee rule docket revises the Stream Alteration Rule, specifically Rule 61, which is a minimum standards rule that describes standards for small scale mining with suction dredges, powered sluices, or non-powered equipment. He explained mining operations meeting these minimum standards are not subject to more stringent procedural permit requirements described by law and mining operations meeting the Rule 61 minimum standards receive an expedited permit approval.

**Mr. Weaver** remarked the Department, in following **Director Spackman's** commitment to initiate negotiated rulemaking of Rule 61 in 2021, did host two public negotiation meetings and received at least three rounds of written comments. He remarked most that participated in the negotiated rulemaking supported keeping the minimum standards rule and the expedited permit process it authorizes.

In response to committee concerns regarding the National Oceanic and Atmospheric Administration's (NOAA) comments regarding mechanized equipment and stream bank protections, **Mr. Weaver** stated the issue is with characterizing the activity and the definition of mechanized. As a result, one of the substantive changes in the rule is to base regulation on whether a machine, or mechanized equipment, is powered or non-powered. He clarified, a machine is considered powered by any means other than by a human; for instance, gas powered and electric powered are machines. Once it was clarified how the Department would regulate the activity, NOAA's comments were pulled.

**Jonathan Oppenheimer**, Idaho Conservation League, spoke **in opposition to Docket No. 37-0307-2101**. He stated there is concern about the impact mining will have on sensitive fish habitat, in particular habitat that has been designated for threatened and endangered species such as steelhead salmon. The ICL participated in the negotiated rulemaking process and believes that with some of the changes made, there will be increased impacts to rivers and streams by allowing winches. He commented the rules are vague regarding winch operations because a winch offers mechanical power to increase human strength. As a result, ICL believes more work is needed clarifying the rules for mechanized and powered equipment.

**MOTION:**

**Rep. Moon** made a motion to approve **Docket No. 37-0307-2101**. **Motion carried by voice vote. Reps. Rubel and Mathias** requested to be recorded as voting **NAY**.

**DOCKET NO.  
37-0101-2101:**

**Peter Anderson**, Hearing Officer Coordinator, Idaho Department of Water Resources, stated this docket is a new fee rule on rules of procedure of the Idaho Department of Water Resources and the Water Resource Board. He indicated no fee amounts were changed as a result of this new rule chapter. He explained the Department is required by statute to either adopt its own rules of procedure or use the generic Attorney General's rules, that is, the rules on how to make rules, as well as rules for contested cases. After consideration and input from the public, the Department determined an updated and targeted set of contested case rules specific to the Department's responsibility to administer water rights was necessary and moved forward with negotiated rulemaking.

**MOTION:**

**Rep. Addis** made a motion to approve **Docket No. 37-0101-2101**. **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:09pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Tuesday, January 25, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS 29200</a>	Confined Animal Feeding Operations	David Claiborne, Sawtooth Law Offices
<a href="#">RS 29041C1</a>	Water, Revolving Account Loans	Brian Patton, Idaho Department of Water Resources
<a href="#">RS 29069C1</a>	Endowment Land, Notices, Violations	Scott Phillips, Idaho Department of Lands
DOCKET NO.:		
<a href="#">20-0000-2100</a>	Notice of Omnibus Rulemaking - Proposed Rule	Dustin Miller, Idaho Department of Lands
<a href="#">20-0000-2100F</a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule	Dustin Miller
<a href="#">20-0309-2101</a>	Easements on State-Owned Navigable Waterways (New Chapter, Fee Rule) - Proposed Rule	Scott Phillips
<a href="#">20-0601-2101</a>	Rules of the Idaho Board of Scaling Practices (New Chapter, Fee Rule) - Proposed Rule	Archie Gray, Idaho Department of Lands
<a href="#">20-0201-2101</a>	Rules Pertaining to the Idaho Forest Practices Act (New Chapter) - Proposed Rule	Archie Gray

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
[\*\*\*Register to Testify\*\*\*](#)

***If you have written testimony, please provide a copy to the committee secretary.***

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Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, January 25, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Blanksma

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**Chairman Gibbs** announced this committee will allow for remote testimony moving forward and will utilize the testimony timer if the number of testifiers warrants limiting individual times. He also indicated, depending on the number of testifiers, overall public testimony may be limited due to time constraints of the committee, so not everyone may be called upon to testify. Chairman Gibbs stated beginning Monday, January 31, 2022, everyone wanting to testify, either remotely or in person, must sign up online. There will no longer be sign-up sheets in the committee room.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the January 19, 2022 meeting. **Motion carried by voice vote.**

**RS 29200:** **David Claiborne**, Sawtooth Law Offices, representing Idaho Dairymen's Association, stated this proposed legislation will make a fund available to support investments in environmental projects on Confined Animal Feeding Operations (CAFOs) to improve livestock byproduct, waste, nutrient and water management, and its land application and storage systems. He explained, currently CAFOs are not eligible for these projects because they do not directly discharge into water bodies. This legislation would provide a direct funding source for environmental and water quality improvement projects awarded and facilitated through the Department of Environmental Quality (DEQ).

**MOTION:** **Rep. Lickley** made a motion to introduce **RS 29200**. **Motion carried by voice vote.**

**RS 29041C1:** **Brian Patton**, Executive Officer, Idaho Department of Water Resources, explained this proposed legislation is in response to a Legislative Services Office audit, which identified a discrepancy with language in **Idaho Code 42-1756(5)**. He explained, this Code governs the security interest requirements of loans made by the Water Resource Board from its Revolving Development Account, and the Board's actual practices of securing loans. While the existing language applies to securing loans to non-governmental borrowers, such as canal companies, it does not match the processes that govern incurring and securing debt by public entities such as irrigation districts, ground water districts, flood control districts, or drainage districts. Mr. Patton stated **RS 29041C1** specifies the Board may enter into loan security arrangements appropriate to the lender and all borrowers that come to the Board for a loan.

**MOTION:** **Rep. Wood** made a motion to introduce **RS 29041C1**. **Motion carried by voice vote.**

**RS 29069C1:** **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, explained when unwanted recreational uses impact the Department's ability to generate revenue from activities on endowment lands like timber production and grazing, they need a statutory tool to address the negative impacts. He stated this proposed legislation will establish infraction-level charges for violating restrictions on the use of endowment lands, as long as the public is given appropriate notice of the restrictions. Currently, those who damage endowment lands face misdemeanor or felony charges, creating a permanent criminal record. This legislation would create a citation with a \$250 fine for the first offense.

**MOTION:** **Rep. Lickley** made a motion to introduce **RS 29069C1. Motion carried by voice vote.**

**Chairman Gibbs** turned the gavel over to **Vice Chair Lickley.**

**DOCKET NO. 20-0000-2100:** **Dustin Miller**, Director, Idaho Department of Lands, stated this omnibus pending rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

**MOTION:** **Rep. Kauffman** made a motion to approve **Docket No. 20-0000-2100. Motion carried by voice vote.**

**DOCKET NO. 20-0000-2100F:** **Dustin Miller**, Director, Idaho Department of Lands, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

**MOTION:** **Rep. Rubel** made a motion to approve **Docket No. 20-0000-2100F. Motion carried by voice vote.**

**DOCKET NO. 20-0309-2101:** **Scott Phillips**, Policy and Communications Chief, Idaho Department of Lands, stated the Department manages the beds of navigable lakes and rivers for the benefit of the public. Funding for the management of navigable waterways comes from fees and rent charged by the Department for that use. He explained, this pending fee rule includes a reduction in regulatory burden by reducing the total word count and the number of restrictive words. Additionally, the following substantive changes were made: 1) the current \$300 application fee, established in 1993, was increased to \$500, which will cover the Department's cost of reviewing and issuing these easements; 2) appraisals, if needed, would now be paid for by the applicant and will not be performed by qualified Department staff; and 3) the Director's approval authority is raised from \$10,000 to \$25,000, to correspond with the same approval authority for easements and endowment lands. Mr. Phillips indicated these rule changes would only impact new easement applications; existing easements would not be affected.

In response to a committee question regarding the increase to the application fee, **Mr. Phillips** stated the Department conducted an analysis of the staff labor costs to process easements and determined the expense to be \$478.82, with close to half of that being spent for legal counsel staff time.

**MOTION:** **Rep. Gibbs** made a motion to approve **Docket No. 20-0309-2101. Motion carried by voice vote.**

**DOCKET NO. 20-0601-2101:** **Archie Gray**, Forestry Assistant Bureau Chief, Idaho Department of Lands, stated this pending fee rule docket will adopt the new Idaho Cubic Log Scaling Manual. He explained, the new cubic manual is an alternative to the current Scriber (Idaho Log Scaling Manual) and is not meant to be a replacement, but rather to establish a standard uniform set of rules for cubic scale in the event someone chooses to use cubic scale in the future. Mr. Gray indicated no fee amounts were changed in this rulemaking and there are no new fees.

**MOTION:** **Rep. Yamamoto** made a motion to approve **Docket No. 20-0601-2101. Motion carried by voice vote.**

**DOCKET NO. 20-0201-2101:** **Archie Gray**, Forestry Assistant Bureau Chief, Idaho Department of Lands, stated this pending fee rule docket, Rules Pertaining to the Idaho Forest Practices Act, addresses minimum standards to assure the continuous growing and harvesting of forest tree species and to protect and maintain the forest soil, water resources, wildlife, and aquatic habitat. He noted the most significant change in this docket is the change to the streamside retention rule, otherwise known as the Shade Rule.

**Mr. Gray** provided background on the Shade Rule, noting in 2013 the Department began the rule promulgation process to implement changes to stream protection rules. The Shade Rule was derived from years of work to develop science-based requirements for retention of shade, in the form of trees, adjacent to Class I streams to protect water temperature and quality.

In 2014, the Department committed to study the rule's effectiveness and implementation, and where appropriate, revise the rule to address lessons learned. The Department, in coordination with DEQ and the University of Idaho, embarked on a multi-year study to compare the modeled and measured (actual) changes in shade when applying the Shade Rule across different forest types. In January 2020, the study was published.

**Mr. Gray** explained, the goal was to limit shade loss to no more than 10% based on the simulated modeling. The study demonstrated shade loss was significantly less than 10% when the Shade Rule was properly applied. **Mr. Gray** commented, the Department moved forward to simplify the Shade Rule to make it more easily understood, with the objective of providing management options to landowners while still affording appropriate protections to stream shade and large woody debris recruitment.

**Mr. Gray** noted, there was also a need to update the rule specific to the use of ground-based logging equipment on steep slopes because the technology used in the logging industry had changed. Additionally, he indicated, road construction rules are being updated to improve water quality protections at stream crossings.

During discussion, committee members noted there are several stakeholders on record concerned with the proposed changes to the Shade Rule and potential litigation that could result from those changes, suggesting the Department should reconsider implementing the changes. **Mr. Gray** remarked, the Department does not believe the changes will result in litigation, rather the changes to the Shade Rule make it easier to follow and create no more jeopardy than the rule as previously written.

In response to committee concerns over shade loss, **Mr. Gray** explained, the Department implemented an effectiveness study in the field, with the goal of not exceeding 10% shade loss, and the data revealed the impact on shade was well below the 10% criteria. He added, the new requirements remain close to the same for the number of trees to be retained, but will take away the confusion of multiple zones, and will give the landowner more options on how to distribute trees. He noted, trees remain more dense closest to streams because they are more important to be left in place. In response to concerns regarding if the new rules will keep water temperatures cool enough, **Mr. Gray** stated it is very difficult to measure water temperatures due to tremendous fluctuations, for example, from snow melt and time of year, that is why shade will be used as a surrogate to water temperature.

**MOTION:** **Rep. Addis** made a motion to approve **Docket No. 20-0201-2101.**

**SUBSTITUTE MOTION:**

**Rep. Rubel** made a substitute motion to reject **Docket No. 20-0201-2101** and spoke to her motion. She expressed concern with the feedback she has received from those who understand the issue and is not reassured fish populations will be protected. She believes this will end up being litigated or the federal government will step in and create more restrictive rules.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:**

**Rep. Boyle** requested a roll call vote on the substitute motion to reject **Docket No. 20-0201-2101**. **Substitute motion failed on a vote of 3 AYE, 12 NAY, and 3 Absent/Excused.** **Voting in favor** of the motion: **Reps. Rubel, Mathias, and Burns.** **Voting in opposition** to the motion: **Reps. Gibbs, Lickley, Moyle, Boyle, Vander Woude, Mendive, Kauffman, Addis, Moon, Manwaring, Okuniewicz, and Yamamoto.** **Reps. Wood, Gestrin, and Blanksma were absent/excused.**

**ROLL CALL VOTE ON ORIGINAL MOTION:**

**Rep. Rubel** requested a roll call vote on the original motion to approve **Docket No. 20-0201-2101**. **Original motion carried by a vote of 13 AYE, 2 NAY, and 3 absent/excused.** **Voting in favor** of the motion: **Reps. Gibbs, Lickley, Moyle, Boyle, Vander Woude, Mendive, Kauffman, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, and Burns.** **Voting in opposition** to the motion: **Reps. Rubel and Mathias.** **Reps. Wood, Gestrin, and Blanksma were absent/excused.**

**Vice Chair Lickley** turned the gavel over to **Chairman Gibbs**.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:36pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Thursday, January 27, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Fish and Game Commission Introductions	Ed Schriever, Director, Idaho Department of Fish and Game
DOCKET NO.:		
<a href="#">13-0000-2100</a>	Notice of Omnibus Rulemaking - Pending Rule	Jim Fredericks, Deputy Director, Idaho Department of Fish and Game
<a href="#">13-0000-2100F</a>	Notice of Omnibus Rulemaking - Pending Fee Rule	Jim Fredericks

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Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, January 27, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Wood

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**Ed Schriever**, Director, Idaho Department of Fish and Game, introduced members of the Fish and Game Commission to the committee. Those members include **Greg Cameron**, Chair, representing the Magic Valley Region; **Tim Murphy**, representing the Southwest Region; **Dave Bobbitt**, representing the Panhandle Region; **Don Ebert**, representing the Clearwater Region; **Lane Clezie**, representing the Southeast Region; **Derick Attebury**, representing the Upper Snake Region; and **Ron Davies**, representing the Salmon Region. Director Schriever commented, Commissioner Dave Bobbitt is still awaiting Senate confirmation.

**Chairman Gibbs** turned the gavel over to **Vice Chair Lickley**.

**DOCKET NO.  
13-0000-2100:** **Jim Fredericks**, Deputy Director, Idaho Department of Fish and Game, stated this omnibus pending rule docket as written was before the committee during the 2021 Session. He indicated there were changes made, but the changes do not significantly alter the effect of existing rules; rather the intent is to streamline rules through repeal or simplification of outdated, unnecessary, or ineffective rules. As a result of compliance with the Governor's Executive Order, three chapters, 50 pages of text, and hundreds of restrictions were eliminated.

**Mr. Fredericks** stated one change of note was in response to detection of Chronic Wasting Disease (CWD) in Idaho, which resulted in modification of the rules regarding movement of cervid carcasses in the CWD management zones. This modification reflects temporary rule language adopted by the Commission that allows the Director to designate a CWD management zone on a temporary basis, allows the movement of tissue and cervid heads to the Department for sampling, and clarifies legal consequences for violating cervid transport rules.

In response to committee questions regarding CWD management in rule rather than statute, **Mr. Fredericks** responded, the Department had rules and a management plan in place realizing it was just a matter of time before CWD would be detected in the state. When it was detected, they realized the rules needed modification due to the restrictive nature of movement of cervid heads and tissue outside of CWD management zones. The Department needed the heads and tissue to be brought in quickly for sampling and study so they needed to modify the rules.

In response to a committee question regarding where CWD has been detected, and when, **Mr. Fredericks** replied, there were four deer and one elk detected with CWD this past fall during the general season hunt and a surveillance hunt in Unit 14. Mr. Fredericks remarked, the Department is currently finishing up their CWD report and will provide it to the committee when finalized.

**MOTION:** **Rep. Addis** made a motion to approve **Docket No. 13-0000-2100**. **Motion carried by voice vote.**

**DOCKET NO. 13-0000-2100F:** **Jim Fredericks**, Deputy Director, Idaho Department of Fish and Game, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. He indicated no changes were made from what the committee reviewed and approved last Session.

**MOTION:** **Rep. Burns** made a motion to approve **Docket No. 13-0000-2100F**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:30pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Monday, January 31, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 29217</a>	Hunting, Archery Equipment	Rep. Mitchell
<a href="#">H 466</a>	Confined Animal Feeding Operations	David Claiborne, Sawtooth Law Offices Rick Naerebout, Idaho Dairymen's Association
<a href="#">H 467</a>	Water, Revolving Account Loans	Brian Patton, Idaho Department of Water Resources

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Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
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Rep Mathias  
Rep Burns

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, January 31, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the January 25, 2022 meeting. **Motion carried by voice vote.**

**RS 29217:** **Rep. Mitchell**, District 5, stated this proposed legislation would provide for lighted arrow nocks and mechanical broad heads for archery hunting in Idaho. He explained, lighted nocks make it easier for a hunter to recover lost arrows, which would be more environmentally safe and protect unsuspected game or people from stepping on them out in the woods. Mechanical broad heads create higher accuracy as well as a more humane kill, and will decrease the waste of game from injuries and lost kills. Overall, he stated, both nocks and mechanical broad heads will assist in the recovery of wildlife and provide a greater level of safety.

**MOTION:** **Rep. Boyle** made a motion to introduce **RS 29217**. **Motion carried by voice vote.**

**H 466:** **David Claiborne**, Sawtooth Law Offices, representing the Idaho Dairymen's Association, stated this legislation will add a new section to **Idaho Code, Section 39-3628A**, Agricultural Best Practices (Ag BMP) Fund. Currently, the existing Ag BMP Fund provides grants to make improvements to help meet water quality standards in impaired water bodies. This makes livestock facilities, or confined animal feeding operations (CAFOs), ineligible because they do not actively discharge to water bodies. Additionally, because CAFOs are regarded as a point source under the Clean Water Act, they do not qualify to receive funds from federal funding sources. As a result, CAFOs have no access to existing water quality or environmental improvement program funding. Mr. Claiborne indicated this legislation is a way to make funding available for CAFOs.

**Mr. Claiborne** explained this legislation will establish a one-time appropriation of \$5M from the General Fund, which is part of an overall \$20M request for environmental improvements in agriculture within the Department of Environmental Quality (DEQ). He added, the language will allow the funds, once appropriated, to be available continuously, meaning there is no requirement to spend the money in the fiscal year. He explained, that is important because it takes approximately 18 months to complete the anticipated 15-20 projects utilizing the funds. Mr. Claiborne also noted other funding from the industry can be used, funds will be expended as directed by a fund committee, and eligible CAFOs will be dairies, beef feedlots, and swine feedlots. This legislation will require an annual report to the Legislature and directs DEQ to provide administrative assistance to the committee.

**Rick Naerebout**, CEO, Idaho Dairymen's Association, stated dairy producers are under increasing pressure from the buyers of milk to advance environmental practices far beyond regulatory requirements. As a result, the Association is looking to utilize the fund to implement incremental improvements on dairy facilities across the state that will have the greatest environmental benefits. Examples include additions of settling basins, weeping walls, pond maintenance and lining, and advanced mechanical manure separation systems. He indicated, the cost of these potential projects is extremely variable, largely because it depends on the size of the operation and the technical advancements of the system being implemented. Additionally, he stated the Association has been working with industry partners to identify private funds to leverage so the state funding can be maximized.

In response to committee questions regarding how the projects will be managed, **Mr. Naerebout** explained DEQ will provide oversight and administrative support, but the fund committee decides on which projects to fund. He stated, projects will focus on proven technology.

**Wyatt Prescott**, Idaho Cattleman's Association, spoke **in support** of **H 466**. He noted although the beef side of the industry is smaller than the dairy side, this is a unique opportunity to gain access to resources to help with what comes out of the backside of cattle.

**Paul Arrington**, Idaho Water Users Association, spoke **in support** of **H 466**, stating being able to leverage state funding with private investments for good projects on the ground is a win.

At the committee's request, **Mary Ann Nelson**, Idaho Department of Environmental Quality, came forward to the podium and provided background information regarding the Ag BMP program and CAFOs. She stated DEQ relies on agency guidance documents for implementation of the Clean Water Act, Section 319 funding, which is a non-point source program. She explained, when the Ag BMP program was implemented in 2017, the Department was directed to include this state program in their funding process. DEQ receives and reviews applications for technical completeness and verifies the proposals fall within the parameters of an agricultural project. After that, the applications are put through a multi-level ranking process for funding. She explained, because CAFOs are a point source operation, they are not eligible for Section 319 non-point source funding. Therefore, when DEQ requests \$20M from the General Fund to be appropriated for the Ag BMP fund, they will set aside \$5M of that \$20M for the CAFOs fund.

**Rep. Lickley** declared Rule 80 stating a possible conflict of interest.

**MOTION:** **Rep. Rubel** made a motion to send **H 466** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Boyle** made a substitute motion to send **H 466** to General Orders. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:** **Chairman Gibbs** called for a vote on the original motion to send **H 466** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

**H 467:** **Brian Patton**, Executive Officer, Idaho Department of Water Resources, stated **H 467** is in response to a Legislative Services audit, which identified a discrepancy with language in **Idaho Code 42-1756(5)**. He explained, this Code governs the security interest requirements of loans made by the Water Resource Board from its Revolving Development Account, and the Board's actual practices of securing loans. While the existing language applies to securing loans to non-governmental borrowers, such as canal companies, it does not match the processes that govern incurring and securing debt by public entities such as irrigation districts, ground water districts, flood control districts, or drainage districts. Mr. Patton remarked **H 467** specifies the Board may enter into loan security arrangements appropriate to the lender and all borrowers that come to the Board for a loan.

**MOTION:** **Rep. Blanksma** made a motion to send **H 467** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burns** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:12pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Tuesday, February 01, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 29301</a>	Fish and Game, Allocated Tags	Rep. Gestrin
<a href="#">RS 29126</a>	Boating	Susan Buxton, Director, Idaho Department of Parks and Recreation
	Governor's ARPA Recommendations	Alex Adams, Director, DFM
	Idaho Department of Parks and Recreation Budget Update	Susan Buxton
DOCKET NO.:		
<a href="#">26-0000-2100</a>	Notice of Omnibus Rulemaking - Pending Rule	Susan Buxton
<a href="#">26-0000-2100F</a>	Notice of Omnibus Rulemaking - Pending Fee Rule	Susan Buxton

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, February 01, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representative(s) Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Kauffman, Blanksma, Burns

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**RS 29301:** **Aaron Lieberman**, Executive Director, Idaho Outfitters and Guides Association, stated this proposed legislation amends **Idaho Code, Section 36-2120** of the Outfitters and Guides Act, to clarify the calculation the Outfitters and Guides Board uses to designate deer and elk hunting tags that are allocated for the use of outfitted hunters by the Idaho Fish and Game Commission. These changes specify that the two years of prior use that form the basis for the calculation are the two calendar years preceding the date of allocation. He commented, this change is necessary to ensure the Board will use the same years of use to designate tags as the Commission uses to allocate tags. It will also ensure the Board can designate tags to individuals in a timely manner, which will be beneficial to the outfitter's businesses.

**MOTION:** **Rep. Gestrin** made a motion to introduce **RS 29301. Motion carried by voice vote.**

**RS 29126:** **Susan Buxton**, Director, Idaho Department of Parks and Recreation, stated this proposed legislation is an effort to streamline rules in IDAPA into Idaho state statute, which will simplify enforcement by county marine deputies. The rules are being migrated into statute verbatim with one exception; the U.S. Coast Guard recently changed labels on new life jackets. As a result, the existing language in rules referring to life jackets has been replaced with the new U.S. Coast Guard verbiage.

**MOTION:** **Rep. Addis** made a motion to introduce **RS 29126. Motion carried by voice vote.**

**Alex Adams**, Administrator, Department of Financial Management, provided an overview of the American Rescue Plan Act (ARPA) funding as it relates to the Resources and Conservation committee. He remarked, of the \$1.89B Idaho received in discretionary funds, \$250M was for recharge and water storage, \$70M was for water quality and remediation projects, \$300M was for local drinking and wastewater projects, and \$45M was for outdoor recreation. This funding must be spent by December 2024. He explained, the Governor's Office received clarification that ARPA funds can be used for Bureau of Reclamation (BOR) approved water storage projects, so for instance, the project to raise the Anderson Ranch Dam can now be paid for with ARPA funds, freeing up the \$20M that was set aside from the General Fund for this project. Those general funds can now be used on other priority water projects. With a surge in public use of state parks due to the pandemic, the ARPA outdoor recreation funding can address the substantial

list of Parks and Recreation's deferred maintenance backlog projects as well as increase capacity of campsites and day use areas statewide.

**Chairman Gibbs** turned the gavel over to **Vice Chair Lickley**.

**Susan Buxton**, Director, Idaho Department Parks and Recreation, provided an update on the Department's budget and plans for use of the \$45M in ARPA funding. She stated 93% of the budget is from fees collected, \$3M is from the General Fund, and the remaining is through grants to manage 30 state parks and over 18,000 miles of multi-use trails. She remarked, staffing levels have remained the same over the last 14 years, which is creating a strain on the Department, especially over the last two years where they saw a 29% increase in visitation. Currently, for every one full-time employee, that employee serves over 46,000 visitors. With parks open all year, increased visitation, and lack of adequate staffing levels, the Department is requesting an increase of 11.58 FTEs statewide.

**Director Buxton** stated, the Governor's Office recommended to the Department \$20M in ARPA funding in fiscal year 2023, \$10M each in fiscal years 2024 and 2025, and \$5M in 2026. With the funding, the Department will construct 250 new campsites, 25 new day use areas, and 150 new and upgraded boat slips. Additionally, the ARPA funds will help reduce the Department's deferred maintenance backlog. None of the ARPA funds will be spent on Department personnel.

**DOCKET NO.  
26-0000-2100:**

**Susan Buxton**, Director, Idaho Department of Parks and Recreation, stated the primary changes within this omnibus pending rule docket follow the Governor's Executive Order to reduce and eliminate unnecessary, redundant, and outdated words. She noted, the Department modified the Waterways Improvement Fund grant limits where individuals apply for dock and ramp projects across the state. For over 20 years, there has been a cap on any one county receiving more than 30% of the overall fund. There was a proposal to remove the cap, but most counties wanted to retain it. The Board did decide to retain the cap, but increased it to 50% in order to help counties with more expensive projects while keeping the remaining 50% of the funds available for the other counties.

**MOTION:**

**Rep. Mathias** made a motion to approve **Docket No. 26-0000-2100. Motion carried by voice vote.**

**DOCKET NO.  
26-0000-2100F:**

**Susan Buxton**, Director, Idaho Department of Parks and Recreation, stated this omnibus pending fee rule docket as written was before the committee during the 2021 Session. She indicated no fees were changed, and no other changes were made from what the committee reviewed and approved last Session. The Department did discover one clerical error on page 252, under Definitions; the definition of Director is incomplete. As a result, Director Buxton requested the committee's approval of this docket with the exception of **Subsection 26.01.33.10.07.**

**MOTION:**

**Rep. Okuniewicz** made a motion to approve **Docket No. 26-0000-2100F**, with the exception of **Subsection 26.01.33.10.07. Motion carried by voice vote.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:28pm.

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Representative Lickley  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Thursday, February 03, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Idaho Water Resource Board Budget Update	Jeff Raybould, Chairman, Idaho Water Resource Board
	Idaho Department of Water Resources Annual Update	Gary Spackman, Director, Idaho Department of Water Resources

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, February 03, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Kauffman

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:31pm.

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the January 27, 2022 meeting. **Motion carried by voice vote.**

**Jeff Raybould**, Chairman, Idaho Water Resource Board, provided an update regarding water sustainability project funding, including funding from the American Rescue Plan Act (ARPA). He stated there is \$75M from the General Fund for priority water projects that cannot be funded with ARPA dollars, and a total of \$250M available over the next several years for water projects funded through ARPA. The Board met and agreed to move water infrastructure projects that meet the ARPA criteria out of the General Fund project list, which will free up General Fund dollars to fund additional priority projects. Those projects meeting ARPA criteria include Anderson Ranch Reservoir enlargement (\$90M), Mountain Home Air Force Base water pipeline (\$30M), and the ESPA recharge infrastructure (\$75M). Chairman Raybould wrapped up his presentation with a brief overview of several water projects underway, including cloud seeding, Priest Lake water management project, Ririe Reservoir flood control curve rules study, Lemhi Basin water rights, and Bear Lake water storage.

**Gary Spackman**, Director, Idaho Department of Water Resources, provided the annual Department update. He highlighted several of the ongoing Department water project funding requests including the Bear Lake Adjudication (Phase 2), which began in June 2021, and that it is expected to take ten years to complete. He also spoke about the continued progress on the adjudication of the estimated 70,000 domestic and 130,000 stockwater rights that remain unclaimed in the Snake River Basin.

Additionally, **Director Spackman** stated, the Department is requesting 15 additional FTEs, funded from the General Fund, to hire a variety of water resource specialists and two Bureau Chiefs to build back the Department from the 15 positions lost since 2008. He remarked, it is getting extremely difficult to continue managing the multitude of critical water projects around the state with a flat organizational structure.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:30pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

**AMENDED AGENDA #1**  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Monday, February 07, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 29386C1</a>	Stockwater Rights	Rep. Blanksma
<a href="#">RS 29419</a>	Confined Animal Feeding Operations	Bob Naerebout, Idaho Dairyman's Association
<a href="#">H 507</a>	Archery Equipment	Rep. Mitchell

Public testimony on H 507 will be limited to 30 minutes. Individual testimony will be limited to 2 minutes each.

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, February 07, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley (Schutte), Representatives Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Rubel

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:32pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the January 31, 2022 meeting. **Motion carried by voice vote.**

**RS 29386C1:** **Rep. Blanksma**, District 23, stated this proposed legislation further clarifies the procedure to be used by the State of Idaho, prior to an order, declaring certain stockwater rights to be forfeited under **Idaho Code, Section 42-222**, for failure to put the rights to beneficial use for a term of five years or more.

**MOTION:** **Rep. Mathias** made a motion to introduce **RS 29386C1**. **Motion carried by voice vote.**

**RS 29419:** **Bob Naerebout**, representing the Idaho Dairymen's Association, stated **RS 29419** is replacing **H 466** that was before the committee on January 31, 2022. He remarked, after listening to the committee's discussion and concerns with **H 466**, the Association realized more work was needed. The Association addressed those concerns in **RS 29419**, and vetted them with the Department of Environmental Quality and the Governor's Office. Changes include adjusting the Fiscal Note to "subject to appropriations," and a clearer description of the application process and the roles and responsibilities of the committee.

**MOTION:** **Rep. Burns** made a motion to introduce **RS 29419**.

**SUBSTITUTE  
MOTION:** **Rep. Vander Woude** made a substitute motion to introduce **RS 29419** and recommend it be sent directly to the second reading calendar. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

**H 507:** **Rep. Mitchell**, District 5, explained this legislation will make lighted nocks and mechanical broad heads available and legal for use in Idaho; this legislation does not make their use required. Currently, Idaho is the last state in the country that does not allow their use, yet they have been available to archery hunters since the early 2000's. He explained, lighted nocks make it easier for hunters to recover lost arrows, which will be more environmentally safe and protect unsuspecting game and people from stepping on them out in the woods. He continued, mechanical broad heads create a higher accuracy as well as a more humane kill, decreasing the waste of game from injuries and lost kills.

**Rep. Mitchell** remarked, there have been many discussions between the Fish and Game Commission and archery hunters and groups over the last 15+ years, including several petitions for lighted nocks dating back to 2014. After studies and discussions, in May 2020, the Commission denied a petition requesting negotiated rulemaking for lighted nocks stating in part, it was important to maintain existing rules regarding primitive weapons for hunting, such as archery and muzzleloaders, and that their position to limit technological advances for that type of weapon remained unchanged.

**Brian Brooks**, Idaho Wildlife Federation; **Tad Sherman**, Idaho State Bowhunters; **Josh Hanson**, self; and **Alex Wagner**, self, all spoke **in opposition** to **H 507**. The common theme was that the Legislature shouldn't be involved in the Commission's business of setting hunting regulations. Sportsmen are passionate about participating in the hunting regulations process and this legislation will take away that process.

**Jim Fredericks**, Deputy Director, Idaho Department of Fish and Game, representing the Fish and Game Commission stated, the Commission agrees that advances in equipment technology improve hunter effectiveness and they have been sensitive to concerns that increased success rates in big game seasons, limited to archery or muzzleloaders, may lead to less opportunity requiring shorter seasons, caps on tags, or increased use of controlled hunts. He continued, Idaho hunters have consistently indicated support for maximizing opportunities, preferring longer seasons and general hunts, and the Commission continually tries to find the balance between allowing increasingly effective equipment while preserving liberal hunting opportunities. Since 2006, the Commission has regularly reviewed advances in technology and their implications, and the attempt to balance technology with hunter preferences for opportunities, led to the Commission's denial in 2020 of lighted nocks. With the heightened interest in **H 507**, the Commission is now in agreement that negotiated rulemaking involving hunters interests and input is a better forum than a legislative outcome, and so is **in opposition** to **H 507**.

**Dan Schoenberg**, self, spoke **in support** of **H 507**, stating allowing choices of tools available for hunters to be better hunters is a good thing.

**Benn Brocksome**, Idaho Sportsmen Association, spoke **in support** of **H 507**, stating the ability for season setting and methods of take is sacred to the sportsmen in Idaho and that the Commission needs to be a little more pragmatic in dealing with these types of issues so sportsmen don't end up circumventing the process by going to their legislators to fix the problem.

**Rep. Mitchell** stood and closed. He stated with regard to lighted nocks, the ultimate goal is to find the animal after it is hit, and with mechanical broad heads, the goal is a faster kill. He remarked, people will not be forced to use these items, this legislation will only make it available for use if an archery hunter chooses to use them.

**MOTION:**

**Rep. Moyle** made a motion to send **H 507** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Mitchell** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:30pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Wednesday, February 09, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
	Jervois: Building a Leading Independent Cobalt and Nickel Company	Matt Lengerich, Executive General Manager, Jervois
<a href="#">RS 29420</a>	Anderson Ranch Dam	Paul Arrington, Idaho Water Users Association
<a href="#">RS 29461</a>	Boating Fees	Rep. Okuniewicz
<a href="#">RS 29462</a>	Fish and Game Violations	Rep. Boyle
<a href="#">RS 29410</a>	Department of Lands	Rep. Gestrin

COMMITTEE MEMBERS

Chairman Gibbs	Rep Gestrin	Rep Manwaring
Vice Chairman Lickley (Schutte)	Rep Mendive	Rep Okuniewicz
Rep Moyle	Rep Kauffman	Rep Yamamoto
Rep Wood (Critchfield)	Rep Blanksma	Rep Rubel
Rep Boyle	Rep Addis	Rep Mathias
Rep Vander Woude	Rep Moon	Rep Burns

COMMITTEE SECRETARY

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MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 09, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley (Schutte), Representatives Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the February 1, 2022 meeting. **Motion carried by voice vote.**

**Matt Lengerich**, Executive General Manager, Jervois, provided an overview of Jervois, a company with key assets in the United States (Idaho), Brazil, and Finland, looking to become a leading nickel and cobalt company. Their Idaho cobalt operation, located on the Salmon-Challis National Forest, near Salmon Idaho, will be the only cobalt mine in the United States once in production. Currently, approximately 70% of the global cobalt supply is sourced from the Democratic Republic of Congo (DRC), with 80-90% being exported to China. The only pathway for the United States to reduce its dependency on cobalt imports and the indirect supply chain from China and the DRC is to develop the Idaho Cobalt mine. Mr. Lengerich explained, cobalt is a key mineral for the United States with regard to the battery supply chain for defense, aerospace, and more recently the automobile industry.

**Mr. Lengerich** explained, the Idaho cobalt mine will be a low impact underground mine, and is the first cobalt mine in the United States since the 1980's. Jervois is committed to creating a modern mining operation, estimating once in production it can meet up to 30% of the United States demand for cobalt. There are numerous permits underway at the federal level, and construction of the mine is on track, with production expected to begin later this year.

In response to a committee question regarding processing the cobalt, **Mr. Lengerich** noted the concentrate mined from Idaho will be shipped via truck, rail, and ship to the Brazil facility where it will be refined, then returned to the United States.

In response to a committee question regarding what happens to the tailings, **Mr. Lengerich** explained, there are two forms of backfill; cemented rock fill that allows for a permanent underground storage, and a surface dry stack storage facility.

In response to a committee question regarding the life of the mine operation, **Mr. Lengerich** explained, the initial indication is seven years, but the ore sits on an incline going down the mountain, and they haven't drilled below a certain level yet, so are unclear how far it goes. If more ore is present, that could extend the mine's operations.

- RS 29420:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated this proposed legislation involves the water right associated with the raising of Anderson Ranch Dam. He explained Idaho Code requires the Director to analyze certain criteria when reviewing whether a new water right can be granted. This legislation states certain of those criteria the Director has to consider will be considered met, and that the Director is not required to do any further analysis.
- MOTION:** **Rep. Addis** made a motion to introduce **RS 29420. Motion carried by voice vote.**
- RS 29461:** **Rep. Okuniewicz**, District 2, stated this proposed legislation would raise boating fees for nonresidents who want to enjoy Idaho's waters. This would create a new funding stream, in addition to other boating fees, licenses, stickers, etc., which will go to local counties and the Idaho Department of Parks and Recreation. He remarked this fee would not apply to Idaho residents.
- MOTION:** **Rep. Yamamoto** made a motion to introduce **RS 29461. Motion carried by voice vote.**
- RS 29462:** **Rep. Boyle**, District 9, stated this proposed legislation amends **Idaho Code, Section 36-1401**, to revise certain Fish and Game provisions regarding violations, and to make them infractions rather than misdemeanors.
- MOTION:** **Rep. Addis** made a motion to introduce **RS 29462. Motion carried by voice vote.**
- RS 29410:** **Brody Aston**, lobbyist, Westerberg and Associates, representing Trident Holdings, stated this proposed legislation would increase the state endowment's long term financial returns through added transparency and accountability in the management, practices, and processes employed by the Idaho Department of Lands. He remarked, this would not remove or reduce the authority of the Land Board; they remain the final arbiter in any decision.
- MOTION:** **Rep. Okuniewicz** made a motion to introduce **RS 29410. Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:02pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
Upon Adjournment from the Floor  
Room EW40  
Friday, February 11, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">RS 29538</a>	Stockwater Rights	Rep. Blanksma
<a href="#">RS 29550</a>	Sunshine Mine	Rep. Giddings

COMMITTEE MEMBERS

Chairman Gibbs

Vice Chairman Lickley

Rep Moyle

Rep Wood (Critchfield)

Rep Boyle

Rep Vander Woude

Rep Gestrin

Rep Mendive

Rep Kauffman

Rep Blanksma

Rep Addis

Rep Moon

Rep Manwaring

Rep Okuniewicz

Rep Yamamoto

Rep Rubel

Rep Mathias

Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell

Room: EW62

Phone: 332-1136

Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Friday, February 11, 2022

**TIME:** Upon Adjournment from the Floor

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representative(s) Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon (Beiswenger), Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Wood (Critchfield), Boyle, Okuniewicz, Mathias

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 11:55am.

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the February 3, 2022 meeting. **Motion carried by voice vote.**

**RS 29538:** **Rep. Blanksma**, District 23, stated **RS 29538** replaces **H 558** as a result of stakeholders requesting additional language to tighten up the process for the Director, Idaho Department of Water Resources, regarding permittees who signed agency agreements with the federal government.

**MOTION:** **Rep. Kauffman** made a motion to introduce **RS 29538**. **Motion carried by voice vote.**

**RS 29550:** **Rep. Giddings**, District 7, stated this proposed legislation recognizes that 50 years ago, on May 2, 1972, 91 miners lost their lives in the Sunshine Mine as a result of a fire. This legislation will pay tribute to the loss of all of Idaho's fallen miners, the efforts to save them by mine rescue teams, and the grief felt by the families and communities, and will commemorate May 2 from 2022, and every year forward in Idaho, as "Miners' Memorial Day."

**MOTION:** **Rep. Yamamoto** made a motion to introduce **RS 29550**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 12:01pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30 P.M.  
Room EW40  
Tuesday, February 15, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 519</a>	Boating	Susan Buxton, Director, Idaho Department of Parks and Recreation
<a href="#">H 520</a>	Fish and Game, Allocated Tags	Aaron Lieberman, Executive Director, Idaho Outfitters and Guides Association
	Discussion on agency budgets for JFAC presentation	Chairman Gibbs

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood (Critchfield)  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon (Beiswenger)

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, February 15, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Addis

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 7, 9, and 11, 2022 meetings. **Motion carried by voice vote.**

**H 519:** **Susan Buxton**, Director, Idaho Department of Parks and Recreation, stated **H 519** will streamline and reduce rules managed by the Department by migrating all boating rules currently in **IDAPA 26.01.30** into existing **Idaho Code, Title 67, Chapter 70; Idaho Safe Boating Act**. Making this change simplifies enforcement for county marine deputies as they currently issue warnings and citations under both IDAPA and Chapter 70. With this change, marine deputies will be able to better explain and reference boating laws when interacting with the public, prosecutors, judges, and attorneys. She explained, the rules are being migrated verbatim into statute with one exception; the U.S. Coast Guard recently changed labels on newly manufactured life jackets. As a result, the IDAPA rule that refers to the old labeling style was removed and replaced with the new verbiage that all life jackets must be approved by the U.S. Coast Guard.

**MOTION:** **Rep. Blanksma** made a motion to send **H 519** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

**H 520:** **Aaron Lieberman**, Executive Director, Idaho Outfitters and Guides Association, stated **H 520** is consensus legislation clarifying the data years used in the calculation the Outfitters and Guides Licensing Board uses to designate deer and elk hunting tags allocated for use by the outfitted public. He commented, this change is necessary to ensure the Board will use the same years of use to designate tags as the Fish and Game Commission uses to allocate tags. It also ensures the Board can designate tags to individual outfitters in a timely manner, which is beneficial to the outfitter's business.

**Jim Fredericks**, Deputy Director, Idaho Department of Fish and Game, representing the Fish and Game Commission, spoke **in support** of **H 520**. He stated **H 520** would restore the prior agency interpretation of the statute, which allows allocation and designation to occur in the fall or early winter preceding a hunting season, as opposed to late winter or spring. This ability to allocate and designate tags several weeks or even months earlier will be beneficial to outfitters' businesses. Additionally, he explained, **H 520** would allow the Board to base tag designation to individual outfitters on tag use data from the same two-year period the Commission uses to allocate tags for outfitter use by zone, unit, or hunt.

**Jeff Bitton**, President, Idaho Outfitters and Guides Association, representing 110 small businesses across Idaho who depend on the allocation system, spoke **in support** of **H 520**. He stated it is important for the two state agencies that deal with these tags to match each other's data.

**MOTION:** **Rep. Gestrin** made a motion to send **H 520** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gestrin** will sponsor the bill on the floor.

**Chairman Gibbs** lead a discussion with the committee regarding the Governor's recommendations for American Rescue Plan Act (ARPA) funding for agencies germane to the House Resources and Conservation committee. The committee was in agreement to support the \$250M recommended to the Idaho Department of Water Resources for recharge and water storage projects and the \$45M recommended to the Idaho Department of Parks and Recreation for outdoor recreation capacity and maintenance projects.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:50pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**1:30 P.M.**  
**Room EW40**  
**Thursday, February 17, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">HCR 34</a>	Miner's Memorial	Rep. Giddings
<a href="#">H 586</a>	Fish and Game, Violations	Rep. Boyle
<a href="#">H 584</a>	Anderson Ranch Dam	Paul Arrington, Executive Director, Idaho Water Users Association
	Chronic Wasting Disease Report	Rick Ward, State Wildlife Game Manager, Idaho Department of Fish and Game
	Chronic Wasting Disease Testing	Dr. Scott Leibsle, State Veterinarian, Idaho State Department of Agriculture

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs	Rep Gestrin	Rep Manwaring
Vice Chairman Lickley	Rep Mendive	Rep Okuniewicz
Rep Moyle	Rep Kauffman	Rep Yamamoto
Rep Wood (Critchfield)	Rep Blanksma	Rep Rubel
Rep Boyle	Rep Addis	Rep Mathias
Rep Vander Woude	Rep Moon	Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, February 17, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood (Critchfield), Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Addis

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Gibbs** made a unanimous consent request to **HOLD H 586** in committee at the request of the bill sponsor. There being no objection, the request was granted.

**HCR 34:** **Rep. Giddings**, District 7, stated this resolution recognizes that 50 years ago, on May 2, 1972, 91 miners lost their lives in the Sunshine Mine as a result of a fire. This resolution will pay tribute to the loss of all of Idaho's fallen miners, the efforts to save them by mine rescue teams, and the grief felt by the families and communities, and will commemorate May 2 from 2022, and every year forward in Idaho, as "Miner's Memorial Day."

**MOTION:** **Rep. Yamamoto** made a motion to send **HCR 34** to the floor with a **DO PASS** recommendation.

**Ben Davenport**, Executive Vice President, Idaho Mining Association, spoke in support of **HCR 34**. He stated it is important to memorialize and remember those who lost their lives in the Sunshine Mine disaster. He explained, as a direct result of this disaster, vast improvements were made in the health and safety of the mining industry, making Idaho mining one of the safest industrial professions today.

**VOTE ON  
MOTION:** **Chairman Gibbs** called for a vote on the motion to send **HCR 34** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Giddings** will sponsor the bill on the floor.

**H 584:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated **H 584** involves the water right associated with the raising of Anderson Ranch Dam. He explained **Idaho Code, Section 42-203A**, includes criteria the Director of the Idaho Department of Water Resources must consider when reviewing applications to develop a new water right. Those criteria include a consideration of whether the application is: made in good faith and not for delay or speculative purposes, in the local public interest, consistent with the conservation of water resources, and is not going to adversely affect the local economy of the watershed. He explained, **H 584** declares the Anderson Ranch Dam project application satisfies these criteria and that the Director is not required to make findings related to these criteria.

**MOTION:** **Rep. Lickley** made a motion to send **H 584** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Blanksma** will sponsor the bill on the floor.

**Rick Ward**, State Wildlife Game Manager, Idaho Department of Fish and Game, provided an overview on the current status of Chronic Wasting Disease (CWD) in Idaho. After giving a biological background on CWD, including an explanation regarding CWD prions, the deformed proteins found in mule deer, white-tailed deer, elk, and moose, Mr. Ward explained because CWD prions are found in saliva, urine, and feces of live animals, CWD can spread from one animal to another or through contaminated environment. Prions are not living organisms like a bacteria or a virus, and are incredibly sturdy and difficult to eradicate, creating one of the greatest challenges in managing the disease. CWD has a relatively long incubation period of 18-24 months before an animal displays any outward symptoms. Mule deer are the most susceptible to CWD, followed by white-tailed deer. Elk and moose are less susceptible than either deer species. CWD is always fatal. Testing requires removing the lymph nodes or the brain stem, so it can only be done on dead animals, as there is no practical way to test live animals for CWD. Samples are shipped out of state to be tested and the results can take three to six weeks.

**Mr. Ward** stated the Department has been conducting CWD surveillance since 1997 and has collected over 21,000 samples over that time frame. In November 2021, the Department received their first positive test results from two mule deer harvested from the Slate Creek drainage, between Riggins and Grangeville, within Game Management Unit 14. As a result of these positive tests, the Department began operating check stations near Unit 14 to collect additional samples, the Commission designated a temporary CWD Management Zone consisting of Units 14 and 15, and implemented emergency surveillance hunts to collect additional samples from deer. They collected 524 samples from both species of deer in the surveillance area resulting in an additional two positive test results from white-tailed deer. One more white-tailed deer tested positive that was volunteered from a private landowner in the Slate Creek area. They collected 48 samples from elk. One sample was positive from an elk in the White Bird area, and from known migration movements, it is highly likely it made at least one seasonal migration while infected with CWD.

**Mr. Ward** explained the Department's CWD strategy identifies three methods aimed at mitigating the spread of CWD; containment, hunt season changes to Unit 14, and ramped up CWD sample collections. They hope to accomplish this through a modified hunt structure by targeting older bucks, which are more likely to harbor and spread CWD. By setting hunts to manage for a younger age structure in the population and reducing overall deer densities, other states managing CWD have shown this can reduce the prevalence of CWD spread.

In response to a committee question regarding including a broader area beyond Unit 14, **Mr. Ward** stated they did surveillance hunts and conducted samplings in Units 13 and 18 as well.

In response to committee questions regarding CWD spreading between wild animals and domestic animals, **Mr. Ward** stated there are no documented cases. He said for fawns born to positive does and cows, it is inevitable they will eventually become CWD positive due to the close contact with the doe or cow and/or the infected environment.

**Dr. Scott Leibsle**, Idaho State Veterinarian, Idaho State Department of Agriculture, provided an overview of CWD and the Idaho domestic cervidae program. He stated the program focuses on domestic elk, reindeer, and fallow deer from the 42 producers who have over 4,800 animals. He explained, Idaho is predominantly an import state with CWD testing required on no less than 10% of harvested animals and 100% in any other death. The current regulations for importing cervidae include the following: the origin farm must have a five year history of negative tests on all animals that die or are harvested, the animals cannot originate from a CWD endemic area, there must be a certificate of veterinary inspection along with an import permit, there must be two forms of official identification, and all other import requirements must be met. The Department continues recommending aggressive sampling of harvested domestic cervidae, enforcing the mandatory testing of 100% of non-harvested deaths, and maintenance of fences to ensure adequate separation to prevent ingress of wild animals or egress of domestic cervidae. To date, CWD has not been detected in any domestic cervidae in Idaho.

In response to committee questions regarding exemptions to testing and how many there are annually, **Dr. Leibsle** explained if an animal dies other than a harvest, and tissue cannot be taken and submitted for testing, they must fill out a waiver and explain why the sample wasn't taken. One reason for a waiver is the animal was buried under the snow and the tissue deteriorated to the point where it could no longer host the disease. He remarked, in 2020, there were 68 waivers granted.

**Chairman Gibbs** recognized **Hope Alles**, the committee's Page, for her excellent work during the first six weeks of the Legislative Session.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 2:44pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
**3:00 P.M.**  
**Room EW40**  
**Wednesday, February 23, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">H 608</a>	Stockwater Rights, Forfeiture	Rep. Blanksma
<a href="#">H 672</a>	Fish and Game, Violations	Rep. Boyle

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 23, 2022

**TIME:** 3:00 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Manwaring

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 2:59pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the February 15, 2022 meeting. **Motion carried by voice vote.**

**Chairman Gibbs** welcomed the committee's new Page, **Holly Mebane**, and had her introduce herself.

**H 608:** **Rep. Blanksma**, District 23, stated **H 608** streamlines the process, for the Idaho Department of Water Resources Director, to declare stockwater rights have been forfeited for failure to put the rights to beneficial use for a term of five years or more.

In response to a committee question regarding the need for this legislation, **Rep. Blanksma** explained the federal government generally does not own livestock; therefore, the stockwater rights they currently hold should be forfeited because they have not used the water for beneficial use for a period of five years or more.

**Chairman Gibbs** stated, this has been an ongoing issue for years, and this legislation makes forfeiture more difficult so it isn't something that happens routinely, but when it does, there will be a process for the Director to follow before he can declare a water right has been forfeited.

**MOTION:** **Rep. Okuniewicz** made a motion to send **H 608** to the floor with a **DO PASS** recommendation.

In response to a committee question regarding what happens to a forfeited water right, **Rep. Blanksma** yielded the podium to **Bill Myers**.

**Bill Myers**, Attorney, Holland and Hart, representing the Office of the Speaker of the House and the Office of the Pro Tem on this issue, stated the general forfeiture statute has been on the books for over 100 years. He explained, if an individual possesses a stockwater right and does not use that right for the beneficial use for which it was allotted, for five or more years, it is subject to forfeiture. He continued, the Legislature has further defined in statute what that forfeiture process means, and **H 608** adds to that process.

**Mr. Myers** further stated, an individual, the state of Idaho, and the federal government can all hold stockwater rights, but if any stockwater right holder does not show beneficial use for five years or more, that stockwater right is subject to forfeiture. Under the general forfeiture statute, a forfeited water right reverts back to the state, to the Idaho Department of Water Resources, for reallocation to anyone who can show beneficial use and can meet the other requirements for holding a stockwater right.

**Wyatt Prescott**, Idaho Cattle Association, spoke **in support** of **H 608**, stating this should have been done years ago to clarify the process.

**Rep. Lickley** declared Rule 80 stating a possible conflict of interest.

**VOTE ON MOTION:**

**Chairman Gibbs** called for a vote on the motion to send **H 608** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

**H 672:**

**Rep. Boyle**, District 9, stated **H 672** replaces **H 586** due to a clerical error in drafting the bill. She stated **H 672** amends **Idaho Code, Section 36-1401**, to revise certain Fish and Game provisions regarding violations, and to make them infractions rather than misdemeanors. She commended the Idaho Department of Fish and Game staff for their work on this issue.

**MOTION:**

**Rep. Blanksma** made a motion to send **H 672** to the floor with a **DO PASS** recommendation.

**Greg Wooten**, Chief of Law Enforcement, Idaho Department of Fish and Game, spoke **in support** of **H 672** on behalf of the Idaho Fish and Game Commission. He explained, the review of violations of IDAPA 13 to consider penalties that may be more appropriately classified as infractions included officers, legal counsel, and relevant fisheries and wildlife staff. Staff based consideration of infractions versus misdemeanors on enforcement experience in the field as well as the nature of the violation and similarity of violations currently identified in **Idaho Code, Section 36-1401**.

**Benn Brocksome**, Idaho Sportsmen Association, spoke **in support** of **H 672**, stating it's good when an officer is able to issue an infraction rather than a misdemeanor when someone makes a mistake while recreating outdoors.

**VOTE ON MOTION:**

**Chairman Gibbs** called for a vote on the motion to send **H 672** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Boyle** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 3:19pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30pm or Upon Adjournment  
Room EW40  
Tuesday, March 01, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 702</u></a>	Fish and Game, Depredation	Jim Fredericks, Deputy Director, Idaho Department of Fish and Game
<a href="#"><u>S 1227</u></a>	Coeur d'Alene River and Lake Commission	Colby Cameron, Bureau Chief, Regulatory and Legislative Affairs, Division of Financial Management
<a href="#"><u>S 1228</u></a>	Fences, Reservoirs, Dumps	Colby Cameron
<a href="#"><u>SCR 117</u></a>	Sawtooth National Recreation Area	Rep. Burns

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma (Blanksma)  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
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Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Tuesday, March 01, 2022

**TIME:** 1:30pm or Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma (Blanksma), Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias (Woodings), Burns

**ABSENT/  
EXCUSED:** Representative(s) Manwaring

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:31pm.

**Chairman Gibbs** announced the sponsor of **H 587** requested the bill be held in committee.

**H 702:** **Ed Schriever**, Director, Idaho Department of Fish and Game, stated **H 702** addresses the gap between crop depredation claims and funding available for compensation. He explained, **H 230**, passed in 2017, created the access/depredation hunting and fishing license endorsement, which is a set-aside fee to increase funding for wildlife depredation compensation and prevention, and sportsmen's access programs. **H 230** also established a budget of \$1.1M for depredation claims and \$1M for sportsmen's access. Previous statute specified if the claim fund was insufficient to cover all claims, or if total claims exceeded the \$1.1M, claims would be pro-rated. He remarked, over the last two years, the total amount of claims has exceeded \$1.1M, forcing the Department to pro-rate compensation at approximately 65 cents on the dollar. During this Legislative Session, the Department received an increase to the depredation claims fund to \$2M in fiscal year 2023, and \$1.8M ongoing, in addition to a one-time cash transfer of \$1.7M from dedicated license funds to the depredation claim reserve fund. Director Schriever stated, this additional funding will forestall the need for pro-rated payments in the near term, but will not address the longer term issue of a source of dedicated revenue sufficient to cover increasing crop depredation claims.

**Director Schriever** explained, **Idaho Code, Section 36-115**, states no single claim shall exceed 10% of the original depredation claims fund appropriation for the fiscal year. With the increase to the depredation claims fund to \$2M, 10% would allow for a single claim to reach \$200,000, effectively eliminating the Department's ability to pay all claims in full and having to once again pro-rate payments. **H 702** will change the cap on any individual depredation claim from 10% of the annual budget to a fixed amount of \$125,000. Additionally, **H 702** will re-balance the revenue from the license endorsement to an approximate 50-50 split between the depredation compensation and prevention program and the sportsmen's access program since an even split was the original intent in **H 230**.

In response to a committee question regarding payment of depredation claims, **Director Schriever** explained statute states once the claim is validated, half is paid, then at the end of the year, the remaining balances are paid in full. If there is not enough funds in the account, the second half payments are pro-rated based on the number of claims and the remaining balance.

In response to a committee question regarding what has been done in the prevention program, **Director Schriever** stated the Department has been working with landowners to harden stored crops, mainly haystacks, with fencing, fenceposts, and gates rather than going out after depredation has occurred to deal with damages. As a result, the stored crop depredation claims are a fraction of what they used to be. Additionally, Department staff have been conducting population management of elk, the primary culprit of stored crop depredation, as well as hazing elk herds to change their behavior and movement patterns. They are also issuing kill permits so landowners can take action on their own, including lethal action; this is generally done in concert with the Department.

**Benn Brocksome**, Idaho Sportsmen Association, spoke in support of **H 702**, stating the Association takes depredation and access issues seriously and appreciates the work of the Legislature and the Department to find solutions to these issues.

**MOTION:** **Rep. Burns** made a motion to send **H 702** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Gibbs** will sponsor the bill on the floor.

**S 1227:** **Colby Cameron**, Bureau Chief, Regulatory and Legislative Affairs, Division of Financial Management, stated **S 1227** eliminates the obsolete Coeur d'Alene River and Lake Commission, created in 1931 by statute, that is no longer in existence. He stated there are various other state and local agencies, organizations, and commissions tasked with the protections of Coeur d'Alene River and Lake including the Governor's recently formed advisory commission.

**MOTION:** **Rep. Boyle** made a motion to send **S 1227** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Addis** will sponsor the bill on the floor.

**S 1228:** **Colby Cameron**, Bureau Chief, Regulatory and Legislative Affairs, Division of Financial Management, stated **S 1228** repeals a statute from 1872 that required fences around quartz mills because reservoirs and dumps were part of the mill and fencing was required to keep livestock out. He stated, the 1872 quartz mill operations no longer exist in Idaho, and have been replaced with various other laws and regulations that cover structural and fencing requirements for modern mining facilities.

**MOTION:** **Rep. Lickley** made a motion to send **S 1228** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Okuniewicz** will sponsor the bill on the floor.

**SCR 117:** **Rep. Burns**, District 26, stated **SCR 117** recognizes the 50th anniversary of the Sawtooth National Recreation Act, which established the 760,000 acre Sawtooth National Recreation Area (SNRA). He stated, this Act preserves the natural, scenic, historic, pastoral, and fish and wildlife values, and enhances the recreational activities on an iconic Idaho landscape. Additionally, Idaho's outfitters, guides, hunters, anglers, and tribes all rely on the intact habitat and clean water, which contributes significantly towards the economies of rural communities in the area. The SNRA is critical habitat for the survival and recovery of salmon and steelhead, since it is the headwaters of the Big Wood, Salmon, Boise, and Payette Rivers. He added, within the SNRA there are over 700 miles of trails, over 300 high mountain lakes, and 40 peaks rising over 10,000 feet within the Sawtooth, White Cloud, Boulder, Pioneer, and Smoky Mountain ranges.

**Kathryn Grohusky**, Executive Director, Sawtooth Society, spoke **in support** of **SCR 117**, stating the SNRA was established to preserve and protect the natural, scenic, historic, pastoral, fish and wildlife, and recreational values of the area, while creating local sustainability for Idaho through its social, economic, and environmental benefits to the state.

**Jonathan Oppenheimer**, External Relations Director, Idaho Conservation League, spoke **in support** for **SCR 117**. He stated the establishment of the SNRA recognizes the role that Idahoans made to provide protections for the area, which stands out in Idaho and globally for its significance and beauty. He remarked there were many discussions and debate regarding the type of designation this area should receive, and in the end there was a compromise to establish it as a national recreation area, rather than a national park, as the appropriate level of protection.

**Aaron Lieberman**, Executive Director, Idaho Outfitters and Guides Association, spoke **in support** for **SCR 117**, stating the SNRA hosts a significant number of outfitters and the Association supports the many values the SNRA provides.

**Rep. Boyle** requested the record reflect that although she will vote in support of **SCR 117**, this does not signify she supports any new designations in Idaho in future years.

**MOTION:**

**Rep. Lickley** made a motion to send **SCR 117** to the floor with a **DO PASS** recommendation and spoke to her motion. She stated she concurs with **Rep. Boyle's** statement regarding no more designations, commenting it is important to continue collaborations on any future recommendations in Idaho. She spoke with concern regarding the prohibition of chainsaws and the lack of trail maintenance in the wilderness areas within the SNRA. She remarked, there are many nonprofit and recreational groups willing and able to do the trail work if those designations were removed. **Motion carried by voice vote.** **Rep. Burns** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 2:19pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30pm or Upon Adjournment  
Room EW40  
Wednesday, March 09, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 749</a>	Lemhi Basin Settlement Agreement	Jeff Raybould, Chairman, Idaho Water Resource Board
<a href="#">H 748</a>	Water Rights, Property Transfers	Paul Arrington, Executive Director, Idaho Water Users Association
<a href="#">S 1275</a>	Irrigation Districts, Nominee Oaths	Paul Arrington
<a href="#">S 1276aa</a>	Irrigation, Canals, Notice	Paul Arrington
<a href="#">S 1277</a>	Irrigation Districts, Voting	Paul Arrington

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, March 09, 2022

**TIME:** 1:30pm or Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto (Yamamoto), Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Vander Woude

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**MOTION:** **Rep. Manwaring** made a motion to approve the minutes of the February 17, 2022 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Lickley** made a motion to approve the minutes of the February 23, 2022 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Burns** made a motion to approve the minutes of the March 1, 2022 meeting. **Motion carried by voice vote.**

**H 749:** **Jeff Raybould**, Chairman, Idaho Water Resource Board, stated **H 749** is an important component to the Lemhi Basin Settlement Agreement (Agreement), because it authorizes the Director of the Idaho Department of Water Resources to process and issue water rights, for those who sign on to the Agreement, for their historic high flow water use. He explained, in 2020, the Legislature adopted **SCR 137**, which directed the Idaho Water Resource Board, with technical support from the Idaho Department of Water Resources, to work with local water users to develop a comprehensive settlement that resolves tensions and conflict as a result of competing water supply demands in the Lemhi River Basin. Then, in 2021, the Legislature adopted **HCR 21**, directing the Board to continue its efforts in the Agreement. On March 4, 2022, the Agreement was signed into place. He remarked, participation in the Agreement would be voluntary, all existing water rights would be protected and not impacted by the Agreement, and implementation of the Agreement would be in compliance with Idaho law.

**Mr. Raybould** indicated, the original goal of the Agreement was to preserve and enhance the farming and ranching lifestyle, promote economic development, and look at ways to improve the conservation interests to provide sufficient habitat to sustain viable populations of fish. He explained, farmers and ranchers in the Lemhi Basin have historically diverted high water flows in the spring to hold/mound water, which not only provided water for their use, but also provided a reservoir where water flowed back into the Lemhi River in late season. When their water rights were adjudicated, because they were not able to keep that amount of water per acre, a high flow provision was added to allow the high flow practice to continue, providing there are no other senior water rights and the water is put to beneficial use. But the risk is without a water right, there is no priority date, or protection, so the use would be junior to all existing and future water rights.

**Mr. Raybould** explained, a key element of the Agreement provides that water users who sign on to the Agreement will have the opportunity to convert their historic high flow practice to a protectable water right, known as the Lemhi Stream Flow Maintenance Water Right; something they have not been able to do in the past. Applications for these water rights are limited to the amount of actual historic beneficial use not to exceed the existing ditch capacity on August 25, 2014. Existing water rights will not be affected because they have priority dates earlier than all rights that will be recognized under this Agreement. Landowners who are not party to the Agreement will still be able to continue their historic practice of diverting high water flow, but will not gain the benefit of a permanent water right for their high flow practice.

**Mr. Raybould** also explained other sections of the Agreement including McFarland Campground minimum stream flow and maintenance; stream flow maintenance water rights on the Big Timber, Little Timber, Big Eightmile, and Mill Creeks; the Big Timber, Bohannan, Canyon, and Hayden Creeks' minimum stream flows and existing water rights; and the Idaho Water Transaction Program and how it works to improve flows in streams and tributaries in the Lemhi Basin for salmon and steelhead and other fish species listed under the Endangered Species Act.

In response to committee concerns regarding the use of "may" versus "shall" on page 3, line 19 in **H 749**, **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, explained the typical process for a water rights application is the application is filed and a permit is issued. Following that, there is a period of time to perfect the water right, but the Department is not allowed to look back at past uses to perfect that water right. The intent of this particular language gives the Department more flexibility to look back and establish those historic high flow practices, in addition to the application for beneficial use, which is important because ditches change over time and capacity could have been greater in the past than it is now.

**Carl Ellsworth**, Rancher, Upper Lemhi Basin and **Lowell Cerise**, Rancher, Lower Lemhi Basin, both spoke **in support** of **H 749**, stating this Agreement and legislation recognizes the value of putting excess water on the land as the only real way to store water in the Lemhi Valley.

**MOTION:** **Rep. Lickley** made a motion to send **H 749** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Moon** made a substitute motion to **HOLD H 749** for time certain, March 15, 2022, and spoke to her motion. She stated the Agreement was just signed on Friday, March 4, 2022, and now **H 749** is before the committee and would like a little more time to read through the Agreement and legislation.

**AMENDED SUBSTITUTE MOTION:** **Rep. Moyle** made an amended substitute motion to **HOLD H 749** for time certain, March 11, 2022, and spoke to his motion. He stated due to time constraints, reconvening on March 11 is better than waiting until the following week, March 15. **Motion carried by voice vote.**

**H 748:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated **H 748** creates **Idaho Code, Section 55-616**, to outline what happens with water rights and entitlements when property changes hands. This legislation codifies existing common law and practice relating to the conveyance of water rights and entitlements, including that all appurtenant water rights are conveyed unless expressly retained by the seller. Additionally, all entitlements to receive water from an irrigation district, city irrigation system, or canal company are conveyed as are the obligations associated with membership in a ground water district.

**MOTION:** **Rep. Blanksma** made a motion to send **H 748** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burns** will sponsor the bill on the floor.

**S 1275:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated **S 1275** amends **Idaho Code, Section 43-201**, to include residency requirements as part of the Nominee's Oath for irrigation district board elections. He stated, Idaho Code already includes criteria for interested individuals to qualify to serve on an irrigation district board including ownership of land within the district, residency requirements, and age requirements (must be at least 18 years old), but the criteria for the Nominee's Oath, found in **Idaho Code, Section 43-201(5)**, that must be signed by each interested individual to certify that the individual meets each of the criteria, does not currently require residency. This has caused confusion and frustration. **S 1275** will add the residency requirements to the statutory language for the Nominee's Oath.

**Rep. Blanksma** declared Rule 80 stating a possible conflict of interest.

**MOTION:** **Rep. Blanksma** made a motion to send **S 1275** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Yamamoto** will sponsor the bill on the floor.

**S 1276aa:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated **S 1276aa** amends **Idaho Code, Section 42-2401**, to provide consistency in the notice requirements for canal companies to organize and elect boards of directors, hold meetings, and appoint executive committees. Currently, statute requires any notice of changes to a canal company's articles of incorporation or bylaws be published in a newspaper once a week for four weeks prior to the meeting, while a different part of that statute requires a notice of the meeting be published in a newspaper for two weeks prior to the meeting. Historically, canal companies have issued notice of any changes to their articles of incorporation or bylaws with the meeting notices following the two week notice prior to the meeting. **S 1276aa** would align the notice required for changes to articles of incorporation and bylaws to align with the two week notice requirement for meetings.

**MOTION:** **Rep. Kauffman** made a motion to send **S 1276aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Kauffman** will sponsor the bill on the floor.

**S 1277:** **Paul Arrington**, Executive Director, Idaho Water Users Association, stated **S 1277** amends **Idaho Code, Section 43-111**, to clarify only those who own lands that are subject to assessment and entitled to receive water are eligible to vote in an irrigation district election.

**Rep. Blanksma** declared Rule 80 stating a possible conflict of interest.

**MOTION:** **Rep. Blanksma** made a motion to send **S 1277** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Lickley** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:38pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
Upon Adjournment  
Room EW40  
Friday, March 11, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">H 749</a>	LEMHI BASIN - Adds to existing law to establish provisions regarding the Lemhi Basin Comprehensive Settlement Agreement.  No further testimony will be taken. Committee discussion and vote only.	

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto (Yamamoto)  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Friday, March 11, 2022

**TIME:** Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Boyle, Vander Woude

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 11:55am.

**H 749:** **Chairman Gibbs** returned **H 749** to the committee for consideration, which was held for time certain from the meeting of March 9, 2022.

**MOTION:** **Rep. Blanksma** made a motion to send **H 749** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moon** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 11:58am.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30pm or Upon Adjournment  
Room EW40  
Thursday, March 17, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#">SCR 122</a>	Approval of Non-fee Rules	Rep. Lickley
<a href="#">SCR 123</a>	Approval of Fee Rules	Rep. Lickley
	Western Juniper as Livestock Feed	Dr. Travis Whitney, Redeemer Ag

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Thursday, March 17, 2022

**TIME:** 1:30pm or Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representative(s) Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring, Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Moyle, Boyle, Vander Woude, Blanksma, Moon, Manwaring, Okuniewicz

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:35pm.

**MOTION:** **Rep. Burns** made a motion to approve the minutes of the March 9, 2022 meeting. **Motion carried by voice vote.**

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the March 11, 2022 meeting. **Motion carried by voice vote.**

**SCR 122:  
SCR 123:** **Rep. Lickley**, District 25, stated **SCR 122** addresses the non-fee administrative rules for the Idaho Department of Fish and Game, Idaho Forest Products Commission, Idaho Department of Lands, Idaho Department of Parks and Recreation, and the Idaho Department of Water Resources. She stated both the Senate Resources and Environment Committee and the House Resources and Conservation Committee approved the non-fee administrative rules with the exception that the Senate Committee rejected the Idaho Department of Parks and Recreation, Section 26.01.31.010.06, Definition of the Director. She continued, **SCR 123** addresses the fee administrative rules for the same agencies, and the Senate Resources and Environment Committee and the House Resources and Conservation Committee approved the fee administrative rules, with both Committees rejecting the Idaho Department of Parks and Recreation, Section 26.01.33.010.07, Definition of the Director.

**UNANIMOUS  
CONSENT  
REQUEST:** **Rep. Lickley** made a unanimous consent request to concur with the findings in **SCR 122 and SCR 123** and send them to the floor with a **DO PASS** recommendation. There being no objection, the request was granted. **Rep. Lickley** will sponsor the bills on the floor.

**Dr. Travis Whitney**, Ph.D. Ruminant Nutrition and co-owner of Redeemer Ag, presented Western Juniper: the Next Feed Ingredient to the committee. He remarked, the primary goal is to provide the livestock feed industry with an all natural, wholesome, cost-effective roughage product (ground juniper), while at the same time, enhance natural resources, rangeland health and sustainability, and rural economics. He explained, the problem is western juniper encroachment is destroying rangelands and ecosystems, it is increasing at an alarming rate, is expensive to remove and impossible to eliminate, and is reducing rancher profits and land value. Removing the western juniper increases available water, forage production, and land value while reducing wildfires and allergens. Because it would be available at a stable price year-around, it would significantly reduce feed costs while providing a 100% all natural ingredient.

**Dr. Whitney** explained, Redeemer Ag has already started this process in Texas and believes they have the expertise and knowledge to take western juniper in Idaho through the approval process. He indicated Owyhee County shows great opportunities. There are four phases to approval that would take approximately 3-5 years to complete. Phase 1 is where they would submit the proposal for the animal trials and study the product (lab trials), Phase 2 is the livestock feeding trials, Phase 3 is where they would submit the main proposal, then Phase 4 would address any issues and receive approval. Obstacles they face include adequate funding, the logistics of moving the product from the field to feed, and industry acceptance. He remarked, they are guided by strict standard operating procedures, and it is critical the data is analyzed, evaluated, and reported with zero errors. He stated, they have begun engaging with relevant organizations and industries in Idaho, including the Bureau of Land Management, the Natural Resources Conservation Service, Idaho Department of Fish and Game, the University of Idaho, as well as tree harvesters, and cattle, feed, and transportation industries.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:12pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**  
1:30pm or Upon Adjournment  
Room EW40  
Monday, March 21, 2022

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ew40/>

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes and Final Committee Business	

COMMITTEE MEMBERS

Chairman Gibbs  
Vice Chairman Lickley  
Rep Moyle  
Rep Wood  
Rep Boyle  
Rep Vander Woude

Rep Gestrin  
Rep Mendive  
Rep Kauffman  
Rep Blanksma  
Rep Addis  
Rep Moon

Rep Manwaring  
Rep Okuniewicz  
Rep Yamamoto  
Rep Rubel  
Rep Mathias  
Rep Burns

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1136  
Email: [hres@house.idaho.gov](mailto:hres@house.idaho.gov)

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Monday, March 21, 2022

**TIME:** 1:30pm or Upon Adjournment

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Lickley, Representatives Moyle, Wood, Boyle, Vander Woude, Gestrin, Mendive, Kauffman, Blanksma, Addis, Moon, Manwaring (Tovey), Okuniewicz, Yamamoto, Rubel, Mathias, Burns

**ABSENT/  
EXCUSED:** Representative(s) Blanksma, Moon

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Gibbs** called the meeting to order at 1:30pm.

**MOTION:** **Rep. Mathias** made a motion to approve the minutes of the March 17, 2022 meeting. **Motion carried by voice vote.**

**Chairman Gibbs** recognized **Holly Mebane**, the committee's Page, for her excellent work during the second half of the Legislative Session, **Tracey McDonnell**, the committee's Secretary, for her excellent work, and recognized the committee members who are retiring or not returning to the House of Representatives.

**Vice Chair Lickley** recognized **Chairman Gibbs** for his service to the state and the many contributions to Idaho's natural resources while serving on the Resources and Conservation committee during his 14 years in the Idaho House of Representatives.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:46pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary