

MINUTES
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, March 11, 2024

TIME: 1:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Burtenshaw, Vice Chairman Adams, Senators Guthrie, Den Hartog, Harris, Okuniewicz, Schroeder, Semmelroth, and Taylor

**ABSENT/
EXCUSED:** None

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

CONVENED: **Chairman Burtenshaw** called the meeting of the Senate Resources and Environment Committee (Committee) to order at 1:02 p.m.

RS 31608 **Concurrent Resolution Stating Findings of the Legislature and Approving Pending Rules of the Idaho Department of Environmental Quality. Unanimous Consent Request for Referral to a Privileged Committee for Printing.** **Chairman Burtenshaw** requested unanimous consent to send **RS 31608** to print. There were no objections.

H 425 **STATE DISASTER PREPAREDNESS - Amends existing law to revise the definition of development.** **Representative Manwaring** explained this legislation amended Idaho Code §§ 46-1021(1) and 46-1022 to ensure that Idaho was compliant with the National Flood Plain Insurance Program's (NFIP) regulations. It removed an exception to the definition of development and clarified what local government floodplain zoning ordinances could regulate. This allowed local jurisdictions the ability to maintain participation in the NFIP and citizens in Idaho to acquire flood insurance.

MOTION: **Senator Schroeder** moved to send **H 425** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

H 612 **WOLF DEPREDATION CONTROL BOARD - Amends existing law to provide for compensation and a procedure.** **Senator Harris** explained this legislation would allow the Wolf Control Board (Board) to determine and pay for livestock compensation. He explained that confirming livestock kills in Idaho was difficult, because when wolves finished eating something, there was not much left to confirm. Remains were also difficult to find due to the rugged terrain shared by wolves and livestock. To determine compensation, the Board would use historic livestock loss data from the Idaho State Department of Agriculture prior to the 1995 wolf reintroduction as a base for each wolf depredation unit. He referred the Committee to his handout showing wolf depredation and depredation units. (Attachment 1) Livestock producers would report their losses to the Board each year by December 31. The Board would then determine compensation based on available funding.

DISCUSSION: **Senator Den Hartog** asked if producers could be compensated under this legislation and under H 592, which established grizzly bear and wolf depredation. **Senator Harris** responded that H 592 also provided money for prevention. **Chairman Burtenshaw** asked for an explanation of the provided map. **Senator Harris** responded that the light blue showed chronic depredation units and the yellow showed units with both chronic and predation management. He added that most of the loss due to wolf kills happened in the chronic areas.

TESTIMONY: **Jonathan Oppenheimer**, on behalf of Idaho Conservation League, **Russ Hendricks**, on behalf of Idaho Farm Bureau, and **Patxi Larrocea-Phillips**, on behalf of Idaho Cattle Association, testified in favor of **H 612**. All agreed that it was important to compensate livestock producers for livestock losses, that this compensation would help producers stay in business, and that using funds from the Wolf Control Board to reimburse for livestock losses was appropriate.

Mr. Oppenheimer also suggested that rulemaking was needed to establish rules to prevent producers from being compensated under both this legislation and H 592, and to outline exactly how the livestock loss data prior to 1995 would influence reimbursements associated with this legislation.

Mr. Hendricks also stated this legislation would not require any new funding.

Mr. Larrocea-Phillips also clarified that compensation under this legislation would not be based on an investigation, but on the difference between a producer's current come home rate compared to livestock loss data prior to 1995, and that H 592 required an investigation to validate a probable loss.

Senator Den Hartog asked Mr. Larrocea-Phillips how, since there were multiple agencies and multiple statutes involved, the legislature could prevent double payment. **Mr. Larrocea-Phillips** responded that the Director of the Idaho State Department of Agriculture and the Director of the Idaho Department of Fish and Game were joint chairmen on the Wolf Control Board, so they would both be engaged with both pieces of legislation and able to negotiate rules that prevented payment from both funds.

MOTION: **Senator Semmelroth** moved to send **H 612** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

H 614 **FORESTS - Amends and adds to existing law to provide for duties and authority of the Idaho Department of Lands and to provide for good neighbor authority accounts.** **Senator Harris** explained that this legislation created a new chapter in Title 38, entitled "Sustainable Management of National Forests Act." This codified the Good Neighbor Authority within state law. This legislation authorized the Idaho Department of Lands (IDL) to enhance and further implement the existing Good Neighbor Authority program, to create accounts for the program in the state Treasury, and to authorize appropriations from those accounts to carry out provisions of the Good Neighbor Authority program.

DISCUSSION: **Senator Taylor** asked which Idaho National Forest was not participating in the program, and why they were not participating. **Senator Harris** responded the Sawtooth National Forest was not participating in the Good Neighbor Authority program and that he did not know why.

TESTIMONY: **Tom Schultz**, Vice President of Resources, Idaho Forest Group, testified in favor of **H 614**. He shared some background on the Idaho Forest Group, which was one of the largest producers of softwood lumber in the United States. He spoke about the importance of forestry, and the negative effects of wildfire and the current forest health crisis resulting from lack of active timber management on public lands. He believed the Good Neighbor Authority program had been successful, and that it was well managed by IDL. He shared that in the past year, IDL had doubled the annual volume of timber sold by the state on federal lands, which represented almost 25 percent of the U.S. Forest Service volume sold within the state of Idaho. He believed this legislation would ensure that the State of Idaho maintained an active role in the management of Idaho's National Forests.

Senator Okuniewicz stated he had a conflict of interest pursuant to Senate Rule 39(H) but intended to vote.

MOTION: **Senator Okuniewicz** moved to send **H 614** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

H 540 **FLOOD CONTROL DISTRICTS - Amends existing law to revise provisions regarding flood control districts.** **Representative Vander Woude** explained this legislation updated Idaho Code § 42-31, and created or modified definitions to reflect the flood control districts' actual role in flood risk reduction, flood response, and flood recovery.

MOTION: **Senator Harris** moved to send **H 540** to the floor with a **do pass** recommendation. **Senator Den Hartog** seconded the motion. The motion carried by **voice vote**.

RS 31608 For a process clarification, **Chairman Burtenshaw** requested unanimous consent to send **RS 31608** to a privileged committee for printing. There were no objections.

ADJOURNED: There being no further business at this time, **Chairman Burtenshaw** adjourned the meeting at 1:30 p.m.

Senator Burtenshaw
Chair

Shelly Johnson
Secretary