

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