

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Friday, March 13, 2020

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

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Rubel, Toone, Mason, Necochea

**ABSENT/
EXCUSED:** Representative(s) Addis, Lickley, Necochea

GUESTS: Paul Arrington, Idaho Water Users Association; Norm Semanko, Lemhi Basin Water Users Association

Chairman Gibbs called the meeting to order at 2:20pm.

MOTION: **Rep. Toone** made a motion to approve the minutes of the March 9, 2020 and March 11, 2020 meetings. **Motion carried by voice vote.**

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Gibbs** made a unanimous consent request to reverse the order of bills on the agenda. There being no objection, the request was granted.

SCR 137: **Rep. Moon**, District 8, yielded the podium to **Norm Semanko**. Mr. Semanko introduced himself and stated he represents the Lemhi Basin Water Users Association. He explained **SCR 137** directs the Idaho Water Resource Board and the Idaho Department of Water Resources to work with local water users to resolve complicated issues related to the use of high flows on the Lemhi River. He explained there is an historic practice recognized in the Lemhi River Basin Adjudication and the Snake River Basin Adjudication, under a general provision, to allow high flows to be used early in the season by irrigators, but in the Snake River Basin claims for individual water rights for that use were not decreed.

Mr. Semanko provided some background on the complicated issues relating to the Lemhi River Basin including, around 2001, NOAA Fisheries threatened enforcement in the Lemhi Basin over low flows in the Lemhi River. This resulted in legislation being passed setting a minimum stream flow identified by the state of Idaho as being necessary at the L-6 diversion on the Lemhi River, not specifically what NOAA Fisheries wanted. As a result of those minimum flows, the Lemhi River is now held as a model for salmon recovery. He continued, then there was a Wild and Scenic River Act claim settlement for this area which carved out a certain amount of water for future development. He indicated this decision has been protested by downstream water users and by the state of Idaho, specifically the Department of Fish and Game as well as the Department of Water Resources who owns the downstream flow in the Lemhi River Basin. He concluded, all of these complicated issues make it difficult and expensive to work through, so **SCR 137** is an attempt for the state to provide leadership to help the downstream flow users in the Basin develop a plan to work through all of the competing interests.

Chairman Gibbs requested the record reflect no one came forward to testify.

MOTION: **Rep. Blanksma** made a motion to send **SCR 137** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moon** will sponsor the bill on the floor.

HCR 38: **Rep. Boyle**, District 9, stated **HCR 38** calls on the Federalism Committee to conduct a study on the impact of the federal government's Payment in Lieu of Taxes (PILT) program in Idaho. It directs the Committee to pilot technologies providing an objective standard to evaluate and appraise federal lands in real time to determine the fair taxable reimbursement value of federal lands. General Funds up to \$250,000 will be made available to implement this technology.

Rep. Horman, District 30, stated when you are only able to leverage 30% of the value of land, that 60% loss in revenue, which would be used towards funding schools and essential local services, creates a financial burden on cities and counties. She stated Utah and Wyoming have started efforts to utilize this new technology to assess lands and believes Idaho should as well.

MOTION: **Rep. Blanksma** made a motion to send **HCR 38** to the floor with a **DO PASS** recommendation.

Rep. Mason spoke to the motion. He stated utilizing this new technology would probably hurt Idaho more in the long run than help because the PILT program has never been fully funded by Congress and probably never will be. He continued, land values in certain areas of the country are increasing faster than land values in Idaho, resulting in what money is in the program going to the higher valued lands based on the funding formula. He gave the example of the National Elk Refuge in the Jackson Wyoming area having a much higher land value compared to federal lands in Idaho, so as the land value continues to rise around Jackson, so does the PILT payment, leaving less money available in the pot to pay for lower valued lands in Idaho. He remarked there are ways to reform PILT, but spending \$250,000 to determine the fair market value of federal lands in Idaho will not help Idaho. In conclusion, Rep. Mason agreed with the issues described and agrees there's a problem that needs to be fixed.

Chairman Gibbs requested the record reflect no one came forward to testify.

VOTE ON MOTION: **Chairman Gibbs** called for a vote on the motion to send **HCR 38** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Rubel, Toone, and Mason** requested they be recorded as voting **NAY. Reps. Boyle and Horman** will sponsor the bill on the floor.

Chairman Gibbs recognized **Claire Walker**, the committee's Page, for her excellent work during the second half of the Legislative Session.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:49pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary