AMENDED AGENDA #1
HOUSE RESOURCES & CONSERVATION COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 19, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Matters	Chairman Raybould
RS23991	Removal of Small-Sized Dams from Regulation Requirements	Jeff Peppersack, Dept. of Water Resources
RS23990	Wildlife Management Area Upland Game Bird Permit Minimum Age Raise	Sharon Kiefer, Dept. Fish &Game
13-0102-1501	Rules Governing Hunter Education and Mentored Hunting	Sharon Kiefer
13-0108-1501	Rules Governing the Taking of Big Game Animals in the State of Idaho	Sharon Kiefer
13-0108-1502	Rules Governing the Taking of Big Game Animals in the State of Idaho	Sharon Kiefer
13-0109-1501	Rules Governing the Taking of Game Birds in the State of Idaho	Sharon Kiefer
13-0109-1502	Rules Governing the Taking of Game Birds in the State of Idaho	Sharon Kiefer
13-0111-1501	Rules Governing Fish	Sharon Kiefer
13-0111-1502	Rules Governing Fish	Sharon Kiefer
13-0116-1501	The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals	Sharon Kiefer
13-0117-1501	Rules Governing the Use of Bait and Trapping for Taking Big Game Animals	Sharon Kiefer
25-0101-1501	Rules of the Idaho Outfitters and Guides Licensing Board	Jake Howard, Outfitters & Guides Licensing Board
26-0106-1501	Rules Governing Cooperator Recognition and Sale of Advertising	David Langhorst, Dept. of Parks & Recreation

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly

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Phone: 332-1136

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, January 19, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Van Orden.

GUESTS: Jeff Peppersack, Idaho Department of Water Resources; Sharon Kiefer, Idaho Department of Fish and Game; Anna Canning, Idaho Department of Parks and Recreation; Dallas Burkhalter, Deputy Attorney General with Idaho Department of Fish and Game; Nathan Price; John Carver, Westerberg & Associates; Anita Hamann, DFM; John Faek, Idaho Department of Water Resources; Susan Buxton, Idaho Parks and Recreation Board; Stephen Goodson, Governor's Office; Jonathan Oppenheimer, ICC;

Chairman Raybould called the meeting to order at 1:30 p.m.

Chairman Raybould advised that the Administrative Rules review would be done by the whole committee.

Chairman Raybould introduced the new Committee Secretary, **Lorrie Byerly**, and the new Page, **Austen Thomason**.

RS 23991: **Jeff Peppersack**, Idaho Department of Water Resources (IDWR) addressed **RS 23991**. He said **RS 23991** has two parts. The first part changes the definition of a regulated dam. IDWR currently regulates dams that have a height of 10 feet or more or have 50-acre feet in volume, and this proposed legislation would require dams to have both 10 feet of height and 50-acre feet in volume by the replacement of the word "and" for "or." Currently, IDWR regulates approximately 500 dams, and this definition change would reduce this number by about 100 dams. The second part of the proposed legislation requires professional engineering design for dams that have a height of 10 feet or more and have 50-acre feet in volume. If a smaller dam later has downstream development that raises the hazard level, this would require professional engineering plans to be submitted to IDWR.

MOTION: **Rep. Wood** made a motion to introduce **RS 23991**. **Motion carried by voice vote**.

RS 23990: **Sharon Keifer**, Deputy Director, Idaho Department of Fish and Game, presented **RS 23990**. She said the proposed legislation would change one of the elements of junior license holder permits that only applies to those junior license holders that are 17 years of age. Currently, if 17-year-old junior license holders are going to hunt pheasant on a stocked Wildlife Management Area (WMA), they are required to have a WMA Upland Game Bird Permit. They are the only age in Idaho's junior age class that are required to do so. Raising the minimum age from 17 to 18 on the WMA Upland Game Bird Permit would simplify the license process and the expectations of the license holders. Eighteen would be the beginning age for adult licenses and all juniors (ages 10-17) operating on junior licenses would have the same provisions.

MOTION: **Rep. Wood** made a motion to introduce **RS 23990**. **Motion carried by voice vote**.

DOCKET NO. 13-0102-1501: **Sharon Keifer**, Deputy Director, Idaho Fish and Game, stated that the proposed rule clarifies limits of the Hunting Passport as it relates to 8-year-olds. Hunter Passports provide an opportunity for someone who has never hunted before, including from any other state or country, whether having completed Hunter's Education or not, to hunt with a mentor. It is used for adult mentors to take a younger child in the field for a season when the child is too young to take hunter education. Hunters are limited to one so that out-of state hunters will not take advantage of them. Since children who had Hunter Passports at age 8 could not subsequently procure one and are not eligible for a hunting license until age 10, a gap year for accompanying a mentor existed when they were 9. The proposed rule provides an exception allowing eight-year-olds who possessed a Hunting Passport to possess an additional Hunting Passport at age 9.

MOTION: **Rep. Wood** made a motion to approve **Docket No. 13-0102-1501**. **Motion carried by voice vote.**

DOCKET NO. 13-0108-1501: **Sharon Keifer**, Deputy Director, Department of Fish and Game said that the changes proposed essentially incorporate the Non-Resident Disabled American Veteran Hunter License into rules where there was already reference to disabled licenses by incorporating the license to be eligible for utilization by a disabled hunter in designated companion rules. This license can also take advantage of those rules explicitly directed to disabled hunters. The Non-Resident Disabled American Veteran Hunter License is also proposed to be incorporated into rules that allow disabled hunters to take advantage of leftover youth-only hunt tags. The purpose of bringing the proposed rule change is to allow the Non-Resident Disabled American Veteran Hunter License to be consistent with Idaho's other disability licenses.

MOTION: **Rep. Vander Woude** made a motion to approve **Docket No. 13-0108-1501**. **Motion carried by voice vote.**

DOCKET NO. 13-0108-1502: **Sharon Keifer**, Deputy Director, Department of Fish and Game, stated that the proposed rule will clarify eligibility requirements and make technical corrections for controlled hunt tags designated to a child or grandchild. The proposed rule clarifies designation for trophy species (moose, big-horn sheep, mountain goat), that a trophy tag is designated to a child. Rules in Idaho make it clear that for those who harvest one of these animal, it is a once-in-a-lifetime opportunity. Since it was not clarified who was to take on the responsibility when harvesting a trophy species, this rule clarifies that if a trophy-species tag is designated to a child and they do harvest, those elements of the rule are applied to that child/grandchild, and the intent of the rule is that the one who pulls the trigger is the one has the eligibility for those particular aspects of the rule.

MOTION: **Rep. Gestrin** made a motion to approve **Docket No. 13-0108-1501**. **Motion carried by voice vote.**

DOCKET NO. 13-0109-1501: **Sharon Keifer**, Deputy Director, Department of Fish and Game, said the proposed rule addresses goose hunting closure in the Hagerman Valley by partially rescinding long-standing goose hunting closures. Doing this will increase goose-hunting opportunities and reduce conflict with agricultural producers.

MOTION: **Rep. Burtenshaw**made a motion to approve **Docket No. 13-0109-1501**.

Sharon Keifer was called upon to answer questions from the committee regarding absence of an attendance or discussion group list for negotiated rulemaking. She responded that those lists are not part of the rule book, but negotiated rulemaking was conducted with that specific area's agricultural and community stakeholders, as well as landowners. She also said that although she doesn't know everyone's name, she would follow up with the specific information.

VOTE ON MOTION: **Motion carried by voice vote.**

DOCKET NO. 13-0109-1502: **Sharon Keifer**, Deputy Director, Department of Fish and Game, said the proposed rule allows for the method of taking forest grouse by crossbow. Crossbow is not a new weapon and has been allowed for other species. Many disabled hunters are not able to meet the tenants for an archery permit but want to use a crossbow in general season. Sportsman have requested this change and no negative impact has been discovered.

MOTION: **Rep. Mendive** made a motion to approve **Docket No. 13-0109-1502**. **Motion carried by voice vote.**

DOCKET NO. 13-0111-1501: **Sharon Keifer**, Deputy Director, Department of Fish and Game, stated that anglers have wanted changes made to specific conditions established to allow removal of heads and tails of trout, bass and tiger muskie for transit or while in the field. Proposed modifications to the current restrictions are: the angler must be done fishing for the day; fish must be processed or packaged in a certain way; the fish have to be packed so that it can be determined how many fish have been processed relative to their legal bag limits; and they cannot be transported by boat. Processed fish do still count toward an angler's limit.

MOTION: **Rep. Bateman** made a motion to approve **Docket No. 13-0111-1501**. **Motion carried by voice vote.**

DOCKET NO. 13-0111-1502: **Sharon Keifer**, Deputy Director, Department of Fish and Game, advised that the proposed rule is to prepare for the upcoming year and would allow the take and possession of Coho salmon with intact adipose fins in the Clearwater drainage. The proposed rule would also remove some obsolete language because of changes made previously through proclamation. Hatchery fish are adipose fin clipped fished. Coho are from a different program for reestablishment of runs in the Clearwater River and for broodstock purposes, and the majority are not adipose fin clipped. Coho runs are now at a level that provides a surplus for anglers to keep. In addition, the proposed rule adds some new language for recording on a permit where you are fishing for salmon and steelhead.

MOTION: **Rep. Boyle** made a motion to approve **Docket No. 13-0111-1502**. **Motion carried by voice vote.**

DOCKET NO 13-0116-1501: **Sharon Keifer,** Deputy Director, Department of Fish and Game, said that the Idaho Fish and Game Commission directed that negotiated rulemaking be conducted on a mandatory trapper education process, not unlike the hunter education process, rather than on equipment or season restrictions. Under the proposed rule, those with a license dated after July 1, 2010 would have to complete a mandatory trapper education course where they would be certified, not unlike hunter education. The proposed mandatory trapper education would include 6 hours of rules, species identification, trapping methods, technics, wildlife management, ethics and responsibility avoiding non-target catches. After July 1, 2017, no person would be issued a trapping license unless they presented a certificate of completion of trapping education or proof that they hold an equivalent certification authorized by another agency or association from another state.

Sharon Keifer responded to committee questions regarding where the authority is in 36-412(c) for the proposed rule, by stating that the authority is under the Idaho Fish and Game Commission's rulemaking authority, and references to 36-412(c) are only regarding the fee. The fee is tied to the code rather than putting in a dollar amount so that it changes if the hunter education fee changes through time. She further stated that the same philosophy that allowed the Commission to do mandatory wolf trapping rules was used here, and the Idaho Fish and Game Commission chose this authority method because this legislative body did uphold mandatory wolf trapping education

Nathan Price, for himself, spoke in opposition to the proposed rule stating that 53% of Idahoans fish, 35% hunt and 14% trap, which is 2,339 people in the entire state. Hunting, fishing and trapping generate $1.4 billion dollars per year for Idaho's economy. He reviewed the hour and field day requirements for hunter education, bow education and trapping education. He said the same tenants of the federally mandated wolf-trapping class apply to the standard furbearer trapping class. Six hours is not enough time to educate Idahoans on trapping. If two other hunter education classes are a minimum of 10 hours, so should trapper education be, or it is not equitable, conscionable or ethical.

Sharon Keifer responded to committee question inquiring about the sufficiency of instructors for the mandatory program by stating that it is estimated that up to 300 trappers in the first 4 years will take trapper education. With the economy changing, fur prices won't be as high. Work will be closely done with trapping associations in Idaho that provide much of that trapping expertise and classes. The rule states at least 6 hours but is not set specifically at six hours. Six hours was based upon the voluntary trapper education we had been conducting, as well as some of the states that provide education for trapping

Rep. Erpelding stated that if hunter education is 10 hours, a 6-hour training is insufficient for virtually any outdoor activity. This one outdoor activity has the most conflict for users, whether it is lost dogs getting caught in traps or anything else, and it has the least amount of suggested training hours.

MOTION: **Rep. Wood** made a motion to approve **Docket No. 13-0116-1501. Motion failed by voice vote**.

MOTION: **Rep. Moyle** made a motion to reject **Docket No. 13-0116-1501. Motion carried by voice vote.**

DOCKET NO. 13-0117-1501: **Sharon Keifer**, Deputy Director, Department of Fish and Game, said this proposed rule clarifies the distance black bear baiting sites must be from waterways and roadways. The reason for the proposed rule clarification is that the rule stated "any" road, and questions kept re-occuring regarding roads in various conditions such as roads closed for snow. The definition now is clarified to state that a roadway is any road open for motorized traffic and capable of being traveled by a full-sized automobile.

MOTION: **Rep. Moyle** made a motion to approve **Docket No. 13-0117-1501**. **Motion carried by voice vote.**

DOCKET NO. 26-0106-1501: **Anna Canning**, Management Services Administrator, Idaho Department of Parks and Recreation (IDPR), spoke to **Docket No. 26-0106-1501**, and said this is a new chapter. During the 2015 regular legislative session, the legislature passed S 1089aaH, which authorized the IDPR board to enter into agreements to secure long-term funding sources and authorized the appropriate recognition of sponsors consistent with IDPR's mission. It also allowed the sale of advertising. The proposed rules have two main topics. The first is provisions regarding cooperator recognition, including naming rights and the second is on the provisions of the sale of advertising. The provisions regarding the sale of advertising are based on IDPR advertising policy and that has been in place since 2013. The provisions regarding cooperator recognition are based on an IDPR policy naming rights in place since 1992 and then provisions in IDPR policy regarding sponsorships that have been in place since 2013. Within the naming right section, there is differentation between state parks and state park units. A unit is akin to a campground or loop within a park. The Parks and Recreation Board can work with their cooperators or sponsors to name a unit, but the final approval of any state park name still rests with the legislature.

MOTION: **Rep. Pence** made a motion to approve **Docket No. 26-0106-1501**. **Motion carried by voice vote**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:37 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, January 21, 2016

SUBJECT	DESCRIPTION	PRESENTER
Presentation	Preventing the Spread of Invasive Mussels Under WRRDA	Montana Representative, Mike Cuffe, Pacific North West Economic Region (PNWER)
Docket Nos.		
25-0101-1501	Rules of the Idaho Outfitters and Guides Licensing Board	Jake Howard, Outfitters and Guides Licensing Board

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, January 21, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Boyle; Rep. Vander Woude

GUESTS: Jake Howard, Idaho Outfitters and Guides Licensing Board; Lori Thomason, Idaho Outfitters and Guides Licensing Board; Wayne Hunsucker, Idaho Outfitters and Guides Licensing Board; Jess Taylor, Federal Bureau of Land Management

Chairman Raybould called the meeting to order at 1:31 p.m.

Chairman Raybould announced that there would be a change in the Agenda order, and that **Docket No. 25-0101-1501** would be heard first with Pacific North West Economic Region's presentation being heard second.

DOCKET NO. 25-0101-1501: **Jake Howard**, Outfitters and Guides Licensing Board, outlined the specific area that would be impacted by the proposed Docket. The proposed rules were the result of collaboration with the Federal Bureau of Land Management and the U. S. Forest Service, who conducted visitor capacity studies in 2008-2013, and with public focus groups and meetings with outfitters. The proposed rule changes were propounded to address the biggest concern of congestion on the South Fork of the Snake River.

Jake Howard, in response to committee questions, stated that Idaho outfitters were extensively involved in planning, and the proposed Teton River rules were initiated by outfitters. Proposed rules impacting the South Fork of the Snake River were also industry initiated. He further stated that nothing restricts the use of a 500 horsepower craft, but it cannot be used to haul clients and can only be used for moving up and down the river to haul equipment, all of which would be limited during various parts of the year.

MOTION: **Rep. Erpelding** made a motion to approve **Docket No. 25-0101-1501**. **Motion carried by voice vote.**

Mike Cuff, Montana Representative, Pacific North West Economic Region (PNWER) introduced himself and spoke on preventing the spread of invasive mussels under WRRDA. He stated that Idaho has been the leader in working toward healthy aquatic habitats, with **Eric Anderson** leading the way. He further said that without Idaho Congressman **Mike Simpson,** they would not have WRRDA funding. He reviewed how tiny invasive muscles from the Black Sea have spread all over the United States except for Oregon, Washington, Idaho and Montana, the four PNWER states. Plus, he believes Wyoming is still free of mussels. Rep. Cuff provided information on how they spread and provide a danger to our water. They received $4 million in federal money under WRRDA to assist in water craft inspection. He said these funds can increase enforcement coverage hours and state programs as long as states do not cut their state programs in half. The funds are matching money, so, at the least, state programs need to continue the programs that they are doing. Mr. Cuff said that PNWER is having a summer summit in Calgary Canada, and in November 2016, Idaho will be sponsoring their winter summit

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:57 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Monday, January 25, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24226	Authorization for Trapper Education Program	Sharon Kiefer, Department of Fish and Game
H 350	Wildlife Management Area Upland Game Bird Permit Minimum Age Raise	Sharon Kiefer, Department of Fish and Game
H 351	Removal of Small-Sized Dams from Regulation Requirements	Jeff Peppersack, Department of Water Resources

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

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Rep Miller
Rep Bateman
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Rep Mendive
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Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 25, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: None

GUESTS: Nathan Price, Self; Sharon Keifer, Idaho Department of Fish and Game; Lynn Tominaga, Idaho Ground Water Appropriators, Inc.; Ed Schriever, Idaho Department of Fish and Game; Serena Minasian, Risch Pisca, PLLC; Anita Hamann, DFM; Jack Peppersack, Idaho Department of Water Resources; John Falk, Idaho Department of Water Resources; Norm Semanko, Idaho Water Users Association; Andy Briner, Idaho Water Users Association; Jon Oppenheimer, ICL; Will Hart, ICUA; Taylor Nadauld, University of Idaho McCLure Center.

Chairman Raybould called the meeting to order at 1:31 p.m.

MOTION: **Rep. Miller** made a motion to approve the minutes of the January 19, 2016 meeting with the following correction: on page 1, under **RS 23991**, 3rd line from the bottom, the phrase "requires professional engineering design for all dams that have a height of 10 feet or more or have 50-acre feet in volume" should be changed to "requires professional engineering design for all dams that have a height of 10 feet or more and have 50-acre feet in volume." **Motion carried by voice vote.**

RS 24225: **Sharon Keifer**, Deputy Director, Idaho Department of Fish and Game (IDFG), stated that IDFG respects the philosophy that it does not have explicit statutory authority to enter into a trapper education program, but it does have statutory authority for hunter education and archery education. **RS 24225** remedies the statutory authority concerns.

In response to committee questions inquiring whether IDFG will need to go back through the process of making rules if **RS 24225** is introduced, **Sharon Keifer** said the Senate has not yet taken up the rule, and if they reject the rule, IDFG would need to start over with rulemaking, but with recognition that they do have statutory authority to do so.

Nathan Price, representing himself, spoke **in support** of **RS 24225**, expressing approval for the proposed legislation.

MOTION: **Rep. Erpelding** made a motion to introduce **RS 24225**.

Sharon Keifer, in response to committee questions, stated that language regarding hunter safety and conduct is being moved to section (b) so that all such elements are addressed in one section, and that other language addressing youth education and licensing was removed for the sole purpose of cleaning up the statute.

VOTE ON MOTION: **Motion carried by voice vote.**

H 350: **Ed Schriever**, Deputy Director, Idaho Department of Fish and Game (IDFG), said **H 350** raises the required age from age 17 to age 18 to possess a Wildlife Management Area (WMA) Upland Game Bird Permit for hunting pheasants on WMAs where pheasants are stocked. The proposed statute language changes the age a permit must be purchased from "all persons over sixteen years of age" to "all persons over 17 years of age." **H 350** does not restrict youth age 10-17 from hunting stocked pheasants without a permit and persons at least 18 years of age or older must purchase such a permit.

MOTION: **Rep. Wood** made a motion to send **H 350** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood** will sponsor the bill on the floor.

H 351: **Jeff Peppersack**, Idaho Department of Water Resources (IDWR), said that **H 351** defines regulated dams stating they must have a height of 10 feet or more and have 50-acre feet in volume. There are 36 dams under 10 feet in height and 50-acre feet in volume that IDWR would rate as a hazard, and they would continue to regulate those dams. The second part of the legislation requires a professionally engineered design for any dams. Currently, professionally engineered designs are required for dams more than 20 feet or 100-acre feet in volume or for any kind of structural alteration. **H 351** will require a professional engineer to submit plans for any dam.

Jeff Peppersack replied to committee questions stating that whether there are structures or people living down stream determines if a dam is high hazard, not probability of failure. Dams under 10 foot and 50-acre feet of volume will no longer be regulated dams and inspected, but if new development occurs downstream, under Idaho Code Section 42-1709, they could still be inspected and if a threat is determined, be treated as any other dam. He discussed the benefits of having engineer designed plans. The four exclusions currently under Section 42-1711(b) 1-4, include dams less than 6-feet high or less than 10-acre feet, apply to those in canals or part of a highway fail or are not under IDWR jurisdiction. They currently assign hazard classifications to all dams, including those being exempted out. Those dams can be regularly inspected out in the field or from someone seeing a problem with the dam and calling it in.

John Falk, Program Manager for the Dam Safety Section of the Idaho Department of Water Resources, answered committee questions regarding the number of failures of dams between 10 and 20 foot, said that Golden Lake dam at Harriman State Park recently failed. The dam was inspected the summer of 2015 and recommendations were made to the owners that were not implemented. The dam was rated in poor condition at the time of inspection. Mr. Falk said he can research and provide a list of dam failures encompassing the last 5 to 10 years if desired.

Norman Semanko, Idaho Water Uses Association, spoke **in support** of **H 351** saying that IWUA has always been concerned about duplicative regulations, but they support the state having exclusive jurisdiction over dams and, in this instance, their retaining jurisdiction over smaller facilities although not regulating them regularly. Things not previously under their jurisdiction have remained that way, which is appropriate. The clarifications are good while retaining jurisdiction over potentially problematic smaller dams.

MOTION: **Rep. Erpelding** made a motion to send **H 351** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Reps. Miller, Gestrin and Shepherd** requested to be recorded as voting **NAY. Rep. Erpelding** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:06 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Wednesday, January 27, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24132	Distribution of State Property to Conservation Officers Upon Retirement	Representative Heather Scott
RS24133	Inspections and Searches	Representative Heather Scott
RS24131	Minimum Standards for Operations of Safe Check Stations	Representative Heather Scott

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
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Rep Rubel

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, January 27, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Youngblood

GUESTS: Sharon Keifer, Idaho Department of Fish and Game; Jesse Taylor, Bear Lake Watch; Greg Wooten, Idaho Department of Fish and Game; John Carver, Idaho Conservation Officers/Westerberg and Associates; Liz Harkin, Veritas Advisors; Jon Oppenheimer, ICL; Rialin Flores, CVI; Pam Jackson, CVI; Tim Luke, Idaho Department of Water Resources; Nic Gibson, Food Producers of Idaho; Mark York, Food Producers of Idaho; Benjamin Kelly, Food Producers of Idaho

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Miller** made a motion to approve the minutes of the January 21, 2016 meeting with the anticipation of a possible correction, which would then require the minutes be taken up at the next meeting for approval. **Motion carried by voice vote**

RS 24132: **Rep. Heather Scott**, representing **Steve Tanner**, presented **RS 24132** proposed legislation that deals with the distribution of state property to conservation officers upon retirement by removing language from Idaho Code Section 36-1301 and removing Section 36-1301(5) that currently authorizes the Idaho Fish and Game Department Director to award property to an officer upon retirement and the requirements for such awards.

Responding to questions from the committee, **Rep. Heather Scott** said that state property belongs to the state, should remain with the state, and should not be distributed to state employees unless uniformly distributed to all state employees. Rep. Scott clarified that she represents not only **Steve Tanner**, but other concerned constituents from her district.

MOTION: **Rep. Boyle** made a motion to introduce **RS 24132**. **Motion carried by voice vote**.

RS 24133: **Rep. Heather Scott**, representing **Steve Tanner** and other concerned constituents from her district, presented **RS 24133**, proposed legislation that clarifies due process to citizens in inspections and searches conducted by Fish and Game officers, by removing "Right of" in the current "Right of Inspection – Search" language of Idaho Code Section 36-1303 and by adding the requirement of a search warrant or owner consent for searches and inspections. **RS 24133** further proposes the removal of language from Idaho Code 36-1303(b) that states, "or any equipment or substances used to take such wildlife."

In response to a committee question regarding the necessity of having a stricter bar than the 4th Amendment probable cause searches utilized by many police officers, **Rep. Scott** replied that check stations are set up to check for illegal and out-of-season wildlife and are not responsible for searching for full blown illegal activity.

MOTION: **Rep. Andrus** made a motion to introduce **RS 24133**.

Rep. Moyle invoked Rule 38 stating a possible conflict of interest because he owns a storage facility, but he will be voting on the proposed legislation.

VOTE ON MOTION: **Motion carried by voice vote.**

RS 24131: **Rep. Heather Scott**, representing **Steve Tanner** and other concerned constituents from her district, presented **RS 24131** which deals with minimum standards for operating Department of Fish and Game safe check stations. The minimum standards for operating check stations are already in Fish and Game policy, and the proposed legislation puts that policy language in code. The purpose for putting the policy into code is to ensure uniformity of implementation. As a current example, not all roads are treated the same, and basic policy needs to be in place so that highways are treated the same as county roads.

In response to committee questions, **Rep. Scott** said that minimum standards for safe check stations should be that they are operated in clearly visible sight in both directions for 1,500 feet on both major and secondary roads, marked with signage at 1,500 feet, 1,000 feet and 500 feet in both directions. This legislation is proposed due to complaints of unsafe check stations on roads in District 1 where there are many winding roads that have had check stations set up on blind curves after dark with no signage. **Rep. Scott** said the proposed legislation is necessary because the check stations have been used by other agencies for activities not related to the purposes of Fish and Game check stations, which is to check fish and wildlife. **RS 24131** would not incur additional fees and would use the existing equipment utilized by the Department of Fish and Game for check stations on regular highways.

Committee members discussed the current language of Idaho Code 36-1201(e) regarding who is required to stop at check stations.

MOTION: **Rep. Gestrin** made a motion to introduce **RS 24131**.

Rep. Scott responded affirmatively to a committee suggestion that including the Fish and Game policy upon which **RS 24131** is based at the hearing for passage of this legislation would be helpful.

VOTE ON MOTION: **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:54 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Monday, February 01, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 378	Authorization for Trapper Education Program	Rep. Youngblood/Sharon Keifer, Department of Fish and Game

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly

Room: EW16

Phone: 332-1136

email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, February 01, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel (Green)

ABSENT/ EXCUSED: Rep. Moyle

GUESTS: Tyler Mallard, Risch Pisca; Sharon Keifer, Deputy Director, Idaho Department of Fish and Game; Forrest Goodrum, Ada County Fish and Game League; Anita Hamann, DFM; Jane Wittmeyer, Wittmeyer & Associates; J. Jill Henggeler.

Chairman Raybould called the meeting to order at 1:31.p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of the January 21, 2016 meeting. **Motion carried by voice vote.**

MOTION **Rep. Boyle** made a motion to approve the minutes of the January 25, 2016 meeting. **Motion carried by voice vote.**

H 378: **Sharon Keifer**, Deputy Director, Idaho Department of Fish and Game, presented **H 378** which specifically provides statutory authority to the Idaho Fish and Game Commission to prescribe and administer a trapping education program by amending Idaho Code Section 36-412 so that it provides similar statutory provisions to those used for hunter education. Idaho Code Section 36-412(b) directs the Fish and Game Commission to recruit competent volunteer trapping instructors and provide for their training in a similar manner as hunter eduction, and Section (c) limits the fee for trapping education to $8.00. This legislation also removes language from Idaho Code Section 36-412(c) to remove obsolete references to youth hunting licenses that are no longer issued. Ms. Keifer said the Idaho Trappers Association contacted her informing her it supports the trapping education, and their members are willing to participate as volunteer instructors.

In response to committee questions, **Sharon Keifer,** said the minimum age for a trapping license is not defined by statute. Ms. Keifer clarified that the estimated number of 3,500 trapper licenses issued in a year indicates a rise in trapper license sales since the mid 2000s from approximately 750 sales a year. When fur prices began rising and the economy took a downturn, sales of trapping licenses rose to 2,000 and 3,000 yearly. Wolf trapping was also initiated, with mandatory wolf trapping education, which also contributed to the increase in trapping license sales, especially in Northern Idaho where wolf trapping was used as a tool for wolf management.

Sharon Keifer, responded to questions about the Fish and Game Commission's plans for promulgating rules under the legislation being proposed in **H 378** by stating that the Senate has not heard the proposed rule regarding trapping education that proceeded this legislation, that it is the position of the Idaho Fish and Game Commission that it is authorized to make such a rule and the Senate will take that up upon hearing, and that until they do, it is not appropriate for her to make a response.

Forrest Goodrum, Ada County Fish and Game League, appeared **in support** of **H 378**, and asked the Committee to send it to the floor with a Do Pass recommendation.

MOTION: **Rep. Youngblood** made a motion to send **H 378** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Youngblood** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:45 p.m.

Representative Raybould	Lorrie Byerly
Chair	Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.

Lincoln Auditorium

Wednesday, February 03, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Risk Analysis related to "Fish Consumption"	Dr. Greg Moller, University of Idaho
	"Water for Present and Future Beneficial Uses: Infrastructure, Recharge, Efficiency, and Conservation"	Gary Spackman, Director, Idaho Department of Water Resources, and Roger Chase, Chairman, Water Board

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

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MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Wednesday, February 03, 2016

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett, Lacey

ABSENT/ EXCUSED: Rep. Wood; Rep. Bateman

GUESTS: Justin Hayes, ICL; Jane Wittmeyer, Wittmeyer & Associates; Dan Goicoechea, Secretary of State's Office; Lynn Tominaga, IGWA; Travis Pady, ILD

Chairman Raybould called the meeting to order at 1:31 p.m.

Steven Cory, Idaho Council on Industry and the Environment, introduced Dr. Greg Moller, who will be making his presentation on risk analysis as it relates to fish consumption.

Dr. Greg Moller, University of Idaho, spoke on "Navigating the Risk Triad of Human Health Toxicology." Dr. Moller stated that we all live and operate under a "system of reliable strangers" that are reliable for the most part, but there is 1-3% risk of human error. Dr. Moller defined risk, risk biases and toxicology. He further defined the Risk Triad, which is: Risk Assessment, science, which is the probability of harm from exposure to toxins; Risk Communication, policy making, which is the science of communicating effectively in high concern, sensitive or controversial situations, some of which are before the Legislature this session in terms of fish consumption; and Risk Management, maker and enforcer of regulations, which is decision-making involving political, social, economic and science factors. Human health risk assessment in toxicology is a predictive modeling of the threat to human health posed by exposure to toxicants, and Dr. Moller provided information regarding risk assessment based on modeling responses among risk levels in society, the use of uncertainty factors in modeling, safety factors and quantification of the uncertainty in the modeling, as well as the costs and benefits to society of managing risk. He further explained the several components of scientific evaluation of risk assessment. Dr. Moller said Risk Communication includes peoples' opinions, which are influenced by psychological and sociological factors. Risk Management is the decision making process which involves decisions that politically and economically balance science with the practicalities of communities. These form the basis of regulatory decisions that determine tolerance, which is then codified as regulations and have an enforcement structure. The risk managers' mission is to protect public health. The risk assessors' position is to provide the risk managers with the best information possible and to be honest with the data and statistics in the representation of the toxicology. The Risk Triad is a cyclic and living process.

In response to committee questions regarding whether he had access to information relating to water quality and daily individual fish consumption as a part of how he arrived at the statistics for the proposed rule, **Dr. Moller** stated that he reviewed the process, and it appeared to be a complete process in the terms of surveying. Dr. Moller further said they have come up with a number and range of fish consumption. The survey results showed that different populations, whether of anglers or Native Americans, have different nutritional practices.

Dr. Moller informed the committee in response to their questions, that the Risk Management sector of the Risk Triad is where mitigation resources for a particular risk are studied. He further stated when something in public health is defined as a tolerance that can bear risk up to a certain level beyond which it is unacceptable for the public good, then Risk Management strategy tries to mitigate that risk if it is over the criteria of tolerance. There is a registration, a tolerance and if there are unacceptable risk thresh holds being crossed, the amount that is allowable is decreased. All of this is an opportunity for navigating the system of reliable strangers along the way, that includes federal and state partners.

In response to the committee asking **Dr. Moller** how he determined which element to use in making a formula for risk assessment using uncertainty or compounded uncertainty factors pertaining to cancer-causing elements, particularly in fish consumption where over 100 cancer causing elements were being considered and not all the toxins were equally impactful, he stated, they take an individual compound, and on an individual chemical basis do the best they can to assess or quantify the risk for that particular chemical. Dr. Moller pointed out that the real challenge comes from common end-points of toxicology, such as endocrine disrupters, which are compounded. There are tens of thousands, if not hundreds of thousands, of chemicals for which there is very limited data but which are in common use or in common exposure scenarios. There is a continual input of science; the risk triad is kept alive by revisiting decisions. Certain types of behaviors in chemicals are watchwords for risk elevation and its need for caution, public access and restriction of use.

Gary Spackman, Director, Idaho Department of Water Resources (IDWR), presented a summary of significant accomplishments of IDWR, by announcing there is a bright hope for settlement of protracted litigation regarding the surface water users across the Eastern Snake Plain who divert surface water from the Snake River and groundwater users whose diversions deplete flows in the Snake River. He further stated the settlement is a seminal accomplishment, and if it is implemented, it will give everyone assurance about their rights and obligations and certainty about what water they can and will receive in the future. Significant progress was also made in finding solutions to pending delivery calls from spring water users against ground water users in the Hagerman area. Director Spackman called attention to these two significant accomplishments over the last year because they point the state in a direction of water management that can define a new direction.

Director Spackman said that confrontation with water sustainability issues is statewide, and some IDWR spot accomplishments were in Lewiston and Priest Lake. In the Lewiston area, people wanted to develop their property and dig wells across the Lewiston plateau, but the existing water users were adamant that they were no longer able to divert enough water for their domestic supplies in that area, so they asked for IDWR help. Based upon information from multiple meetings IDWR held in Lewiston and a very good study from **Dale Ralston**, University of Idaho, a ground water management area was put into place that had some restrictions on future development but defined an area for an aquifer to develop. Complaints of declining water levels that might impact their ability to do business were received from people around Priest Lake. The Director of Water Resources is required by statute to regulate water levels at Priest Lake and to maintain them at a

certain elevation above or below which the lake cannot go during the recreational season. Low inflow was the problem, and, in an anomaly, the outlet controlling the flow is owned and managed by the Director of IDWR, so the flow in the river and the lake levels were adjusted and are maintained where they are supposed to be.

Director Spackman reviewed the IDWR's budget analysis. Director Spackman expanded on the summary regarding the Eastern Snake Plain Aquifer Agreement. At a minimum, groundwater users have agreed to reduce their consumption by 240,000 acre feet annually and to supply 50,000 acre-feet of surface of storage water annually to senior surface water right holders. They have agreed to measure all significant diversions of groundwater; there are targets for aquifer levels that need to be satisfied over the next 10 years by measuring those water levels across the plain. The state of Idaho did not sign, but participated and negotiated, the agreement. Goals discussed are to recharge the Snake Plain Aquifer by an average of 250,000 acre feet of water per year and for the Director to form a groundwater management area for water administration and to coordinate and administer the installation calibration data gathering from 35,004 wells across the Easter Snake Plain, including to make sure meters are installed correctly, are calibrated, and the information is gathered, transmitted and analyzed. Users want out of litigation and want the Director to be a buffer in that administration, and the agreement is a structural mechanism so that he can act as a buffer rather than a decision writer.

Director Spackman introduced **Roger Chase**, Chairman, Idaho Water Resource Board (IWRB), who spoke to water issues and the sustainability of water supply. Management takes care of growth and keeps water environmentally safe in the state. Management starts with the Snake River Plain, and it is in a crises mode. Chairman Chase gave a brief history and synopsis of how the water that provides flow for Swan Falls comes from the Snake River and Thousand Springs area. Last year, the first organized recharge effort was begun, and just when it looked like the flow needs at Swan Falls were going to be violated, the flows from a Thousand Springs increased and put water into the river for downstream flows. Recharge works. Last year 75,000 acre feet of water was recharged in the wintertime, which is the time when the ditches needed are not being used. Also during that time, 320,000 acre feet were let go downstream. This year 75,0000 acre fee should be recharged again, and 86,000 acre feet have already been spilled down river.

Chairman Chase pointed out that the Idaho Water Resource Board has done projects across the state, including in Elmore County where they spent $2.5 million dollars in water rights for an aquifer that will support Mountain Home Air Force Base; did a study in Northern Idaho near Spokane, WA to see where their water was going; special projects in the Wood River Valley, worked on the Lewiston project with IDWR; and financed loans for water uses on the Snake River Plain. Chairman Chase outlined IWRB's budget for and needs to recharge the aquifer, monitor flow levels and quality of water. Commitment for the recharge project is forever. In the next year or two, we will spend approximately 50-60 million, which includes running IDWR. The Governor asked in the State of the State for a sustainability plan in the state water plan, and this the Board will try to provide.

Chairman Chase informed the committees in response to their questions, that it would be approximately two months before the model for the Wood River aquifer would be completed. Chairman Chase reported on efforts in the Treasure Valley stating that meetings for two Treasure Valley projects were completed and a model of the Treasure Valley and a pilot project with Star started. Because the Treasure Valley has great needs it is one of the next areas of concentration and building two dams that will affect the Treasure Valley are also being considered. He further informed the committees that there are enough funds now to help get ahead of the curve, but ongoing funds will become critical for monitoring and canal system use.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:52 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

Upon Adjournment of the Joint Meeting
Lincoln Auditorium
Wednesday, February 03, 2016

SUBJECT	DESCRIPTION	PRESENTER
S 1197	Mines, Reclamation Activities	Jack Lyman, Idaho Mining Association

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel(Green)

COMMITTEE SECRETARY

Lorrie Byerly

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Wednesday, February 03, 2016
TIME:	Upon Adjournment of the Joint Meeting
PLACE:	Lincoln Auditorium
MEMBERS:	Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
ABSENT/ EXCUSED:	Rep. Wood; Rep. Bateman; Rep Rubel
GUESTS:	Becky Johnstone, Idaho Council on Industry and the Environment; Steve Cory, Idaho Council on Industry and the Environment; Pat Barclay, Idaho Council on Industry and the Environment; Marcia Feding, WCI; Eric Wilson, Idaho Department of Lands; John Tippets, Department of Environmental Quality; Jack Lyman, Idaho Mining Association, Jon Oppenheimer, ICL.

Chairman Raybould called the meeting to order at 2:56 p.m.

S 1197: **Jack Lyman**, Executive Vice President, Idaho Mining Association, presented **S 1197** stating that the Surface Mining Act, Idaho Code 47-1500, et seq., passed in 1971, prohibited the Idaho Department of Lands (IDL) from requiring a reclamation bond in excess of $500 an acre. Bond amounts were set based on the estimated cost for a mine operator or a third-party representative of the operator to complete reclamation work plus 10%. In 1996, the Surface Mining Act was amended to allow for full cost bonding without any statutory cap or limit to the bond but with the provision that if an operator was required to bond more than $2,500 an acre, they would have a right to a hearing before IDL. Today, a $2,500-an-acre bond level is not a large bond. There has been an increase in the public's expectations of the mining industry, as well as activity from small mine operators, so reclamation bond amounts come up for hearing more often. **S 1197** will increase the bond threshold to $15,000 an acre, with no cap, which would lessen the IDL hearing burden. **S 1197** will also amend Idaho Code Section 47-1512, adding a provision if IDL denies a request by an operator to have their bond released, it would be their obligation to provide a written notice setting forth the reasons for the rejection of the request for bond release and specifically stating the steps the operator has to take to get the bond funds released. **S 1197** also amends language in Idaho Code Section 47-1509 so that it will be consistent with the antidegredation water policy of the Idaho Department of Environmental Quality.

MOTION **Rep. Gibbs** made a motion to send **S 1197** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gibbs** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:02 p.m.

Representative Raybould	Lorrie Byerly
Chair	Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Tuesday, February 09, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24334C1	Concurrent Resolution Honoring the Associated Logging Contractors of Idaho	Rep. Luke Malek
RS24412C1	Fish and Game License Exemption	Rep. Lynn Luker
S 1213	Clarifies Hunting Use Restrictions for Motorized Vehicles and Aircraft, Including Unmanned Aircraft Systems (Drones)	Sharon Kiefer, Idaho Department of Fish and Game
	Timber Protective Association 101 - "How We Save the World" Clearwater - Potlatch Timber Protective Association	Len Young, Chief Fire Warden
	Timber Protective Association 101 - "How We Save the World" Southern Idaho Timber Protective Association	Mark Woods, Chief Fire Warden

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 09, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Moyle; Rep. Boyle

GUESTS: Len Young, Potlatch Timber Protective Association; Mark Woods, Southern Idaho Timber Protective Association; Jane Wittmeyer, Wittmeyer & Associates; Matt Reik, Intern; Windy Davis, IDFG; Sharon Keifer, Idaho Department of Fish and Game; Jerry Deckard, Associated Loggers; Rialin Florez, CVI; Roger A. Seber, A.L.C.; John Carver, Westerberg & Associates; Pat Barclay, ICIE.

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the January 27, 2016 meeting. **Motion carried by voice vote.**

RS 24334C1: **Rep. Luke Malek** presented a House Concurrent Resolution that honors the state associated logging contractors. Rep. Malek asked for introduction of **RS 24334C1** because logging is an important industry in Idaho where the associated logging contractors served an important role. He would appreciate the opportunity to have a full hearing on the resolution.

MOTION: **Vice Chairman Gestrin** made a motion to introduce **RS 24334C1**. **Motion carried by voice vote.**

RS 24412C1: **Rep. Lynn Luker** presented **RS 24412C1**, relating to hunting, trapping and fishing licenses, by stating that the language of Idaho Code Section 36-401 is so breathtakingly broad that the term 'wildlife' is defined as every living creature. Under that broad definition, to trap a mouse or a gopher in your home or yard would require a license. This language conflicts with Article 1, Sections 23 of Idaho's Constitution, which forever preserves an Idahoan's rights to hunt, fish and trap using traditional methods. This legislation would amend existing exceptions to Idaho Code § 36-401 by expanding the exceptions that apply to children under the age of 12 or 14 so that they apply to any person without age limit. **RS 24412C1** would amend Idaho Code § 36-401(3) to allow any person to hunt, take or kill predatory and unprotected birds and animals by means other than with firearms and Idaho Code § 36-401(4) to allow any person to trap muskrats from irrigation ditches or property on which they live during the open season.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 24412C1. Motion carried by voice vote**.

S 1213: **Sharon Kiefer**, Deputy Director, Idaho Department of Fish and Game, presented **S 1213** in response to the validity of the many concerns expressed by sportsmen that unmanned aircraft systems (drones) are not held to the same statutory hunting restrictions governing aircraft and motorized vehicles. In 2013, the Idaho legislature restricted the use of drones for un-permitted surveillance of individuals and private property. A survey of western states shows that 11 states and 1 province have placed various restrictions on drone use. **S 1213** includes drones in the existing hunting use restrictions in Idaho Code Section 36-1101 but does not create any new restrictions or interfere with the use of drones for permitted, authorized wildlife control actions or for recreational non-hunting uses such as wildlife or habitat photography.

MOTION: **Rep. Bateman** made a motion to send **S 1213** to the floor with a **DO PASS** recommendation.

In response to committee questions on whether scouting with drones would qualify as a recreational non-hunting activity, **Ms. Keifer** clarified that while in the air, a drone cannot communicate with an individual on the ground. Upon landing, pictures taken by the drone can be downloaded, but not while communicating in the air. A drone can be used like a trail camera and for photographing wildlife where there is no intention to hunt. Ms. Keifer believed that the same would apply to a hunter searching for a wounded animal, but that would involve further research.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Bateman** will sponsor the bill on the floor.

Rep. Gibbs announced that he may not support **S 1213** on the floor depending upon what **Ms. Keifer's** research found.

Len Young, Chief Fire Warden, Clearwater-Potlatch Timber Protective Association (CPTPA), delivered a combined presentation for the CPTPA and for **Mark Woods**, Chief Fire Warden, Southern Idaho Timber Protective Association (SITPA), that provided a brief history and purpose of Idaho's Timber Protective Associations (TPAs). Under Idaho Code Section 38-111, owners of forest land must have a membership in a TPA or the director of the Idaho Department of Lands (IDOL) shall provide patrol and protection. CPTPA and SITPA are reviewed and approved annually by IDOL and the state is a member of both associations. CPTPA and SITPA are responsible for 2 of Idaho's 14 fire districts. Assessment rates for forest landowners are set by Idaho Code at $.60 per acre of forested land or a minimum of $15 for 25 acres or less, with a $40 surcharge per parcel if a residential structure is present. A portion of the forest protective districts' preparedness costs and all suppression costs are born by the state General Fund. TPAs provide preparedness, fire suppression, training, equipment and experience. They build their own engines at half the cost of state equipment using there own effective machine shops. Warden Young presented statistics regarding the number of fires and acres burned for the last 15 years broken down into years and percentage of fires by acreage, and stated that 62% of the total acres burned from 2000-2015 occurred in 2015. CPTPA and SITPA are the only two remaining TPAs in Idaho.

Mark Woods, Chief Fire Warden, Southern Idaho Timber Protective Association, emphasized that CPTPA and SITPA are cooperative fire protection that gives Idaho the ideal situation of private, state and federal fire resources working together. He responded to committee questions by providing the information that volunteer firefighters are compensated for work in their area that goes beyond the initial attack. He further stated that less than 2% of their fires have gone over 10 acres in size, and the costs for 2015 fires where they protected their member, the State of Idaho, on federal lands were approximately $13 million.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:14 p.m.

Representative Raybould	Lorrie Byerly
Chair	Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, February 11, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24388	Prospecting and Small-Scale Dredge Mining	Rep. Paul E. Shepherd
RS24434	House Joint Memorial to Congress Regarding State Sage-Grouse Conservation Plans	Rep. Marc Gibbs
RS24438	Prevents Members of the Idaho Fish and Game Commission and Idaho Fish and Game Employees from Applying for Controlled Hunts	Rep. Marc Gibbs
RS24453	Prevents Members of the Idaho Fish and Game Commission from Applying for Controlled Hunts	Rep. Marc Gibbs

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 11, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Reps. Boyle, Moyle, Vander Woude, Andrus

GUESTS: Sharon Keifer, Idaho Department of Fish and Game; Tyler Mallard, Risch Pisca; Julissa Fuentes, Timberline High School; Angela Ni, Timberline High School; Avery Elsberry, Timberline High School; Jaime Wood, Timberline High School; Sammy Mathews, Timberline High School; Wayne Evans, Nampa Chapter of GPAA; Travis Pehrson, IDL; Eric Wilson, IDL; Diane French, IDC; Sara Smith, Timberline High School; Paris Boddee, Timberline High School; Jon Oppenheimer, ICC; Aaron Golart, IDWR; Dustin Miller, OSC

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 1, 2016, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 3, 2016, meeting. **Motion carried by voice vote.**

RS 24388: **Rep. Shepherd** presented **RS 24388** and informed the committee that he represents himself and District 7, which is a district with a lot of rivers containing gold, such as the Salmon and Clearwater Rivers, and upon which there is a lot of prospecting done. Rep. Shepherd provided the history of the drafting and controversy over prior presentation of the legislation. He stated the legislation's purpose is to recognize the de minimus nature of suction dredge mining and free the dredge mining small business vocation from unreasonable regulation and to clarify that Idaho finds the "bright line" threshold of "addition of pollutants" is not met by activities that transfer water and aggregate within the same body of water, as well as recognizes the existence of Federal Mining Claims under the 1872 Mining Act and amendments as Congressionally granted rights to real property.

In response to committee questions, **Rep. Shepherd** stated the suction dredge mining in this legislation is different than the old drag line dredging that tore up the whole valley floor, and the 5 cubic yards of dirt allowed would be under water, would be replaced right away to avoid disruption and that high spring water flows would restore the environment.

MOTION: **Rep. Gestrin** made a motion to introduce **RS 24388. Motion carried by voice vote**. **Reps. Pence, Erpelding** and **Rubel** requested to be recorded as voting **NAY**.

RS 24434: **Rep. Gibbs** presented **RS 24434**, a joint memorial to Congress regarding sage grouse. Idaho legislators have been working on a multi-state sage-grouse task force. **US Secretary of the Interior Jewell** decided not to list the sage grouse on the endangered species list; however, prior to that decision, Secretary Jewell created criteria and changed the core habitat Idaho identified to be managed differently in focal areas. The focal areas were established over the top of the core habitat and are nearly twice as inclusive as the original core habitat. The expanded focal areas greatly affect the value of endowment lands, particularly when it comes to cattle grazing and mining. The joint memorial asks Congress to give **Governor Otter**'s state sage grouse plan time to work and to make no funds available to Secretary Jewell and the US Secretary of Agriculture to implement their plans on federal lands in Idaho. It is a unified effort by 11 states that have sage grouse plans to petition Congress to give their plans time to work.

MOTION: **Rep. Wood** made a motion to introduce **RS 24434** and recommend it be sent directly to the Second Reading Calendar.

SUBSTITUTE MOTION: **Rep. Erpelding** made a substitute motion to introduce **RS 24434**. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Raybould** called for a vote on the original motion to introduce **RS 24434** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Reps. Pence, Erpelding** and **Rubel** requested to be recorded as voting **NAY**. **Rep. Gibbs** will sponsor the bill on the floor.

RS 24438: RS 24453: **Rep. Gibbs** informed the committee that **RS 24438** and **RS 24453** are identical with the exception of two words, and he would like to present them simultaneously. Rep. Gibbs served as the Idaho Fish and Game (IDFG) Chairman for 7 years, and he has the highest regard for both the IDFG commission members and employees, and this legislation does not reflect on IDFG or anyone in their department. After every controlled hunt drawing, it is commonly said that someone from IDFG drew and the process is rigged. Although the system has never been fixed or rigged, IDFG faces a perception problem, and perception is the reality on this issue. **RS 24438** exempts IDFG commissioners and employees from participating in the application draw for controlled hunts, and **RS 24453** exempts IDFG commissioners only. The purpose is to add transparency to the controlled hunt and drawing procedure.

MOTION: **Rep. Bateman** made a motion to introduce **RS 24438.**

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 10 AYE, 4 NAY, 4 Absent/Excused**. **Voting in favor** of the motion: **Reps. Gestrin, Shepherd, Wood, Gibbs, Miller, Bateman, Mendive, VanOrden, Rubel and Chairman Raybould. Voting in opposition** to the motion: **Reps. Youngblood, Pence, Erpelding and Burtenshaw. Reps. Moyle, Andrus, Boyle, Vander Woude were absent/excused.**

MOTION: **Rep. Bateman** made a motion to introduce **RS 24453. Motion carried by voice vote. Rep. Youngblood** requested to be recorded as voting **NAY**.

S 1213: **Sharon Keifer,** Deputy Director, Idaho Department of Fish and Game, submitted written testimony in the form of a Memorandum from IDFG to **Chairman Raybould** and the committee members that provided supplemental information on **SB 1213** that was sent to the floor with a DO PASS recommendation on February 9, 2016. (See attachment 1.)

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:12 p.m.

Representative Raybould Chair	Lorrie Byerly Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
Lincoln Auditorium
Monday, February 15, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Fire Suppression and Allocation of Associated Costs Between State, Federal and Private Landowner Stakeholders	Tom Schultz, Director, Department of Lands

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel(Green)

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 15, 2016

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett, Lacey

ABSENT/ EXCUSED: Reps. Wood, Boyle and VanOrden

GUESTS: Jane Green Post, AAUW; Cay Marquart, Transform Idaho; Ron Marquart, Transform Idaho; Andy Brunelle, USDA Forest Service

Chairman Bair called the meeting to order at 1:30 p.m.

Tom Schultz, Director, Idaho Department of Lands (IDL), said the presentation focus is on suppression costs, not only for the 2015 season, but for the cost of fighting fires and the different budgets IDL funds, both preparedness and suppression. He stated the 20 year average of suppression costs is just over $20 million, and this year IDL spent over $80 million with $20 million coming back to the state in reimbursements.

Director Schultz introduced **David Groeschl**, Idaho State Forester and Deputy Director of Forestry and Fire Division, Idaho Department of Lands, who presented an overview of the 2015 fire season and an overview of how the fire program is funded. Mr. Groeschl stated there are 10 IDL forest protective districts and 2 timber protective association (TPA) districts that are part of the state's overall forest protective responsibility. IDL covers 6.3 million acres, mostly private and state, with approximately 70% within the wildland urban protective urban interface (meaning there are homes within the forest). There are user agreements in place with over 200 local and rural fire protection districts, whose primary responsibility is to provide structural protection. In the southern part of the state, IDL has six Rangeland Fire Protection Associations.

Mr. Groeschl pointed out that in the fire protection area, Idaho has offset agreements with the USDA Forest Service (Forest Service) and the Bureau of Land Management (BLM) that outline the fire protection districts and clear geographic boundaries that are easily identifiable. The Forest Service protects some state and private lands within their area, and Idaho (IDL/TPAs) also protects Forest Service and BLM lands in their forest protection districts. The purpose of the offset agreements is to promote efficiency of resources by using the closest available resources to address a fire. At times, they each protect the others' fire protection districts and incur the costs associated with that protection, but neither bills the other the costs of initial protection, considering it a wash both ways.

Mr. Groeschl said BLM has fire responsibility in Southern Idaho, and in 2012/13, IDL and BLM explored the development and establishment of Rangeland Fire Protection Associations (RFPA). Clark County will have one in place for the 2016 fire season, and there will be 7 RFPAs with 230 trained ranchers to protect about 1 million acres of private land and provide secondary protection on approximately 5 million acres of state and federal range land. They have assisted in 30 fires, including the 2015 Soda fire. **Mr. Groeschl** explained in 2013/14, the Legislature provided start up costs for the RFPAs. There are no assessments on rangeland in Idaho, but RFPAs can self assess their own members to cover additional equipment and costs.

Mr. Groeschl addressed the 2015 fire season saying many factors came together to make it unique. There was a mild winter with a 50% of average snow pack coming off in April instead of June. It was an average of 11 degrees warmer in the spring, and almost all year, temperatures were 2 to 12 degrees above normal. Idaho was 10 inches short of water for the year, starting short in mid-February, with a record low soil moisture heading into the fire season. The Palmer Drought Severity Index showed all of Northern Idaho was under soil moisture stress. There were thousands of lightening strikes with unusual efficiencies because of the dry conditions. Typically for every 100 strikes there will be one fire start, but in 2015, there were 50 to 60 fire starts because of the dryness of fuel, and the probability of ignition was 95% in many places. Idaho faced resource shortages of hand crews, engine crews, smoke jumpers, hotshots and other resources in August and September because of fires nationally in Idaho, Washington, Oregon and California. It was a wet December and January, 2016, and the snow pack level 95% in Northern Idaho and 100% in the rest of Idaho. How quickly the snow pack comes off, spring temperatures and precipitation will determine what kind of fire season Idaho has in 2016.

Statewide, approximately 742,000 acres burned in 2015 across all protections, and **Mr. Groeschl** reviewed the breakdown of acres burned. Mr. Groeshl explained the total suppression costs for the 2015 Fire Season Calendar Year which spills across two years, 2015/2016, and IDL's preparedness costs for FY2016. 2015 expenditures were approximately three times that of previous years' costs. Approximately 78,571 acres burned in 321 fires in IDL protection which was about 100% of the 20 year average, with half being human caused and half lightening caused. Of 321 fire starts, 16 escaped initial attack and required the use of 27 incident management teams. Three of the fires were eligible for a fire Management Assistant Grant through FEMA: the Clearwater Complex fire, costing $25.2 million and burning 68,000 acres, with 62 residences and 200 outbuildings lost; the Municipal fire (outside of Orofino) and the Cape Horn fire.

Mr. Groeschl explained that fire protection funding is grouped into two categories: preparedness and suppression. Preparedness is providing resources to be ready in advance of an actual fire. It includes hiring, training, tools, supplies and purchasing or leasing equipment such as fire engines. Preparedness on Idaho lands is funded by forest assessments on private land, 56%, federal funds, 13%, and Idaho General Funds, 31%. A forest land assessment is $15 for parcels under 25 acres and 60 cents per acre for parcels over 25 acres with a surcharge of $40 on forested parcels with structures. **Mr. Groeschl** discussed the endowment lands saying they have 940,000 acres accessed at 60 cents an acre, $585,000, that represents approximately 10% of the entire forest assessment collected by Idaho and 30% of the acreage assessment. Mr. Groeschl set forth the reasons for Idaho's General Fund payment of fire preparedness.

Mr. Groeschl explained that suppression is the cost of taking action on fires when personnel and equipment are dispatched to initial attack fire starts or IDL project fires, and payment is made by the General Fund through deficiency warrant authority. From July 1 through December, 2015, IDL paid $25 million in deficiency warrants and were left with a $9 million dollar deficiency in the Deficiency Fund Account. IDL anticipates that $16 million in bills for 2014 and $37 million in bills for 2015 will be received which will bring the account to negative $71 million. **Governor Otter** proposed $50 million to reduce the deficiency in the Deficiency Fund Account.

Mr. Groeschl went over the audit procedures for incident fires. Addressing how other states allocate fire suppression costs, **Mr. Groeschl** stated assessment, General Fund and federal dollars are funding sources used by Montana, Washington and Oregon for fire preparedness. For fire suppression, Montana has a Wildlife Suppression Fund, which is mostly General Fund dollars plus some special tax funds, and it is capped at $100 million. Oregon uses a combination of assessment and General Funds for the first $10 to $20 million, and then they have a fire insurance policy with Lloyds of London, which two years ago they had to bump up from $25 million to $50 million. It has again been bumped up to $75 million because the suppression payout by Lloyds of London every year has been $100-125 million. Oregon's premiums were quadrupled and their threshold level set higher. Oregon uses General Funds to pay for anything over the threshold amount. Washington uses General Funds for suppression costs.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:45 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AMENDED AGENDA #1

HOUSE RESOURCES & CONSERVATION COMMITTEE

Upon Adjournment of the Joint Meeting
Lincoln Auditorium/or reconvene in EW 40
Monday, February 15, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24514	Agreement Between the Idaho Geological Survey, The Idaho Department of Lands and the Oil and Gas Conservation Commission for Sharing of Mineral, Oil and Gas Geological Records	Rep. Judy Boyle; Joe Stegner, Special Assistant to the President, University of Idaho
RS24376	Prospecting and Small-Scale Dredge Mining	Rep. Paul E. Shepherd

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly

Room: EW16

Phone: 332-1136

email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Monday, February 15, 2016
TIME:	Upon Adjournment of the Joint Meeting
PLACE:	EW 40
MEMBERS:	Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
ABSENT/ EXCUSED:	Reps. Moyle, Gibbs and Rubel
GUESTS:	Sharon Kiefer, Idaho Department of Fish and Game; John Chatburn, OER; Len Young, CPTPA; Emily Callihan, Idaho Department of Lands; Jon Oppenheimer, ICL; Rialin Florez, CVI; Elizabeth Roberts; Jane Wittmeyer, Wittmeyer & Associates

Chairman Raybould called the meeting to order at 2:59 p.m.

RS 24514: **Rep. Boyle** presented **RS 24514** stating that under Idaho law, the Idaho Geological Survey (IGS) is required to collect, interpret and disseminate all the geological and mineral data for Idaho, but there is a problem with oil and gas data because it is exempt from disclosure for a year under the Public Records Act. Therefore, the Idaho Department of Lands (IDL) and the Oil and Gas Commission (OGC) cannot share the oil and gas data which the IGS is required to have to do their job. **RS 24514** is an agreement between IDL, OGC and IGS that allows IDL and OGC to give the information to IGS so they can do their job. The agreement still protects the privacy of the oil and gas data for the year required.

MOTION: **Rep. Miller** made a motion to introduce **RS 24514**.

Joe Steger, Assistant to the President, University of Idaho (UI), addressed **RS 24514** saying Idaho Code delegates UI to operate the survey, and since all Idaho Geological Survey employees are UI employees, UI has an interest in how IGS does their work and in **RS 24514**

VOTE ON MOTION: **Motion carried by voice vote.**

RS 24376: **Rep. Shepherd** presented **RS 24376** stating that **RS 24376** was the correct RS that he spoke **in support** of on February 11, 2016, when he presented **RS 24388**. Rep. Shepherd said that when he presented **RS 24388**, he believed it contained the final draft that is actually before the committee now as **RS 24376**, and he apologized for his error. **Rep. Shepherd** offered to speak to the subject matter of **RS 24376** again.

In response to committee questions, **Rep. Shepherd** said the differences between the first RS and **RS 24376** are the changes made by the Attorney General's Office regarding the disallowance of enforcement rules pertaining to pollution and two or three other smaller changes.

MOTION: **Rep. Gestrin** made a motion to introduce **RS 24376**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:11 p.m.

Representative Raybould	Lorrie Byerly
Chair	Secretary

AMENDED AGENDA #2

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Wednesday, February 17, 2016

SUBJECT	DESCRIPTION	PRESENTER
HCR 35	Concurrent Resolution Honoring the Associated Logging Contractors of Idaho	Rep. Luke Malek
H 462	Fish and Game License Exemption	Rep. Lynn Luker

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 17, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: None

GUESTS: Jerry Deckard, Associated Loggers; Roger Seiber, ALC; Rialin Flores, CVI; Brian Brooks, IWF; Sharon Kiefer, Idaho Department of Fish and Game; Mark Bell, NWTF; Tristam Mitchell; Cary Collins

Chairman Raybould called the meeting to order at 1:31 p.m.

HCR 35: **Rep. Malek** presented **HCR 35**, a resolution that recognizes and honors the associated logging contractors of Idaho for fifty years of logging accomplishments and service to Idaho. **HCR 35** is self-explanatory.

MOTION: **Rep. Burtenshaw** made a motion to send **HCR 35** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Malek will sponsor the bill on the floor.

H 462: **Rep. Luker** stated that **H 462** amends Idaho Code §36-401(3) and (4) because the current language is over broad and would technically require someone to have a hunting license to trap a mouse or gopher in their yard, with a couple of exceptions. The exceptions are for children under the age of 12 to hunt, take or kill predatory and unprotected birds and animals by means other than firearms, IC § 36-401(3), and for youth under 14 to trap muskrats from irrigation ditches or property on which they live during the open season, IC §36-401(4). **H 462** would expand those two exceptions to 'any person.' Idaho Department of Fish and Game regulations at IDAPA 13.01.06 define various classifications of game, protected and endangered animals and protected non-game species, all of which would be excluded from the proposed amendment. The definition for unprotected wildlife is a breathtakingly broad definition that says "all wildlife not classified in the preceding categories." The list of predatory animals is short: coyote, jackrabbit, raccoon, skunk and short tailed weasel. **H 462** is not concerned with the taking of normal game animals. The amendment is in keeping with the spirit of Idaho's Constitutional right to hunt, fish and trap as "the preferred means of managing wildlife in Idaho." There is another bill before us for hunter education in trapping, but it would require hunting education to trap a mouse in a home.

In response to committee questions regarding whether the reason for the bill is domestic mice trapping, **Rep. Luker** replied that it is because the law is over broad and needs to be made more user friendly.

Sharon Keifer, Deputy Director, Idaho Department of Fish and Game (IDFG), appeared to offer IDFG staff's interpretation of the consequences of **H 462**, which she clarified has not been discussed with the Fish and Game Commission and is, therefore, not being presented as a policy position. She said Idaho Code Section 36-103 declares all wildlife in the state to be the property of the state, which includes, in Idaho Code Section 36-202(g), predatory and unprotected birds and animals, and muskrats, and reviewed the mission of IDFG which is also defined in Idaho Code. Ms. Keifer stated a relationship exists relative to I.C. §36-103 and **H 462**'s proposed amendments to I.C. §36-401.

Currently, a person must be licensed to hunt – the license is for hunting, not controlling. When discussing hunting licenses, it is not about control to protect property. **H 462** would substantially expand the license exemption for persons to hunt, take and kill predatory and unprotected wildlife by means other than firearms at any time on private and public lands not already restricted or closed for this activity. The proposed provisions would only exempt a person from the current requirement to have a license, it would not exempt them from existing rules and laws governing the method of taking or the prohibition to use a firearm to hunt, take or kill. Most likely, trapping would be the method used under the revision, and IDFG's interpretation is that current rules in IDAPA governing the trapping of predatory protected wildlife would apply except for the restriction on firearm use. The rules for trapping are lengthy and govern many elements, including methods of take, trap track reporting and area restrictions. The muskrat is a protected furbearing animal and **H 462** also expands the license to trap muskrats from ditches in irrigation ditches or property during open season.

There is a distinction between hunting and control. Control of wildlife damaging property is handled in Idaho Code Section 36-1107, which contains broad provisions regarding wild animals and birds damaging property. There are already elements in code to grant properly safeguarded permission to people to control, trap or remove any protected or unprotected wildlife that are causing damage. The director can issue a permit to any owner or lessee of property being damaged by furbearing animals. This section of code is directed at control, such as when mice or gophers are in a yard, and I.C. §36-401 is directed at hunting. The intent of IC §36-401, which **H 462** proposes to amend, is hunting. **H 462** allows adult persons to take wildlife without financially contributing to the management of Idaho's wildlife, including rules, brochures, and enforcement. **H 462** will exacerbate the social conflicts about trapping on the Idaho landscape, and it will be harder for IDFG to reach out to unlicensed individuals to inform them of the laws and rules that govern their activities, particularly off private land, so more illegal activity may be seen as a function of uninformed individuals. By liberalizing license exemptions, particularly with trapping, challenges the IDFG Commission is currently presented with in the legal arena related to non-target catches of certain species will increase.

Tristam Mitchell, representing **Mr. Frazier**'s class at Century High School where he has been participating in a mock legislature, spoke **in support** of **H 462**, but stated that it should be amended to not allow everyone over 12 or 14 years of age to be able to kill animals unless the animals are a nuisance.

Chairman Raybould informed the committee that **Patrick Carney** sent an e-mail **in opposition** to **H 462,** and a copy of it was delivered to each member as requested by Mr. Carney. (See attachment 1)

Rep. Luker was recognized to close testimony on **H 462** and stated that he failed to see how control can be done without hunting. The nature of hunting is that it is a broad activity that can include control. Rep. Luker said that he would not oppose an amendment with respect to private lands.

Rep. Luker replied, in response to committee questions of whether a domestic mouse is a good example of the difference between hunting and nuisance control, that his mice and gophers are not domesticated.

MOTION: **Rep. Erpelding** made a motion to **HOLD H 462** in committee.

SUBSTITUTE MOTION: **Rep. Gibbs** made a substitute motion to send **H 426** to General Orders with an amendment limiting it to private property only.

VOTE ON SUBSTITUTE MOTION: **Motion carried by voice vote. Rep. Luker** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:58 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AMENDED AGENDA #2

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Tuesday, February 23, 2016

SUBJECT	DESCRIPTION	PRESENTER
SCR 136	Eastern Snake Plain Aquifer Resolution, Managed Recharge	Matt Weaver, Idaho Department of Water Resources; Jeff Raybould, Idaho Water Resource Board
SCR 137	Statewide Aquifer Stabilization and Sustainability Resolution	Senator Chuck Winder; Roger Chase, Idaho Water Resource Board
SCR 138	Eastern Snake Plain Aquifer Resolution, Settlement Agreement	Brian Olmstead, Idaho Surface Water Coalition; Dean Stevensen, Magic Valley Groundwater District;, Idaho Ground Water Appropriators
H 510	Prospecting and Small-Scale Dredge Mining	Representative Paul Shepherd; David Claiborne; Don Smith

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly

Room: EW16

Phone: 332-1136

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, February 23, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding (Lachiondo), Rubel

ABSENT/ EXCUSED: None

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

Chairman Raybould called the meeting to order at 1:33 p.m. New page, **Sabrina Castellano**, was introduced.

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 3, 2016 Joint meeting with the Senate Resources and Environmental Committee. **Motion carried by voice vote.**

MOTION: **Rep. Youngblood** made a motion to approve the minutes of the February 9, 2016 meeting. **Motion carried by voice vote.**

SCR 136: **Mat Weaver**, Deputy Director, Idaho Department of Water Resources (IDWR), said **SCR 136** supports the Settlement Agreement (SA) reached on the Eastern Snake River Plain between senior surface water users and groundwater users. Although the state is not a part of the SA, recharge goals of 250,000 acre feet annually have been established as a part of the SA. This resolution gives the SA participants a level of comfort that the Legislature is directing the Idaho Water Resource Board (IWRB) and the IDWR to do everything in their power to recharge the 250,000 acre feet identified in the SA. The goal of 250,000 acre feet discharge are part of the Eastern Snake Plain Aquifer Management Plan and the current state water plan which allow for acceleration of the time frame associated with achieving the 250,000 acre feet discharge.

Jeff Raybould, IWRB, stated it is critical that water be restored to the aquifer to be a sustainable water supply for years for agriculture, cities and people in Idaho.

MOTION: **Rep. Burtenshaw** made a motion to send **SCR 136** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Chairman Raybould** willl sponsor the bill on the floor.

SCR 137: **Roger Chase**, Chairman, IWRB, stated **SCR 137** stabilizes the Snake River Plain Aquifer (ESPA) is important to the whole state because of the value of the agricultural industry which is between $8 and $10 billion. Finding a way to stabilize the ESPA assures Idahoans the agriculture industry is going to survive, not only in the Magic Valley but in the Treasure Valley and North Idaho. **SCR 137** approves funds for the whole state and work on models in the Big Wood Valley, Elmore County, Treasure Valley, City of Star, Weiser Basin, Rathdrum Prairie, Palouse Basin, Lewiston and Priest Lake.

Sen. Winder spoke **in support** of **SCR 137**, and said It is a first step to gather data and build models that need to be developed so recharge and water management issues can be addressed.

MOTION: **Rep. Wood** made a motion to send **SCR 137** to the floor with a **DO PASS** recommendation.

Marie Kelner, representing the Idaho Conservation League (ICL), stated that ICL represents 20,000 supporters who take no stance on **SCR 136**, **SCR 137** and **SCR 138**, but ask that the water and groundwater health remain a priority that is monitored in perpetuity. ICL asks to ensure the resources necessary for groundwater protection. Ms. Kelner provided written testimony. (See Attachment 1.)

VOTE ON MOTION: **Motion carried by voice vote. Chairman Raybould** will sponsor the bill on the floor.

SCR 138: **Brian Olmstead**, Manager, Twin Falls Canal Company, representing Idaho Surface Water Coalition, presented **SCR 138**, saying it is a monumental agreement to their company and all the farmers in the state for which all the parties worked hard. It is an equitable agreement between groundwater users and surface water users that sets definable goals. It is needed because aquifer problems are coming to the whole west.

Dan Davidson, representing Minidoka Irrigation District, **Dean Stevenson**, Chairman, Magic Valley District of Idaho Board of Groundwater Users; and **Ralph Eisen, Bonneville Jefferson Groundwater District ;**spoke **in support** of **SCR 138** stating for the first time, long-range vision is used in water management, definable goals and milestones that need to be met are set, it is adaptable, and provides a steering committee with equal representation between groundwater and surface water users.

Chairman Raybould clarified the 250,000 acre feet recharge would be a yearly average based upon the weather. Some years, weather would allow for a million acre feet of recharge which when stored would compensate for the years weather did not allow the 250,000 acre feet recharge. The plan is to get facilities built to store the ample water when it is received.

MOTION: **Rep. Miller** made a motion to send **SCR 138** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Chairman Raybould** will sponsor the bill on the floor.

H 510: **Rep. Paul Shepherd** introduced **Don Smith**, Rocky Mountain Mining Rights, to present **H 510**. Mr. Smith stated **H 510** amends Idaho Code Section 42-1731(4) to reflect the small-scale of dredge mining as opposed to the current definition that includes big-bucket line dredges. It also amends Idaho Code Section 43-1734A that currently prohibits not only destructive outdated dredge mining, but also small-scale suction dredge mining, which creates a dichotomy with I.C. § 42-1734A(1)(a) where it says it protects and preserves existing rights and relative priorities of water established in Article 15, Section 3 of the Constitution of the State of Idaho. The Idaho Constitution in Article 15, Section 3 says those using water for mining purposes shall have preference over those using it for manufacturing or agricultural proposes.

Small-scale suction dredge minors work in rivers and streams now a part of the State Comprehensive Water Plan and have vested rights. **Mr. Smith** stated that a protected river designation cannot interfere with vested property rights on the date a waterway is designated. Stream channel alterations are defined in Idaho Code Section 42-3802(b), and the word 'alter' is specifically defined in Idaho Code Section 42-3803, and Mr. Smith opined the words suggest that a stream channel alteration permit is for the building of permanent structures or causing permanent change to the stream channel, suggesting that small-scale dredge mining was never meant to be regulated. New section Idaho Code § 42-3813 builds on the idea that small scale dredge mining was never meant to be regulated under the Stream Channel Protection Act.

H 510 amends Idaho Code Section 47-703A and Idaho Code Section 47-1313(e) to define motorized earth moving equipment to include suction dredges with intake diameters exceeding 8". Idaho Code Section 47-1312 is amended by **H 510** to exempt small-scale dredge suction mining from being regulated like big-bucket dredge mining, except on Idaho's wild and scenic rivers. New sections(o)(p) and (q) are added at Idaho Code Section 47-1313 to define what small-scale suction dredge mining and prospecting should be.

Those speaking **in support** of **H 510** were **Ron Miller**, President, Rocky Mountain Mining Rights; and **Gary Scott** who stated that they have the right under law to mine/dredge; and **Lisa Smith**; **Danny Procheska**; **Nicole Carlson**; and **Don Doreman**, Idaho Gold Prospectors Association, who expressed that small-scale dredge miners do not dirty the environment or interfere with salmon beds since they do not dredge at the time of year for spawning, as well as concurred that mining law gives the right to dredge. Ron Miller provided written testimony. (See Attachment 2.)

Chairman Raybould called a recess of the committee at 2:51 p.m.

Chairman Raybould reconvened the meeting at 3:37 p.m.

Those speaking **in opposition** to **H 510** who were of the opinion that small-scale dredge mining would negatively impact river courses or cause stream course alteration, or would disturb salmon fish beds and spawning activities, or would bring in invasive species on their dredging equipment were: **Michael Gibson**, Idaho Field Coordinator, Idaho Sportsman Project; **Burke Mandell**; **Kale Becker**; **Tyler Mallard**, Government Affairs Liaison, Risch Pisca; **Brian Brooks**; and **Carmen Northern**.

Michael Gibson, Idaho Field Coordinator, Idaho Sportsman Project; **Burke Mandell**; **Brian Brooks**; **Ed Northern**; **John Kaywood**; **Barry Brunell,** Department of Environmental Quality (DEQ); and **Forest Goodrum**, Ada County Fish and Game League, spoke **in opposition** stating that **H 510** eliminated regulatory oversight of small-scale dredge mining. Barry Brunell remarked that **H 510** prevents DEQ from issuing a license, such as to restrict mining during salmon spawning periods.

Chairman Raybould inquired if **Gary Spackman**, Director, Idaho Department of Water Resources, would provide input on **H 510**. Director Spackman, stated that he did not come prepared to address **H 510,** but remarked that IDWR is responsible for the administration and oversight of the Stream Channel Alteration Act, as well as administers the program overseeing recreational dredge mining. He stated that most of the comments supporting **H 510** were directed toward the federal government who is requiring NPDA permits. Director Spackman understands that **H 510** would remove the state from having a role in this activity and is an abdication of state law. He expressed concern that if the state does not have a role in small-scale suction dredge mining, that federal oversight will increase. Director Spackman also commented on some inconsistencies in **H 510**, such as language that states the IDWR Board shall prohibit mineral, gravel or sand extraction, but then says that it shall not be prohibited. Director Spackman raised the question of whether **H 510** would have a retroactive effect or not.

Steven Strack, Deputy Attorney General and Natural Resources Section Chief (DAG), Office of the Idaho Attorney General, was invited by **Chairman Raybould** to address **H 510**. DAG Strack stated that several aspects of **H 510** are hard to interpret. He said that one section of **H 510** exempts dredge mining from stream channel authorization permits and another section says it applies. It is hard to understand how the terms of **H 510** will apply. When looked at as a whole, there is some ambiguity and confusion.

MOTION: **Rep. Shepherd** made a motion to send **H 510** to General Orders.

SUBSTITUTE MOTION: **Rep. Gibbs** made a motion to **HOLD H 510** in committee. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 5:02 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, February 25, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 509	Agreement Between the Idaho Geological Survey, the Idaho Department of Lands and the Oil and Gas Conservation Commission for Sharing of Mineral, Oil and Gas Geological Records	Representative Judy Boyle; Michael "Ed" Ratchford, Ph.D, Director, Idaho Geological Survey
SJM 104	Aquatic Invasive Species Prevention	Senator Lee Heider
	Report to the Idaho Legislature Concerning Senate Concurrent Resolution 126	Andy Brunelle, Idaho Capital City Coordinator, Intermountain and Northern Regions USDA Forest Service; David Groeschl, Idaho State Forester and Deputy Director of Forestry and Fire Division, Idaho Department of Lands; Nora Rasure, Regional Forester, Intermountain Region USDA Forest Service, Ogden, UT; Leanne Marten, Regional Forester, Northern Region USDA Forest Service, Missoula, Montana

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, February 25, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Moyle

GUESTS: Bob Boeh, Idaho Forest Group; Tom Schultz, Idaho Department of Lands; Nora Rasure, USDA Forest Service; Leanne Martea, USDA Forest Service; Marla Toller, USDA Forest Service; Andy Brunelle, USDA Forest Service; Norman Semanko, IWUA; Andy Boineer, IWUA; Jonathan Oppenheimer, ICL; Suzanne Budge, SBS Association/IPC

Chairman Raybould called the meeting to order at 1:30 p.m.

Chairman Raybould gave a special welcome to students from the BYU Agricultural Department. He also announced that **H 509** will follow **SJM104** on the agenda.

SJM 104: **Sen. Lee Heider** presented **SJM 104** stating he and **Senator McKenzie** went to Washington DC in the fall and procured $4 million for invasive species prevention for the Northwest, in the Columbia River Basin. The Northwest is the only place in the United States that does not have quagga and zebra mussels. The joint memorial basically says thank you for the $4 million and asks for a continuation of funds because preventing quagga mussels improves the health of drinking water and has many other beneficial uses.

MOTION: **Rep. Wood** made a motion to send **SJM 104** to the floor with a **DO PASS** recommendation.

In response to committee questions stating the funds benefit only the Columbia River Basin and not all of Idaho's rivers, **Sen. Heider** stated that inspection stations are include on all of Idaho's rivers, and even though the Bear River doesn't flow in the Columbia River Basin, it is protected by the stations.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Wood** will sponsor the bill on the floor.

H 509: **Rep. Boyle** introduced **Michael "Ed" Ratchford,** Ph.D, Director, Idaho Geological Survey (IGS), who stated his qualifications and presented **H 509**, saying IGS is a non-regulatory survey. He said Idaho Code specifies IGS is the lead agency for collection, analysis, and dissemination of geological and mineral information, but there is a problem getting the oil and gas data because it is exempt from disclosure for a year under the Idaho Public Records Act, and the Idaho Department of Lands (IDL) and the Oil and Gas Commission (OGC) cannot share the oil and gas data. **H 509** is an agreement between IDL, OGC and IGS for the sharing of oil, gas, geological and mineral records between the three agencies in order for IGS to fulfill its statutory survey duties. All other record requirements and confidentiality remain the same.

Tom Schultz, Director, Idaho Department of Lands and member of Idaho Geological Survey Advisory Board, **in support** of **H 509**, informed the committee the IGS Advisory Board voted to support **H 509**. Not just oil and gas data but mineral data is protected as well. **H 509** allows greater flexibility to share information and provides better coordinate between sister agencies.

MOTION: **Rep. VanOrden** made a motion to send **H 509** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Boyle** will sponsor the bill on the floor.

Andy Brunelle, Idaho Capital City Coordinator, USDA Forest Service (USFS), introduced **David Groeschl**, Idaho State Forester and Deputy Director of Forestry and Fire, Idaho Department of Lands (IDL), who gave an overview of Good Neighbor Authority (GNA) and its integration with the Healthy Forest Reformation Act. He stated the goal in Idaho in implementing GNA is to help increase the pace and scale of forest restoration work in Idaho, and he presented the history of the GNA. Federal forests cover more than 20 million acres in Idaho, about 75% of Idaho's forested landscape, with approximately 12.6 million acres being suitable for management. Seventy percent of the land base suitable for management is at high risk from insect, disease and fire. IDL worked with collaboratives and the USFS to identify proposed treatment areas across the state. **Governor Otter** designated 50 areas for treatment, and the USFS Chief accepted them. Mr. Groeschl said that **SCR 126**, passed by the 2015 Legislature, directed IDL to form an internal working group committee to explore GNA and where it might be applied. The committee looked at stewardship contracting using federal contracting provisions but preferred the GNA's allowance letting states use their own contracting process. The committee determined that IDL would work with the USFS to identify projects that have cleared the environmental analysis phase and would assist implementing the process on the ground. **SCR 126** also directed IDL to: explore the development of a Master Good Neighbor Authority Agreement and how it would work in Idaho; to identify where GNA would make sense on the ground; and to report annually to the Legislature on their progress. Mr. Groeschl discussed revenue generating projects and funds under the developing Master Good Neighbor Authority Agreement. Mr. Groeschl stated the Master Good Neighbor Authority Agreement should be in place in the next two months and by July or August, the first 2 GNA projects should be identified, with evaluation of the projects' effectiveness done by the end of the year.

Mr. Groeschl introduced **Nora Rasure**, Regional Forester, Intermountain Region USFS, Ogden, UT, and **Leanne Marten**, Regional Forester, Norther Region USFS, Missoula, Montana, who each spoke to their commitment to implementing GNA in Idaho.

Tom Schultz, Director, Idaho Department of Lands, said he sees GNA as a positive effort to work collaboratively with the USFS across the state on Idaho forests in need of management and it is in **Governor Otter**'s budget recommendations.

Bob Boeh, Vice President of Government Affairs, Idaho Forest Group, indicated they are a funding industry participant. He said that GNA will increase the pace and scale of reforestation, helping to prevent fires.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:26 p.m.

Representative Raybould Chair	Lorrie Byerly Secretary

JOINT

HOUSE RESOURCES & CONSERVATION COMMITTEE
AND
SENATE RESOURCES & ENVIRONMENT COMMITTEE

1:30 P.M.
Lincoln Auditorium
Monday, February 29, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Is Permanent Federal Ownership of the Majority of the Land in the State of Idaho Constitutional?	George Wentz, Attorney at Law; Utah Representative Keven Stratton and Utah Senator David Hinkins, Co-Chairs, Utah Commission for the Stewardship of Public Lands

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
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Phone: 332-1136
email: hres@house.idaho.gov

MINUTES
JOINT MEETING

HOUSE RESOURCES & CONSERVATION COMMITTEE
SENATE RESOURCES & ENVIRONMENT COMMITTEE

DATE: Monday, February 29, 2016

TIME: 1:30 P.M.

PLACE: Lincoln Auditorium

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

Chairman Bair, Vice Chairman Vick, Senators Siddoway, Heider, Nuxoll, Bayer, Hagedorn, Stennett, Lacey

ABSENT/ EXCUSED: Rep. Wood; Sen. Bayer

GUESTS: Bob Boeh, Idaho Forest Group; Tom Shultz, Idaho Department of Lands; Nora Rasure, USDA Forest Service; Leanne Marten, USDA Forest Service; Marten Trotter, USDA Forest Service; Andy Brunelle, USDA Forest Service; Norman Semanko, Idaho Water Users Association; Andy Boiner, Idaho Water Users Association; Jonathan Oppenheimer, Idaho Conservation League

Chairman Raybould called the meeting to order at 1:34 p.m.

George Wentz, Attorney at Law, Davillier Law Group of New Orleans, LA, introduced **Utah Representative Kevin Stratton** and **Utah Senator David Hinkins**, Co-Chairs on the Utah Commission for the Stewardship of Public Lands (UCSPL). Rep. Stratton commenced the presentation stating that the UCSPL was established to study, work with federal representatives; Utah's legislature, executive branch and attorney general; and make recommendations to the body as a whole for the protection and management of Utah's public lands, which include tremendous resources, five national parks and pristine wildernesses. Rep. Stratton said the UCSPL believes in the Constitutional right to life, liberty and the pursuit of happiness with the core of those rights being the stewardship to control property. Sale of public lands to the private sector is not their concern, although pieces of property that are a part of the 1976 Federal Public Land Management Act are a part of the equation. Utah has an $8 billion tourist industry, and the UCSPL recognizes selling the land supporting that would damage Utah's economic vitality. To protect that economic vitality, it makes sense to transfer the public lands in Utah from federal to state control.

Senator Hinkins said a power line is being run through Utah from wind generated in Wyoming and going to California with no power delivery in Utah. In the process, the federal Bureau of Land Management is condemning private property in Utah without attempting to cooperate with the state. The federal government owns 66% of the land in Utah. Senator Hinkins remarked that he represents six counties in southeastern Utah, that are not being treated equally due to the tax structure on adjacent federally owned lands. Senator Hinkins shared examples and tax amounts and percentages for situations involving federal lands throughout Utah.

George Wentz, stated the federal dominion and treatment over lands in the 12 western states is not equal to that in the eastern 38 states of the United States. He said that the Constitution was designed by its founders to diffuse power among the states, and they were determined not to create a central government but a federation of states. In *Shelby County v Holder* (2013), U.S. Supreme Court Chief Justice Roberts addressed the issue of the sovereignty and equality of the states, opining that there is a fundamental principle of equal sovereignty among the states, which over 100 years ago was explained by the Supreme Court as a union of states equal in power, dignity and authority. Justice Roberts further stated that constitutional equality of the states is essential to the harmonious operation of the Republic and is a fundamental principal in assessing disparate treatment of states. Mr. Wentz remarked that from 1845 to 2013 the U.S. Supreme Court continued to say that states must all be sovereign and equal in power.

Mr. Wentz provided a history of eastern state ownership of western lands dating back to the Virginia Land Charter of 1609. October 10, 1780, the eastern state claims to western land were given up so that they would be held in trust by the federal government, and Congress said the unappropriated lands relinquished to the United States would be settled, formed into distinct republican states and have the same rights of sovereignty, freedom and independence as the other states. Mr. Wentz explained that in 1976 the federal government decided the land was theirs instead of holding it in trust for the states. Mr. Wentz stated that two rights that the U.S. Supreme Court recognizes that are fundamental sovereign states' rights are taxes and self government. Taxes are the fuel of self government and Idaho cannot tax 61% of its land because it is in federal hands. Mr. Wentz discussed the Equal Footing Doctrine which gave Idaho the same sovereignty the original 13 states received, and the Unified Theory Compact of 2013. The federal government reached a compact violating the equal sovereignty principle and the equal footing doctrine and that is a result that the Constitution doesn't allow.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:00 p.m.

_____
Representative Raybould
Chair

_____
Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Tuesday, March 01, 2016

SUBJECT	DESCRIPTION	PRESENTER
S 1339	Oil and Gas	Kate Haas

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 01, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Reps. Wood, Gestrin and Vander Woude

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

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 11, 2016, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 17, 2016, meeting. **Motion carried by voice vote.**

S 1339: **Kate Haas**, Alta Mesa, presenting **S 1339** introduced **Eric Wilson** and yielded time to him.

Eric Wilson, Resource and Protection Assistance Bureau Chief, Idaho Department of Lands (IDOL), stated that since they are the administrative arm of the Oil and Gas Conservation Commission, he will provide some information on integration. He stated that oil is a fluid mineral that is trapped under an impermeable shallow layer that migrates into a trap and cannot migrate any farther, and that is what the oil and gas industry taps into. Mr. Wilson explained the history and processes of the 1900 Rule of Capture; however, Idaho currently utilizes the process of integration, which is the voluntary or involuntary process of pooling adjoining mineral tracts for inclusion into units for oil production while protecting ownership rights. Integration protects an individual's rights to ownership of the oil and gas. Mr. Wilson pointed out the benefits of integration, including: limiting over drilling; protection of landowner correlative rights to an equitable share of the oil and gas in the integration pool; less surface impact; lower costs; and limits dissipation of natural pressure in the oil reservoir and subsequent stranding of oil resources. Correlative rights make sure that each mineral owner is compensated for oil extraction. In twenty-six states 1 or 2 interested parties can initiate integration; in five states, 51% of land must be leased out before the other 49% can be forced pooled or integrated out; and in four states 60-78% of a drilling unit must be leased out before the remaining percentage is force pooled or integrated out. In Idaho, rules were approved last year setting 55% as the leased out amount before forced pool integration can be initiated.

Kate Haas, resumes presentation of **S 1339** stating the current process is an administrative undertaking which puts all the burden on the Oil and Gas Commission, which is a volunteer commission. The process is subject to a lot of delays and is not working. It is uncertain how long the current process takes, but about 400 days including appeals. Other states take 45 to 60 days, and **S 1339** deals with process and brings Idaho closer to other states in the number of processing days. **S 1339** creates certainty and clarity for all stakeholders through predictable time frames and clear expectations. The time frame of 3 weeks for drilling and other permits is the same as what the department review averages now. There is a review for completeness, and the current review by the Idaho Department of Water Resources (IDWR) is retained, with their time frame being within a day of what it is now. There is a public comment period and an overall approval and denial period with the same time frame as what the IDOL is already doing.

Regarding integration, the department is allowed to designate an operator for the unit. These are the same rules approved last year, but they are just being put into statute. There are 5 options that a landowner has when the state issues an integration order, four of which are in the rules already: the working interest owner; the non-consenting working interest owner; landowner choosing to be leased; and landowner choosing to be deemed leased. The new option is the objector option for a landowner who chooses to waive their right to the 1/8 royalty and give it to the state. A statement that the proposed drill site is leased needs to be put in integration applications, so an entity making an application for integration has to show that the well is on land that is already leased. The administrative process for integration is streamlined to 107 days. It makes IDOL the front line decision maker in charge of day-to-day operations, and the Oil and Gas Commission is sitting in an appellate capacity. **S 1339** requires IDOL to notify landowners about what is going on, what the next steps will be, when there is a hearing and who they contact at the department. **S 1339** does not change surface owner protections already in place.

In response to questions regarding why the public comment period was shortened from 15 business days to 10, **Ms. Haas** stated it was so that it could fit within the 15 business day period IDOL has to approve or deny, and within that period IDOL receives comments, posts on the website available to everyone and then has time to consider making the approval or denial decision.

Speaking **in support** of **S 1339** were **Jim Classen**; **John Puserich**, AMI; **Eric Wilson**, Idaho Department of Lands; **Dave Jones**; and **David Hawk** for the reason that the integration process is removed from being under Idaho's Administrative Procedures Act (except for Commission appeal decisions), which will streamline the integration application process, time lines and appeals and will keep oil and gas companies from taking their business to other states, as well as make the process clearer to all involved.

Speaking **in opposition** to **S 1339** were **Edward Mahola**; **David Monsees**; **Alma Hasse**; **Martin Fry**; **Robert Hawthorne**; **William Fowkes**; **Julia Page**, Idaho Organization of Resource Counselors; **Lelalwa Tano Rikiho**; **Elizabeth Roberts**, and **Casey Mahoun** for the reason that **S 1339** does not allow an effected property owner time to respond to the integration application, and has a detrimental affect on their property rights and values, water quality, mortgages and mortgage insurance. **Martin Fry** presented a petition with 800 signature in opposition to **S 1339.** (See Attachment 1.)

MOTION: **Rep. Gibbs** made a motion to send **S 1339** to the floor with a **DO PASS** recommendation.

Jon Oppenheimer, Idaho Conservation League, said the restricted time lines in **S 1339** are a concern, and he asked the committee to consider an amendment to **S 1339** that extends the public comment time period to 15 days since 5 days are to determine application completeness and 10 days are for IDWR review, which left little time to address issues raised by public comments or IDWR.

Alma Hasse spoke **in opposition** to **S 1339** stating that the integration application is a proprietary application that protects trade secrets so that landowners facing integration receive redacted applications which are impossible to address.

SUBSTITUTE MOTION: **Rep. Erpelding** made a substitute motion to send **S 1339** to General Orders with an amendment extending the public hearing period to twenty days.

The committee discussed a mineral owner's rights, no notice of drilling and only notice of integration, and the adequacy of the 10-day public notice in **S 1339.**

VOTE ON SUBSTITUTE MOTION: **Chairman Raybould** called for a vote on the substitute motion to send **S 1339** to General Orders with an amendment extending the public hearing period to twenty days. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Raybould** called for a vote on the original motion to send **S 1339** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Reps. Moyle, Pence, Erpelding** and **Rubel** requested to be recorded as voting **NAY**. **Rep. Boyle** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:39 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 P.M.
Room EW40
Thursday, March 03, 2016

SUBJECT	DESCRIPTION	PRESENTER
S 1244	Underground Storage Tank Fees	Kristi Lowder, Idaho Department of Environmental Quality
	Annual Germane Committee Report	Teri Murrison, Idaho Soil & Water Conservation Commission
	Soil Conservation District Report	Steve Beckam, Idaho Association of Soil Conservation Districts

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly

Room: EW16

Phone: 332-1136

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 03, 2016

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Reps. Andrus, Boyle, Gibbs, Rubel,

GUESTS: Carolyn Watts, SWCC; Kristi Lowder, Idaho Department of Environmental Quality; Kari Kostka, Idaho Department of Environmental Quality; Jess Byrne, Idaho Department of Environmental Quality; Steven Backer, IASCD; Benjamin Kelly, IASCD; John Tippets, Idaho Department of Environmental Quality; Suzanne Budge, SBS Assoc./IPMCSA; Andy Briner, IWVA; John Watts, Veritas Advisors

Chairman Raybould called the meeting to order at 1:30 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 15, 2016, meeting. **Motion carried by voice vote.**

S 1224: **Kristi Lowder**, Underground Storage Team Management, Idaho Department of Environmental Quality (DEQ), presented **S 1224** stating that DEQ is seeking the ability to collect fees on underground storage tanks to support this program because federal funding has significantly decreased, with federal program cuts in 2013, 2015, 2016 and more cuts upcoming. In 2012, Idaho received primacy (full program authorization) to run the program in lieu of the EPA. October 2015, the EPA came out with additional underground storage tank regulations that will increase costs for DEQ. The program is currently funded by a federal grant and state matching funds, but the current reductions in federal funds have made it impossible to retain primacy. Benefits of the state run program are: reduced penalty amounts in enforcement, up to a 75% penalty reduction for the EPA program; flexibility in Idaho's rules; and DEQ provides training, outreach and technical assistance to tank owners. The rules are complex, and DEQ believes proper training, rather than enforcement is the best first step. A site-specific approach is used to implement the program, which means an owner is only trained on equipment it has, and the owner is given a management plan for their specific equipment telling them how to stay in compliance with that equipment. Compliance rates under DEQ have risen from approximately 45-50% to above 60% in the last 3 years. With the federal cuts made and more on the way, DEQ is struggling to maintain the inspections required. DEQ needs $700,000 to run the program. Federal funds have been reduced by $250,000, the state General Fund support is $150,000 and **S 1224** would generate $300,000 to maintain program primacy by authorizing DEQ to establish a fee collection program to assess annual fees to tank owners of $100 per tank annually. Any year-end fee balance would off-set the following year's fees.

MOTION: **Rep. Erpelding** made a motion to send **S 1224** to the floor with a **DO PASS** recommendation.

In opposition to the motion, **Rep. Moyle** spoke regarding an experience he was participatory to where the DEQ required more to be done on an underground storage tank removal than the EPA regulations required, resulting in a higher cost to the storage tank owner. Rep. Moyle stated that he has no problem supporting state primacy, but he has a concern that the DEQ is going farther than they should, since as a state agency, they are mandated not to exceed EPA charges.

Rep. Vander Woude invoked Rule 38 stating a possible conflict of interest because he owns a convenience store with underground storage tanks.

Chairman Raybould invoked Rule 38 stating a possible conflict of interest because he has underground storage tanks on his property.

In support of the motion, **Chairman Raybould** said the assistance he received from DEQ with his underground storage tanks was very good.

VOTE ON MOTION:

Motion carried by voice vote. Rep. Erpelding will sponsor the bill on the floor.

Chairman Raybould suggested **Rep. Moyle** provide the name of the underground storage tank owner who had the bad experience with DEQ to **Kristi Lowder**, and he directed, and Ms. Lowder agreed, to have DEQ inquire into the situation and report back if there was a problem DEQ needs to straighten out.

Teri Murrison, Administrator, Idaho Soil and Water Conservation Commission (ISWCC), presented a brief history and overview of the ISWCC. The ISWCC focuses on three core functions: 1) provide districts with technical and other support services; 2) offer non-regulatory and science-based programs to promote voluntary conservation; and 3) administration and operations. ISWCC supports 50 local conservation districts, providing specialized technical assistance such as planning, engineering, watershed assessments and other projects. ISWCC allocates General Fund, trustee and benefit dollars directly to districts; $1.25 million was allocated in 2015. ISWCC is only able to provide half of the technical assistance that is requested by districts. They provide incentive-based and general conservation programs and services as assigned by the Legislature. Their Conservation Reserve Enhancement Program (CREP) helps to conserve water usage on marginal farm ground in the eastern Snake River Plain Aquifer. Participating landowners receive $130 per acre from USDA Farm Service in exchange for not farming those lands. Last year 156 CREP contracts were signed in this region, enrolling 16,500 acres and saving more than 66,000 acre-feet of water. Another conservation program that they operate is the Nitrate Priority Area ground water program. Last year that program treated 40,000 acres, reducing nitrates by 138,000 pounds, phosphorous by 28,000 pounds and sediment by 144,000 pounds. ISWCC assists the DEQ in preparing Total Maximum Daily Load implementation plans that strategically reduce agriculturally generated pollutants in Idaho's impaired surface waters to meet requirements of the Clean Water Act.

Steve Beckam, Director, Idaho Association of Soil Conservation Districts, presented information on the Wildlife Restoration Group by stating in 2015, fires burned approximately 36% of the land with five conservation districts affected by fire. Local elected officials, state agencies, federal agencies and the tribes make up the membership of the Wildfire Restoration Group. They are developing the North-Central Idaho Wildfire Restoration Plan, including projects that impact: public health and safety, such as post-fire debris flow putting water systems at risk; natural resources, such as increased levels of sedimentation in water; transportation and infrastructure, such as trees falling into public roadways and erosion causing slides; and hazard fuels reduction, such as reforestation needs. A public meeting was held in the City of Peck where community protection projects were prioritized. Meetings

are scheduled in March to prioritize projects for the Clearwater Complex, Municipal, Slide/Washington, Woodrat/Noble and Teepee Springs fires.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 2:21 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AMENDED AGENDA #1

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Monday, March 07, 2016

SUBJECT	DESCRIPTION	PRESENTER
S 1344	Contracts with Private Entities to Conduct Drawings for Controlled Hunt Permits and Tags	Senator Bert Brackett
S 1237	Priority Classifications for Certain Water Bodies	Barry Burnell, Department of Environmental Quality
S 1340	Claims for Damage to Bees and Beehives by Bears	Rep. Steven Miller
S 1222	Ground Water Petitions, Petitions, Annexation	Lynn Tominaga, Idaho Ground Water Appropriators, Idaho Ground Water Association, Idaho Irrigation Pumpers Association, Idaho Rural Water Association
S 1223	Ground Water Petitions, Nonmembers	Lynn Tominaga
S 1225	Ground Water, Debt, Elections	Lynn Tominaga
S 1224	Ground Water, Alternative Means	Lynn Tominaga

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly

Room: EW16

Phone: 332-1136

email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, March 07, 2016

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Shepherd

GUESTS: Barry Burnell, Idaho Department of Water Quality; Jess Byrne, Idaho Department of Water Quality; Blake Fischer, Idaho Fish and Game Commission; Sharon Kiefer, Idaho Department of Fish and Game; Norm Semanko, Idaho Water Users Association; Lynn Tominaga, Idaho Ground Water Appropriators; Braden Jensen, Idaho Farm Bureau Federation; Jack Byler, sportsman

Chairman Raybould called the meeting to order at 3:00 p.m.

S 1344: **Sen. Bert Brackett,** stated that **S 1344** amends Idaho Code Section 36-104(b)5 by adding language "or tag(s)" to controlled hunt permit references. **S 1344** also amends I.C. §36-104 by adding a new section, I.C. §36-104A, that provides a process for the Idaho Department of Fish and Game (F&G) to utilize a private entity to conduct drawings for controlled hunt permits using a computer program that awards permits based on a random order of selection. F&G is to be cooperative with drawings and be responsible for all laws and administration of licensing and tags. Sen. Brackett remarked the purpose for **S 1344** is to ensure transparency in the controlled hunt process and government to help build public confidence and trust.

MOTION: **Rep. Youngblood** made a motion to send **S 1344** to the floor with a **DO PASS** recommendation.

Blake Fisher, Region Three Commissioner, F&G, and **Sharon Keifer**, Deputy Director, F&G, spoke **in opposition** to **S 1344** stating that the inference that **S 1344** is necessary to ensure transparency and provide credibility is not substantiated. While F&G recognizes the importance of these attributes, evidence does not support the need for change. Ms. Keifer explained that F&G implements a random system of drawing for controlled hunts where each hunter applying for a specific hunt has an equal chance of being drawn. Ms. Keifer provided information on the number of controlled hunt tag permits offered, drawn and the odds for the drawing for 2015, as well as the probabilities in the current random controlled hunt program. In 1977, a Boise State University professor issued a professional opinion that the F&G process satisfied the criteria of a random process and no applicant could design a strategy to improve selection odds. F&G has pursued development of a third-party controlled hunt module since 2012 with their current license contractor, and a new module is expected in late 2016 or early 2017. They are also developing an integrated Request For Proposal for a new license system contract, which will include a contractor-developed random controlled hunt draw system. The total cost of the contract is approximately $1.9 million

ROLL CALL VOTE: Roll Call vote was requested. **Motion carried by a vote of 13 AYE, 3 NAY, 2 Absent/Excused. Voting in favor** of the motion: **Reps. Gestrin, Moyle, Andrus, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Mendive, VanOrden, Youngblood, Chairman Raybould**. **Voting in opposition** to the motion: **Reps. Pence, Erpelding, Rubel. Reps. Shepherd and Burtenshaw were Absent/Excused. Rep. Youngblood** will sponsor the bill on the floor.

S 1237: **Barry Burnell,** Water Quality Division Administrator, Department of Environmental Quality (DEQ), stated **S 1237** amends the factors used to determine Total Maximum Daily Loads (TMDL). Current law does not allow DEQ to take advantage of the flexibility in federal law. The federal Clean Water Act requires states to identify bodies of water not meeting water quality standards and develop a water quality improvement plan with TMDLs for each. Idaho then prioritizes the TMDLs by taking into account the seclusion and uses of the water bodies. Federal law allows states to take other factors under consideration when setting priorities for TMDL development not allowed in Idaho law. **S 1237** amends Idaho Code to make it consistent with federal law, enabling DEQ to fully utilize the flexibility allowed when prioritizing TMDLs. The bill adds to the items DEQ can consider when designating a water body as high, medium or low for TMDL development. Mr. Burnell outlined the factors for designation and discussed the differences in high (significant risk), medium (risk to designated to beneficial uses) and low priority (minimal use to beneficiaries) prioritizations.

MOTION: **Rep. Gibbs** made a motion to send **S 1237** to the floor with a **DO PASS** recommendation.

In response to committee questions, **Mr. Burnell** explained that risk factors and levels have not changed, and he gave an extensive and detailed explanation of how the TMDL process works.

Mr. Norman Semanko, Idaho Water Users Association, was called on by **Chairman Raybould** to provide the viewpoint of the Idaho Water Users Association, and he spoke **in support** of **S 1237**.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Gibbs** will sponsor the bill on the floor.

S 1340: **Rep. Steven Miller**, stated that **S 1340** amends Idaho Code Section 36-1109 to allow claims for depredation compensation from the Expendable Big Game Depredation Account for damages caused by bears to bees and beehives and not just for the loss of honey. Currently, I.C. §36-1109 only allows claims for the loss of honey. The additional claim amount for a colony would be approximately $250-$300 and $100 for a pack of bees and a queen.

In response to committee questions, **Rep. Miller** stated that claims to the fund are on a first come, first serve basis, but bee losses are early in the year, so their claims would come in early. Rep. Miller yielded to **Brett Tompkins**, Assistant Chief of Wildlife, Idaho Department of Fish and Game, who stated that according to statute, all claims are pro-rated and treated equally, and the Expendable Big Game Depredation Account, which has been in place since 1979, has only had insufficient funds for claims one time.

MOTION: **Rep. VanOrden** made a motion to send **S 1340** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Miller** will sponsor the bill on the floor.

S 1222: **Lynn Tominaga,** Executive Director, Idaho Ground Water Appropriators, said **S 1222** amends Idaho Code Section 42-5248 to allow non-irrigators (defined as commercial, industrial and municipal rights) to join a ground water district for mitigation purposes and places them on equal footing by clarifying that the joining non-irrigators may be subject to all mitigation plans and activities of the irrigation district. If non-irrigators do not want to join a mitigation plan, they can submit their own to the Idaho Department of Water Resources. Basically, **S 1222** allows a non-irrigator to join a mitigation plan and prevents them from being curtailed.

MOTION: **Rep. Vander Woude** made a motion to send **S 1222** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Vander Woude** will sponsor the bill on the floor.

S 1223: **Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, stated **S 1223** amends Idaho Code Section 42-5259 to allow non-member irrigation ground water users to identify terms and conditions for becoming members of a ground water district. Current law says if somebody petitions to join a ground water district only for mitigation, the district has to take them and cannot deny them. **S 1223** allows them to come in if the two parties agree to a contract for mitigation. This is based on a lawsuit giving ground water districts the ability, without obligation, to contract with nonmembers wishing to participate and obtain the benefits of the district's mitigation plans. Under the amended I.C. §42-5259, ground water districts can decline to contract with a nonmember if their board of directors determines it is not in the district's best interest.

MOTION: **Rep. VanOrden** made a motion to send **S 1223** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Burtenshaw** will sponsor the bill on the floor.

S 1225: **Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, explained that **S 1225** amends Idaho Code Sections 42-5233, 42-5234 and 42-5235 to allow a ground water district to go into short-term debt of less than 1 year without holding an election or seeking judicial confirmation. Without the amendment, ground water districts are required to hold an election and obtain judicial confirmation for incurring financial obligations such as routine operation expenses. The purpose is to procure funding to meet water calls within the short time frames required.

MOTION: **Rep. Miller** made a motion to send **S 1225** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gestrin** will sponsor the bill on the floor.

S 1224: **Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, states that **S 1224** amends Idaho Code Section 42-5232 to allow groundwater districts to impose assessments based on either the number of acres authorized to be irrigated or on the quantity of water authorized to be diverted (cubic feet per second). The amendment enables the districts to do either.

MOTION: **Rep. Miller** made a motion to send **S 1224** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Mendive** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:04 p.m.

Representative Raybould	Lorrie Byerly
Chair	Secretary

AMENDED AGENDA #2

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Wednesday, March 09, 2016

SUBJECT	DESCRIPTION	PRESENTER
RS24674	The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals	Rep. Fred Wood
RS24700	Increase in Fees of Boat Stickers for Invasive Species Fund	Rep. Marc Gibbs
H 569	Watershed Improvement, Dissolution	Chairman Raybould
S 1240	Irrigation, Administrative Charges Levied	Norman M. Semanko, Idaho Water Users Association
S 1241	Irrigation, Delinquency Assessments	Norman M. Semanko, Idaho Water Users Association
S 1242	Irrigation, Unredeemed Delinquency	Norman M. Semanko, Idaho Water Users Association
S 1278	Water Rights, Incidental Use, Hydro	Norman M. Semanko, Idaho Water Users Association
S 1304	Irrigation Districts Election and Confirmation Proceedings, Hydro	Norman M. Semanko, Idaho Water Users Association
RS24710	Ground Water Management Areas	Mat Weaver, Idaho Department of Water Resources
	Weather Modification/Cloud Seeding	Jen Visser, Idaho Power

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel(Green)

COMMITTEE SECRETARY

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Room: EW16
Phone: 332-1136
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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Wednesday, March 09, 2016
TIME:	1:30 pm or Upon Adjournment
PLACE:	Room EW40
MEMBERS:	Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
ABSENT/ EXCUSED:	Youngblood
GUESTS:	Andy Waldera, Pioneer Irrigation District; Sarah Higer, Idaho Power; Shawn Parkinson, Idaho Power; Jon Bowling, Idaho Power; Norman Semanko, Idaho Water Users Association; Andy Briner, Idaho Water Users Association; Senator Mark Harris, Idaho Senate
	Chairman Raybould called the meeting to order at 1:29 p.m.
MOTION:	**Rep. Pence** made a motion to approve the minutes of the February 15, 2016, joint meeting. **Motion carried by voice vote.**
MOTION:	**Rep. Boyle** made a motion to approve the minutes of the February 25, 2016, meeting. **Motion carried by voice vote.**
RS 24674:	**Rep. Fred Wood** stated that **RS 24674** rejects a rule docket of the Idaho Department of Fish and Game relating to the Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals due to the consensus of opinion of this committee that IDFG lacked authority to promulgate rules.
MOTION:	**Rep. Gestrin** made a motion to introduce **RS 24674**. **Motion carried by voice vote**.
RS 24700:	**Rep. Marc Gibbs** stated that quagga mussels are a threat as more boats come into Idaho, and stepping up boat inspection is needed to fight the threat. However, more funding is needed to keep priority checking stations open all night or for extended hours. The costs to the Department of Parks and Recreation currently are $1,199,000, and **RS 24700** would add another $2 million.
MOTION:	**Rep. Burtenshaw** made a motion to introduce **RS 24700** and recommended it be sent directly to the Second Reading Calendar.
	Committee discussion expressed concern about small kayaks used only at home being subject to increased fees and a lack off comfort in sending **RS 24700** to the Second Reading Calendar.
MOTION WITHDRAWN:	**Rep. Burtenshaw** withdrew his motion to introduce **RS 24700** and recommendation it be sent to the Second Reading Calendar.
MOTION:	**Rep. Burtenshaw** made a motion to introduce **RS 24700**. **Motion carried by voice vote.**
	Chairman Raybould turned the gavel over to **Vice Chairman Gestrin**

H 569: **Chairman Raybould** presented **H 569**, stating that statute allows for counties and other organized areas to organize a water improvement district to provide for flood control in their area to prepare for area flooding. Many counties organized their water improvement districts, but they did not function, having no board of directors or funds. Legislation is needed to dissolve non-functioning districts without local county commissioners having to hold an election or otherwise go to the expense of a dissolution. **H 569** says that any districts that fail or have ceased to function for more than 2 years may be dissolved by county commissioners on their own volition or by petition of tax payers.

MOTION: **Rep. Bateman** made a motion to send **H 569** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Chairman Raybould** will sponsor the bill on the floor.

Vice Chairman Gestrin turned the gavel over to **Chairman Raybould.**

S 1240: **Norman M. Semanko,** Executive Director, Idaho Water Users Association (IWUA), stated that **S 1240** deals with administrative charges by canal companies. In 1890, express authority was put into Idaho Code to allow canal companies to assess an administrative fee for office work, which was limited to $10 in 1980. **S 1240** does not request an increase to the fee, but requests the ability to properly categorize the portion that is administrative. For example, if a bill is $100 and 15% is administrative, charging only $10, doesn't change the fact that it costs $15, necessitating $5 be categorized as other than administrative. **S 1240** cleans up a bookkeeping and compliance issue.

MOTION: **Rep. VanOrden** made a motion to send **S 1240** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. VanOrden** will sponsor the bill on the floor.

S 1241: **Norman M. Semanko**, IWUA, explained **S 1241** is legislation bought by irrigation districts. A strict reading of Idaho Code splits assessments into two parts, like property taxes due in December and June. If an assessment payment is postmarked on June 20th and it arrives on the 21st, it is technically late according to code. It does not embrace the mail room rule where an item postmarked on the due date (20th) but not received until the following business day (21st) is considered to have been received on the due date (20th), and if the due date falls on a Saturday or Sunday, if it is postmarked the following Monday, it is still deemed timely. **S 1241** aligns mailed irrigation district assessment payments with the mail rule. Passing **S 1241** will also relieve the irrigation districts from having to staff people on Saturday to pick up payments.

MOTION: **Rep. Boyle** made a motion to send **S 1241** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Boyle** will sponsor the bill on the floor.

S 1242: **Norman M. Semanko**, IWUA, presented **S 1242,** stating that irrigation districts (district) issue tax assessments, and if someone does not pay their assessment, a tax certificate is issued which can ultimately be sold to anyone. Tax certificates are an authorized vehicle, but not something a district has to do, and many districts like to work out the assessment without a tax certificate or by selling a tax certificate. Persons have walked into a district office saying they want to buy a tax certificate when it has not been issued. **S 1242** makes statutory language clear that district issuance and selling of tax certificates is discretionary.

In response to questions from the committee, **Mr. Semanko** yielded to **Mr. Waldera**, Attorney at Law, Sawtooth Law Offices, who spoke on behalf of Pioneer Irrigation District, in explaining tax certificates are an extension of a lien on the real property. An irrigation assessment goes out, and when a bill becomes delinquent, it automatically becomes a lien in favor of the irrigation district; however, it has a 3-year redemption period. After 3 years a district has to take a tax deed, but during the interim period, tax certificates can be sold to anybody who wants to pay off the delinquency for the amount of the current year in that 3-year period.

MOTION: **Rep. Gestrin** made a motion to send **S 1242** to floor with a **DO Pass** recommendation. **Motion carried by voice vote. Rep. Miller** will sponsor the bill on the floor.

S 1278: **Norman M. Semanko**, IWUA, said **S 1278** eliminates an unnecessary layer of red tape for the production of hydropower, using water that is already flowing in existing irrigation canals. Domestic wells have to get drilling permits and deal with water rights, but under **S 1278**, if a canal operator already has a water right, he can use the water in the canal for incidental generation of hydropower with no additional water right application being required if the water use is not more consumptive, the power is not generated outside of the canal and the hydropower use is fully subordinated. An increase in the amount of water diverted from the river would not be allowed.

MOTION: **Rep. Bateman** made a motion to send **S 1278** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Bateman** will sponsor the bill on the floor.

S 1304: **Norman M. Semanko**, IWUA, said **S 1304** clarifies irrigation districts will not be required to conduct an election of landowners for construction of large projects, such as hydroelectric plants, that incur no indebtedness for the project. Where there is no indebtedness, it is a waste of time and resources to require an election of all of the landowners.

MOTION: **Rep. VanOrden** made a motion to send **S 1304** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. VanOrden** will sponsor the bill on the floor.

RS 24710: **Mat Weaver**, Deputy Director, Idaho Department of Water Resources, stated **RS 24710** deletes the September 1 deadline for issuing an order of curtailment. The fixed date for issuance of orders has proved impracticable for water rights in the past and has acted as an obstacle for IDWR directors who have considered groundwater management of the area in the past. The determination of injury cannot be made as far in advance as September 1 of the year prior to the year being administered. Mr. Weaver said, currently, if the Director (IDWR) concludes that the groundwater supply in an area is insufficient to meet the demands of existing water users, then the Director is required to curtail groundwater users until such time there is sufficient ground water to meet the needs. Even if there is a groundwater management plan in place and groundwater users are participating in it, Idaho Code 42-233b currently does not provide express authority to exempt them from the curtailment process. **RS 24710** modifies this by recognizing that junior groundwater users who are participating in approved groundwater plans within a groundwater management area and are in compliance with that plan are exempt from curtailment.

MOTION: **Rep. Wood** made a motion to introduce **RS 24710** and recommended it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Rep. Wood** will sponsor the bill on the floor.

Jen Visser, Idaho Power Company (IPC), introduced her team from IPC: **Shaun Parkinson**, Weather Modification Specialist and Water Resource Leader; **Jon Bowling**, Engineer Leader, Water Planning; **Sarah Higer**, Legal Team; and **Rich Hahn**. **Shaun Parkinson** spoke on cloud seeding, remarking it is an activity we depend upon. It is a term used to describe fog suppression at airports, hail suppression, rainfall enhancement and snowpack enhancement/augmentation. IPC's focus is in snowpack enhancement, in particular, winter orographic cloud seeding. Cloud seeding depends upon an abundance of supercooled liquid water. Cloud seeding provides storms additional efficient ice nuclei that work at warmer temperatures allowing ice formation sooner. This occurs at 23 degree Fahrenheit, but is more effective at 17 degrees Fahrenheit. IPC uses a couple of methods using different equipment, including a remotely operated ground generator and modified aircraft. Mr. Parkinson reviewed IPC's history of cloud seeding and its equipment inventory and history. IPC's cloud seeding flight activity by flight hours and burn-in-place flares by locations and ground generator activity operations by feeding hours and locations were examined.

Mr. Parkinson presented information on benefits estimates. IPC uses multiple approaches to assess benefits; Target Control, which is a statistical based approach; hydrologic modeling using the IPC River Forecast System, and Weather Modeling (WRF) developed by the National Center for Atmospheric Research. Going into the future, IPC has received some cooperative funding for development of the program, and Mr. Parkinson shared plans for the Payette, Boise, Wood and Upper Snake areas. Looking at project costs, it will take approximately a half a million dollars to build out the Upper Snake with current equipment. The Boise and Wood projects at build out will be about another $720,000.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:04 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

AMENDED AGENDA #1

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 pm or Upon Adjournment
Room EW40
Tuesday, March 15, 2016

SUBJECT	DESCRIPTION	PRESENTER
HCR 53	Concurrent Resolution Opposing Proposals That Bar Idaho Hunters, Anglers and Trappers from Accessing State Endowment Trust Land, Encouraging State Board of Land Commissioners to Preserve and Promote Reasonable and Equitable Access for all Idahoans for Outdoor Recreation Year Round and to Deny Exclusive Hunting or Fishing Leases on State Endowment Trust Land	Rep. Mathew Erpelding
HCR 55	The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals	Rep. Fred Wood.
H 594	Increase in Fees of Boat Stickers for Invasive Species Fund	Rep. Marc Gibbs
H 582	Idaho Multiple Use Sustained Yield Act: To Provide for Lands Received From the Federal Government in the Future, To Provide Administration and Management Criteria, To Provide for Multiple Use and To Provide for Sustained Yield	Rep. Judy Boyle
S 1338	Abatement of Public Nuisances	Rep. Sage Dixon; Fred Birnbaum, Idaho Freedom Foundation

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Tuesday, March 15, 2016

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Shepherd

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

Chairman Raybould called the meeting to order at 1:33 p.m.

MOTION: **Rep. Boyle** made a motion to approve the minutes of the February 23, 2016, meeting. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of the February 29, 2016, joint meeting. **Motion carried by voice vote.**

HCR 53: **Rep. Erpelding** began presenting **HCR 53** by stating that he has no reason to declare Rule 38, but he is an outfitter and has permits on federal or jointly managed land. Rep. Erpelding said he values and finds it absolutely critical that the outdoor industry continue to contribute to Idaho's economy. **HCR 53** points out the recent constitutional amendment that gave us a right to hunt, fish and trap on land does not specify that the state is responsible for maintaining state land open and available for hunting, fishing and other types of access. An argument can be made that it could be the state's responsibility to maximize profits, meaning to ensure that we support our education system. So if financial benefits were being maximized, there could be reasons the state would consider closing public access, and there have been proposals over the years to the Idaho Department of Lands asking for public hunting, fishing and trapping access to be closed during certain times of the year. **HCR 53** asks that the State Board of Land Commissioners ensure that the decisions they make with regard to the management of state land keeps reasonable access for hunters, anglers and other outdoor activities available and not close land based on an assessment or permit of exclusivity.

Speaking **in support** of **HCR 53** were **Sharon Keifer**, Deputy Director, Idaho Department of Fish and Game, speaking on behalf of the Idaho Fish and Game Commission; and **Michael Gibson**, Trout Unlimited Sportsman Project.

MOTION: **Rep. Boyle** made a motion to send **HCR 53** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Erpelding** will sponsor the bill on the floor.

HCR 55: **Rep. Wood** presented **HCR 55** explaining that the Idaho Department of Fish and Game (F&G) proposed a rule about trapper education programs. It was found F&G did not have authority to promulgate the rule under the current statute, and the rule was rejected. **HCR 55** rejects IDAPA 13.01.16, **Docket No. 13-0116-1501**, and declares it null, void and of no force and effect.

MOTION: **Rep. VanOrden** made a motion to send **HCR 55** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood** will sponsor the bill on the floor.

H 594: **Rep. Gibbs** asked that **H 594** be held in committee. Rep. Gibbs explained that sponsors are not minimizing the importance of this program by withdrawing **H 594**, but last week an additional $1 million was appropriated to the invasive species inspection program which should carry it through 2016**. H 594** was developed in response to concerns that the program funds would not be enough to last through 2017. As it stands currently, approximately $1 million will remain after one year of the program, plus stickers generate about $1.2 million annually. Therefore, the fee is not needed until at least 2018.

MOTION: **Rep. Gestrin** made a motion to **HOLD H 594** in Committee. **Motion carried by voice vote.**

H 582: **Rep. Boyle** presented **H 582**, a framework for how we would manage lands once they are returned from the federal government to the state of Idaho for management. **Rep. Boyle** said we have committees and task forces to talk about it, but we have not said what we would do. There is a fear factor Idaho would sell the lands off and Idahoans would lose access. **H 582** has no force and effect because we do not have those lands yet.

In response to committee questions, **Rep. Boyle** said there is nothing in **H 582** regarding the sale of land under state control because that would be a separate conversation, and just like Idaho's Endowment Lands, would require a constitutional amendment. Rep. Boyle also explained that quotations in **H 582** regarding equal footing are not premature and have had a lot of research put into them.

Those speaking **in support** of **H 582** because they were of the opinion that the federal government mismanages Idaho lands either in relation to fire prevention and suppression or less profitably than Idaho would were: **Tracy Walton**; **Darryl Ford**; **James Border**; **Viki Purdy**; **Jake Stephens**; **Fred Birnbaum**, Idaho Freedom Foundation; **Mary Huff**; and **Larry Lundin**.

Kirk Chandler; **Jay Langer**; **Russ Hedricks**, Idaho Farm Bureau; and **Paula Devina** spoke **in support** of **H 582** stating that access to Idaho lands under federal management were more restricted than they would be under Idaho state management. **Paula Devina** further stated that as a result of multiple and repeated FOIA requests to the USDA Forest Service regarding roads closed in Idaho, she received information that 500 miles of roads were closed in Idaho County, roads, she commented, would have been helpful in fighting fires.

Forest Goodrum was called upon to answer questions from **Rep. Andrus** regarding whether, if he opposed **H 582**, would he support a constitutional amendment that the state would not sell off any acquired lands but always and forever keep them in the control of the people, not the legislature. Mr. Goodrum responded to the question as a hypothetical because it is unsure the United States is going to authorize transfer of lands, and although the intention of the amendment is most laudable, he does not know how practicable it would be. He remarked that the state has disposed of State Endowment Lands and reinvested in other sources. Mr. Goodrum stated that in choosing a hypothetical beyond the bounds of reality that the lands would not be sold and even making an assumption the state of Idaho could manage lands better than the United States, the problem is still an economic one. Mr. Goodrum said federal land managers don't do a good job, partly because of inefficiency and partly lack of resources, but Idaho would have less resources. The hypothetical is based on the idea it is feasible and possible the state would do a better job, but we live in reality.

Rep. Boyle closed testimony stating **H 582** is not to take land away from the people. The intent is not to sell the land. **H 582** is just a framework. The United States Supreme Court granted the state of Hawaii all of their lands in our lifetime, and there are other precedents for this action. Rep. Boyle remarked we need to move forward with the conversation and see what we can do.

MOTION: **Rep. Youngblood** made a motion to send **H 582** to the floor with a **DO PASS** recommendation.

Rep. Boyle replied to committee questions regarding the absence of express language that Idaho won't sell the land and language specifying specific uses for the land, by explaining that those things need to be a separate conversation from **H 582** and separate legislation or a constitutional amendment.

ROLL CALL VOTE: Roll call vote was requested. **Motion carried by a vote of 12 AYE, 3 NAY, 3 Absent/Excused. Voting in favor** of the motion: **Reps. Gestrin, Andrus, Wood, Boyle, Vander Woude, Gibbs, Miller, Burtenshaw, Mendive, VanOrden, Youngblood, Raybould. Voting in opposition** to the motion: **Reps. Pence, Erpelding, Rubel. Reps. Moyle, Shepherd and Bateman were absent/excused. Rep. Boyle** will sponsor the bill on the floor.

S 1338: **Rep. Dixon** presented fire statistics for the 2015 fire season in Idaho. Rep. Dixon said the Idaho State Forester pointed out that while wildfire can start on any lands, managed lands face fewer durations of fire due to lower fuel loads and better access to forest roads. The US Forest Service (USFS) is not actively managing their lands with respect to fire abatement by appropriate thinning and logging. **S 1338** allows counties to identify and designate as catastrophic public nuisances lands owned by the US government and managed by the USFS when appropriate. After consultation with the Attorney General, counties can demand that federal agencies abate the nuisance or provide a response with a plan to abate the nuisance by a set date no later than 30 days from the initial request date. **S 1338** codifies into state law what counties can already do. **S 1338** does not impair or infringe upon federal laws or regulations or the management of federal lands because it does not authorize or direct the responsible officials to take any action to abate the catastrophic public nuisances beyond notification to authorities currently managing those lands.

Rep. Dixon yielded his time to **Fred Birnbaum**, Idaho Freedom Foundation, who clarifies that federal agencies do not have to respond in 30 days or at all. **S 1338** demonstrates that the state supports counties in their requests for abatement. This is a tool, but not a legal hammer – a political hammer.

Those speaking **in support** of **S 1338** were **Don Ebert**; **Kirk Chandler**; **Vicky Purdy**; and **Braden Jensen**, Idaho Farm Bureau Federation, who opined that federal lands in Idaho are poorly managed and **S 1338** would be a step to work with the federal agencies.

Forest Goodram, Ada County Fish and Game League, and **Michael Gibson**, Trout Unlimited, spoke **in opposition** to **S 1338**, opining that **S 1338** consisted of canned language from the American Legislative Exchange Council (ALEC) which had been struck down in New Mexico and is the work of out-of-state interests whose pressing of their processes on Idaho could undermine all the Idaho forest collaboratives working to restore Idaho's rivers and forests.

MOTION: **Rep. Youngblood** made a motion to send **S 1338** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote**. **Reps. Wood, Pence** and **Erpelding** requested to be recorded as voting **NAY**. **Rep. Dixon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:04 p.m

Representative Raybould
Chair

Lorrie Byerly
Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 p.m. or Upon Adjournment
Room EW40
Thursday, March 17, 2016

SUBJECT	DESCRIPTION	PRESENTER
H 586	Withdrawal Past Consent Granted Federal Government to Acquire Additional Idaho Lands	Rep. Judy Boyle
	Aquifer Conditions Throughout Idaho	Mat Weaver, Idaho Department of Water Resources

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould	Rep Boyle	Rep Mendive
Vice Chairman Gestrin	Rep Vander Woude	Rep VanOrden
Rep Moyle	Rep Gibbs	Rep Youngblood
Rep Andrus	Rep Miller	Rep Pence
Rep Shepherd	Rep Bateman	Rep Erpelding
Rep Wood	Rep Burtenshaw	Rep Rubel

COMMITTEE SECRETARY

Lorrie Byerly
Room: EW16
Phone: 332-1136
email: hres@house.idaho.gov

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Thursday, March 17, 2016

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel

ABSENT/ EXCUSED: Rep. Moyle

GUESTS: Dennis Radocha, Laurel Sayer, ICOLT; Fred Birnbaum, Idaho Freedom Foundation; Jerry Hoagland; Jim Williams; Kirk Chandler; Allis Chandler; Larry and Mary Lundin; Steve Rector, Nez Perce; Mary Huff; Rich Curtis, Curtis Farms LLC; Dave Holton, Dave Holton Ranch; Brian Brooks, Idaho Wildlife Federation; John Carver, ICOA; Charles Lyons; Jonathan Oppenheimer, ICL; Helo Hancock, Coeur d'Alene Tribe; Vicki Purdy; Russ Hendricks, Farm Bureau; Ian Malepeai, Backcountry Hunters

Chairman Raybould called the meeting to order at 2:20 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of the March 3, 2016 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Pence** made a motion to approve the minutes of the March 9, 2016 meeting. **Motion carried by voice vote.**

H 586: **Rep. Judy Boyle** stated **H 586** is a constitutional issue, and Article 1, Section 8, Clause 17 of the Constitution allows state legislators to consent anytime the federal government buys property within their state boundaries. Idaho land is 67% controlled by the federal government, as shown by the map of the United States with red highlighting federal ground. (See Attachment 1.) Many times it is not known that the federal government is acquiring Idaho real property until later. Sometimes land is not willingly sold to the federal government; i.e., a landowner's grazing permit is cut by a federal agency for a minor offence, and without a grazing permit, the landowner's property becomes valueless and must be sold to any willing buyer. Fire also causes loss of habitat for grazing and property no longer supports the landowner and is ripe to be sold. The Legislative Services Office could not even discover how much Idaho land is being sold to the federal government. Therefore, **H 586** reverts back to the Constitution and requires the federal government to come before the Idaho Legislature for approval to buy Idaho land, which might cause a pause in an unwilling sale.

The committee discussed concerns it had regarding whether **H 586** language would retroactively withdraw past federal land sales, restrict property rights, affect federal leases, licenses and grants or allow other countries such as China to purchase Idaho land when the United States could not. Committee concerns were also discussed regarding ambiguous language in **H 586** where consent for purchase is both revoked and also given for any purchase already made.

Helo Hancock, Legislative Director, Coeur d'Alene Tribe, said **H 586**'s amendment to the language of Idaho Code Section 58-709, could impact future fee to trust acquisitions on Idaho Reservation land. Director Hancock gave a brief history of the establishment of Reservations by treaties or executive orders and the subsequent land ownership problems that eventually resulted in Tribal Reservation land being put into trust with the federal government to keep it from being taken from the Tribes. Some of the Tribes have been able to restore some of their lands through purchase utilizing federal processes contained in the Code of Federal Regulations. **H 586** could affect this procedure, so Director Hancock asked that **H 586** be amended as he has proposed so that the concerns of the Tribes will be addressed.

Speaking **in opposition** to **H 586** were **Dennis Radocha**, Boise real estate attorney, **Laurel Sayer**, Idaho Coalition of Land Trusts; and **Ian Malepeai**, Backcountry Hunters, who opined that **H 586** was exceptionally unclear, raising a lot of Constitutional and other private property ownership questions, including questions regarding: gifting, land exchange, quit claim deeds for small boundary adjustments, leases, water rights, timber rights and other conveyances; construction of federal projects on state land such as interstate expansion; establishment of legislative approval of private real estate transactions by a third-party (Idaho Legislature) who is not a party to the business transaction; and the failure of **H 586** to address land management issues of fire prevention or grazing permits.

Speaking **in support** of **H 586** were **Fred Birnbaum**, Idaho Freedom Foundation, **Larry Lundin**, and **Russ Hendricks**, Idaho Farm Bureau for the reason that the federal government owns a disproportionate amount of federal land in Idaho; **Jerry Hoagland**, Owyhee County Commissioner, **Jim Williams,** and **Viki Purdy** for the reason that ownership of federal land causes a tax base loss to the county; and **Jim Williams**, **Mary Huff** and **Charles Lyons** because they prefer state management of Idaho lands.

Rep. Boyle closed saying the reason for **H 586** is because we are losing very valuable pieces of our constitution. The federalism part that our founding fathers gave us is far off balance today. The reason they put consent in there was to maintain that balance of power between the federal government and the state government. Our founding fathers believed private property is vital to maintaining our unique form of government. Idaho is 33% private property and everyday we lose more and more of that. This bill shines the light of day on the situation for the public to see.

MOTION: **Rep. Andrus** made a motion to send **H 586** to General Orders.

SUBSTITUTE MOTION: **Rep. Wood** made a substitute motion to **HOLD H 586** in committee.

VOTE ON SUBSTITUTE MOTION: **Rep. Wood** requested a roll call vote on **H 586**. **Substitute Motion carried by a vote of 9 AYE, 7 NAY, 2 Absent/Excused. Voting in favor** of the motion:**Chairman Raybould, Reps. Wood, Gibbs, Miller, Burtenshaw, Youngblood, Pence, Erpelding and Rubel. Voting in opposition** to the motion: **Reps. Gestrin, Andrus, Shepherd, Boyle, Vander Woude, Bateman and Mendive. Reps. Moyle and VanOrden were absent/excused.**

Mat Weaver, Idaho Department of Water Resources, presented on aquifer conditions throughout Idaho, stating the amount of precipitation in Idaho will not change year after year, but how and when Idaho gets the water will change. Aquifers are in a state of decline around Idaho. Tools to help are establishment of Critical Ground Water areas and Ground Water Management Areas (GWMA). When it is bad, IDWR can manage delivery calls to senior priority users and potentially force curtailment from junior users. Senior and junior users have also brokered settlements, and they are being done around the state. IDWR monitors over 900 wells, including instrumented wells. Transducer monitoring schedules vary from monthly to semi-annually. The data is stored at IDWR.

- The Rathdrum Prairie Aquifer GWMA has existed since 2002 and is an interstate aquifer system with primary aquifer use for domestic, commercial, municipal and industrial (DCMI) users with some irrigation and in-stream flow concerns in Washington.
- The Palouse Basin Aquifer is a bi-state resource with a basalt aquifer with DCMI use and no irrigation.
- The Lewiston Basin Aquifer has had a GWMA since 2013 with multiple basalt aquifers and whose primary use is DCMI.
- The Treasure Valley Aquifer has complex hydrogeology and two GWMAs, the Boise Front and Southeast. IDWR has done extensive investigation and model development, but it is limited. Treasure Valley has a 1 million acre feet reservoir and provides water for flood irrigation, and between the reservoir and the canal system, it has a very good incidental recharge system in place. There has been a water supply moratorium in place since 1977 above Star Bridge.
- The Mountain Home Aquifer has had a critical GWMA since 1981. It is a sedimentary aquifer basin, with primary DCMI use and some irrigation. There is little natural recharge for this aquifer, and there have been significant declines of as much as 3 1/2 feet per year over the last 40 years in places.
- The Big Wood River Valley Aquifer GWMA began in 1991. IDWR has done some model development that could be used for planning and scenario testing in the area, and it is hoped to be ready in May 2016. The aquifer discharges into Silver Creek and into the Big Wood River and supplies downstream irrigation. A whole host of users in the Big Wood area have made a delivery call on the Big Wood and Camas Prairie senior water users. Do have declining ground water levels.
- The Big Lost River Valley Aquifer ground water flows down the valley from north to south, is a tributary of the ESPA, and its uses are primarily DCMI and irrigation. There are declining water levels in the lower portion of the valley tributary. The Big Lost disappears before reaching the snake, and that point gets higher and higher which affects southern senior water rights users
- The Malad Valley Aquifer GWMA was designated in 2015. It has a sedimentary aquifer flowing north to south and into Utah with confined flowing conditions and some flowing springs. Surface water is fully appropriated but ground water is over appropriated. This system requires additional investigation.
- The Raft River Valley Aquifer has been in a critical designation since 1963 and has GWMA. It is a tributary basin and ground water pumping is primarily used for irrigation. Both surface and ground water are over appropriated. Declines have been 2 feet per year for 40 years.
- The Eastern Snake Plain Aquifer (ESPA) is composed primarily of basalt, perched as aquifers in sediments, generally unconfined with some confining sediments. Its primary uses are DCMI and irrigation. The combined system irrigates 2 million acres, there is a moratorium in place and there are multiple

ongoing regional delivery calls. The ESPA is the primary source of water for the Snake River just below Milner Dam, and for the first time, it fell below minimum stream flow requirements, which may happen this year. Last year, IDWR did not curtail because storage water was available, but there will come a day when the water is not there or adequate to meet a day.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:34 p.m.

Representative Raybould	Lorrie Byerly
Chair	Secretary

AGENDA

HOUSE RESOURCES & CONSERVATION COMMITTEE

1:30 pm or Upon Adjournment
Room EW40
Monday, March 21, 2016

SUBJECT	DESCRIPTION	PRESENTER
	Approval of Minutes	

If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Raybould
Vice Chairman Gestrin
Rep Moyle
Rep Andrus
Rep Shepherd
Rep Wood
Rep Boyle
Rep Vander Woude
Rep Gibbs
Rep Miller
Rep Bateman
Rep Burtenshaw
Rep Mendive
Rep VanOrden
Rep Youngblood
Rep Pence
Rep Erpelding
Rep Rubel

COMMITTEE SECRETARY

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MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Monday, March 21, 2016
TIME:	1:30 p.m. or Upon Adjournment
PLACE:	Room EW40
MEMBERS:	Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
ABSENT/ EXCUSED:	Reps. Gibbs, Bateman, Boyle, Moyle, Vander Woude, Erpelding, and Rubel
GUESTS:	None

Chairman Raybould called the meeting to order at 4:07 p.m.

MOTION: **Rep. Pence** made a motion to approve the minutes of March 7, 2016. **Motion carried by voice vote.**

Chairman Raybould thanked Committee Page, **Sabrina Castellanos**, for her work this session, and he also thanked the Secretary, **Lorrie Byerly**. Chairman Raybould expressed his appreciation to the Committee members for their work and support of him as Chairman.

Rep. Pence expressed her appreciation to the committee and **Chairman Raybould** for the positive experiences shared during her years of serving on the House Resources and Conservation Committee.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 4:17 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary

MINUTES

HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE:	Wednesday, March 23, 2016
TIME:	1:30 p.m. or Upon Adjournment
PLACE:	Room EW40
MEMBERS:	Chairman Raybould, Vice Chairman Gestrin, Representatives Moyle, Andrus, Shepherd, Wood, Boyle, Vander Woude, Gibbs, Miller, Bateman, Burtenshaw, Mendive, VanOrden, Youngblood, Pence, Erpelding, Rubel
ABSENT/ EXCUSED:	Reps. Moyle, Vander Woude, Bateman, Mendive and Rubel
GUESTS:	None
	Chairman Raybould called the meeting to order at 3:50 p.m.
MOTION:	**Rep. Pence** made a motion to approve the minutes of the March 1, 2016 meeting. **Motion carried by voice vote.**
MOTION:	**Rep. Pence** made a motion to approve the minutes of the March 15, 2016 meeting. **Motion carried by voice vote.**
MOTION:	**Rep. Youngblood** made a motion to approve the minutes of the March 17, 2016 meeting. **Motion carried by voice vote.**
MOTION:	**Rep. Wood** made a motion to approve the minutes of the March 21, 2016 meeting. **Motion carried by voice vote.**
	Chairman Raybould thanked all the committee members for their wonderful participation this session.
ADJOURN:	There being no further business to come before the committee, the meeting was adjourned at 3:54 p.m.

Representative Raybould
Chair

Lorrie Byerly
Secretary